

The Smyth County Board of Supervisors held its regular meeting on Thursday, January 12, 2023 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: Atkins District Supervisor Charles Atkins; Rye Valley District Supervisor Lori Deel; Park District Supervisor Kris Ratliff (electronically); Chilhowie District Supervisor Michael Sturgill; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Phil Stevenson


ABSENT: None.

STAFF: County Administrator Shawn Utt; Assistant County Administrator – Operations Lisa Richardson; Assistant County Administrator – Development Clegg Williams; Administrative Assistant Paula Harvey; County Attorney Scot Farthing; Registrar Shannon Williams, Economic Development Project Manager Kendra Hayden

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

 1/12/2023 5:01 PM County Administrator Shawn Utt called the meeting to order and welcomed everyone.

 1/12/2023 5:02 PM Registrar, Shannon Williams led the Pledge of Allegiance and Pastor James Bennington, First United Methodist Church in Marion gave the invocation.

 1/12/2023 5:05 PM *A motion was made by Rye Valley District Supervisor Lori Deel to allow Park District Supervisor Kris Ratliff to join the meeting electronically.*

Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

*AYES: Atkins Valley District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,*

*Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff



1/12/2023 5:05 PM Mr. Utt opened the floor for discussion and nominations for the election of officers for calendar year 2023.

- *Saltville District Supervisor Roscoe Call nominated Atkins District Supervisor Charles Atkins as Chairperson for calendar year 2023 and close the floor for nominations. The motion was seconded by Chilhowie District Supervisor Michael Sturgill.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: Atkins District Supervisor Charles Atkins

ABSENT: None.



1/12/2023 5:06 PM County Administrator Shawn Utt opened the floor for nominations for Vice Chairperson for calendar year 2023.

- *Saltville District Supervisor Roscoe Call nominated Rye Valley District Supervisor Lori Deel as Vice Chairperson for calendar year 2023 and close the floor for nominations. Chair, Atkins District Supervisor Charles Atkins seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: Rye Valley District Supervisor Lori Deel

ABSENT: None.

Chair, Atkins District Supervisor Charles Atkins opened the floor for nominations for Clerk and Deputy Clerk(s) for calendar year 2023.

- *Vice-Chair, Rye Valley District Supervisor Lori Deel made a motion to nominate Shawn Utt, County Administrator, as Clerk for calendar year 2023 and Lisa Richardson, Assistant County Administrator and Paula Harvey, Administrative Assistant to serve as Deputy Clerks for calendar year 2023 and to close the floor for nominations. 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.



1/12/2023 5:07 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the adoption of the Board of Supervisors meeting schedule for calendar year 2023 as presented.

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

NAYS: None.


ABSTAINERS: None.

ABSENT: None.

**Smyth County Board of Supervisors
Meeting Schedule – 2023**

January – Legislative Meeting January 12 th Second Meeting January 26 th	February – Legislative Meeting February 9 th Second Meeting February 23 rd
March – Legislative Meeting March 9 th Second Meeting March 23 rd	April – Legislative Meeting April 13 th Second Meeting April 27 th
May – Legislative Meeting May 11 th Second Meeting May 25 th	June – Legislative Meeting June 8 th Second Meeting June 22 nd
July – Legislative Meeting July 13 th Second Meeting July 27 th	August – Legislative Meeting August 10 th Second Meeting August 24 th
September – Legislative Meeting September 14 th Second Meeting September 28 th	October – Legislative Meeting October 12 th Second Meeting October 26 th
November – Legislative Meeting November 9 th *Second Meeting November 16 th	December – Legislative Meeting December 14 th Second Meeting December 28 th

* Subject to the needs of the Planning Commission – if they do not have a public hearing scheduled, we will likely cancel the 2nd November meeting

 1/12/2023 5:08 PM Chair, Atkins District Supervisor Charles Atkins opened the floor for discussion on the Board's Rules of Procedures. Mr. Utt said in speaking with Mr. Farthing, there were a few minor changes that need to be made related to electronic meeting requirements. Mr. Utt discussed those and referenced a handout.

- *A motion was made by North Fork District Supervisor Phil Stevenson to amend the Smyth County Board of Supervisors Rules of Procedures with the required changes as presented.*

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,
Royal Oak District Supervisor Courtney Widener,
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: None.

 1/12/2023 5:10 PM *A motion was made by North Fork District Supervisor Phil Stevenson to adopt the state holiday schedule for 2023 as approved by the Governor and amended throughout the year.*

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.



1/12/2023 5:11 PM North Fork District Supervisor Phil Stevenson made a motion to amend the agenda to include under New Business item # 12(d) regarding the VJCCA resolution and under Closed Session A(7) regarding consultation with attorney.

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.



1/12/2023 5:12 PM Chair, Atkins District Supervisor Charles Atkins discussed a Resolution celebrating 60 years of the H.S. Williams Company, located in Marion, VA. Mr. Atkins said he can remember back when they first got started and said they have done a lot to support Smyth County. Mr. Sturgill said his father started working the company sometime around 1962, he said he admired Mr. Williams for requiring all of the workers to go out with a crew and work to gain that experience no matter what their employment position was. Mr. Sturgill added that H.S. Williams Co. has been great for the community and its employees. Vice Chair, Rye Valley District Supervisor Lori Deel read the motion for the record.



SMYTH COUNTY BOARD OF SUPERVISORS

RESOLUTION HONORING THE LONGEVITY AND SUCCESS OF H.S. WILLIAMS COMPANY

WHEREAS, the Smyth County Board of Supervisors continue to support the businesses and industries that make Smyth County great; and

WHEREAS, in 1962, Harry Williams had a vision to create a company with a focus on customer satisfaction by remaining below budget and ahead of schedule; and

WHEREAS, H. S. Williams Company has continued to build nearly 153-million square feet of commercial and industrial buildings throughout the decades; and

WHEREAS, H. S. Williams Company is celebrating 60 years in business providing complete building systems for industrial, manufacturing, warehousing, distribution, and other commercial uses; and

WHEREAS, H. S. Williams Company has expanded with satellite offices in Knoxville, Raleigh, and Chattanooga, has built in states throughout the southeast and is proudly headquartered in Marion, Virginia; and

WHEREAS, H. S. Williams Company was recently named one of the top ten best Steel Building Companies in the United States by Construction Business Review, a national journal with a keen eye on the construction industry.

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors offers its congratulations to the leaders of H. S. Williams Company, both past and present and wishes the company continued success and prosperity for many, many more years to come; and,

BE IT FURTHER RESOLVED, that this resolution be permanently spread upon the minutes of the Smyth County Board of Supervisors in perpetuity as a lasting testament to the support of the Smyth County Board of Supervisors.

Adopted this the 12th day of January, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

_____, Chair

After further discussion, the following motion was made:

- *A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel to approve the resolution in honor of 60 years of the H.S. Williams Company.*

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


NAYS: None.


ABSTAINERS: None.

ABSENT: None.

 1/12/2023 5:16 PM Matthew Lewis with VDOT provided a brief update on the transition and movement within the organization noting he will be moving to the Bristol District office. Mr. Lewis described his time at the Abingdon Residency and advised that Mr. Harrison, the newly appointed Abingdon Residency Administrator and Mrs. Heath, the new Residency Engineer were both there to help out with anything needed. Mr. Lewis briefly discussed interstate construction project updates and noted that they are actively engaged in snow removal operations at this time. Mr. Lewis thanked the Board and said he enjoyed working with the County and if anyone needed anything to let him know.

Chilhowie District Supervisor Michael Sturgill thanked Mr. Lewis and said since his position that at least 500% more projects have been completed thanks to him. Mr. Sturgill thanked Mr. Lewis and said that the Board appreciated him and to please consider moving back if the opportunity ever arises.

 1/12/2023 5:21 PM Pam Heath, VDOT – Abingdon Residency Engineer provided a brief update on the Smyth County report and other various projects. The Board welcomed Mrs. Heath to her new position and said they look forward to working with her.

 1/12/2023 5:24 PM Jeff Harrison, VDOT – Abingdon District Residency Administrator said he was happy to be here and working and discussed his 26 years of history related to the job. Mr. Harrison advised that the transition would be smooth and added that nothing should change.

Vice Chair, Rye Valley District Supervisor Lori Deel said she appreciated VDOT being at the meeting. Mrs. Deel requested that VDOT take a look at the 700 block of Thomas Bridge Road and advised a resident in that area is requesting a hidden entrance sign be placed. Mrs. Deel also requested for them to check the dip in the road at Red Bud Lane in Sugar Grove noting it may be a drainage issue in the making.



1/12/2023 5:28 PM Shawn Utt, County Administrator discussed a request from VDOT regarding various road closures. Mr. Utt said in one of VDOT's new practices to ensure the local governments have some knowledge of where projects are that may impact traffic patterns, they have submitted a resolution for review and consideration.

Chilhowie District Supervisor Michael Sturgill said the School Board would be appreciative of those closures so they can plan for alternate routes for the buses.

- *North Fork District Supervisor Phil Stevenson made a motion to approve the Resolution Supporting Temporary Closure of Routes for Various Repairs throughout Smyth County with the requirement to notify all agencies.*

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.



SMYTH COUNTY BOARD OF SUPERVISORS

RESOLUTION SUPPORTING TEMPORARY CLOSURE OF ROUTES FOR VARIOUS REPAIRS

WHEREAS, THE Virginia Department of Transportation has deemed it necessary to close a portion of several routes in the best interests of public safety for necessary repair work; and

WHEREAS, a list of the routes proposed to be closed along with the reason for the necessary closure is the following:

Route 620, Sunset River Road
Replace existing pipes with box culvert
Three week road closure; needed

Route 622, Heavens Ridge Road
Replacing existing pipes
Three week road closure needed

Route 606, Grosses Creek Road
Replacing existing pipes - half a lane closed at one time in order to allow residents access
Four week road closure needed

Route 656, Stoney Battery Road
Replacing existing pipes
Three week road closure needed

Route 665, Gailliot Vista Drive
Replacing existing pipes
Three week road closure needed

NOW, THEREFORE, BE IT RESOLVED the Smyth County Board of Supervisors hereby concurs with the Virginia Department of Transportation's decision to close the above listed routes to through traffic, as indicated on the attached **Project Summary**, until completion of the above-described work is completed, pursuant to Code of Virginia §33.2-238, as amended; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.


Adopted this the 12th day of January, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

 1/12/2023 5:32 PM Mr. Utt discussed a request from Pam Hall located at 152 Old Mill Road, Chilhowie, VA for a speed limit to be posted on Old Mill Road (Rt. 648). Mr. Utt noted that however, before VDOT can do that, a speed study is necessary and recommended the Board formally consider requesting VDOT to perform a speed study.

- *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to request VDOT to perform a speed study in the Old Mill Road area (Rt. 648) in Chilhowie.*

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

North Fork District Supervisor Phil Stevenson asked Mrs. Pam Heath with VDOT when they would have information back on the other speed studies they have completed. Mrs. Heath said she hopes to have those within in the next couple of weeks.

Chair, Atkins District Supervisor Charles Atkins thanked VDOT as always for taking time to be here.

Chilhowie District Supervisor Michael Sturgill added that if VDOT could do anything to speed up the school speed zone implementation he would be grateful. Mrs. Heath promised to follow up with additional information.



1/12/2023 5:36 PM A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the minutes from the December 8, 2022, meeting as presented.

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


NAYS: None.

ABSTAINERS: None.

ABSENT: None.

 1/12/2023 5:36 PM Park District Supervisor Kris Ratliff exited the meeting.

 1/12/2023 5:37 PM Assistant County Administrator, Lisa Richardson, reviewed the County financial information.

 1/12/2023 5:38 PM *A motion was made by Saltville District Supervisor Roscoe Call to approve the General County – Accounts Payable Listing for 12/1/2022-12/31/2022 in the amount of \$1,821,399.43.*

ACCOUNTS PAYABLE LISTING

December 2022

Request approval of the following payables:

<u>General County - Regular Checks</u>	\$1,685,719.72
<u>Fund 4 EDA - Regular Checks</u> Note: EDA started using regular checks 12/22/22	\$52,631.88
Accounts Payable Listing 12/1/2022 - 12/31/2022	\$1,738,351.60
<u>Fund Accounts - Manual Checks</u>	
Fund 4 EDA	\$73,126.14
Fund 303 CDBG Food Pantry	\$5,975.00
Fund 748 Sheriff Purchase of Equipment	\$3,946.69
Total Fund Accounts	\$83,047.83
TOTAL ACCOUNTS PAYABLE - December 2022	\$1,821,399.43

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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and*


Chilhowie District Supervisor Michael Sturgill


NAYS: None.


ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff


 1/12/2023 5:39 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.


 1/12/2023 5:38 PM Bradley Powers of 1245 S. Main Street, Marion said he knows most everyone in the room. Mr. Powers expressed his gratitude with SWIFA as a member of their board representing Smyth County and the work it has done to move the County forward. Mr. Powers announced his candidacy for Smyth County Commissioner of Revenue. Mr. Powers thanked the Board for all they do.

 1/12/2023 5:41 PM Nicole Davidson, 1045 W. Chilhowie Street said she has been a resident there since November 2015. Ms. Davidson expressed her thanks for the Board for the recent change in the Landlord/Tenant policy for water services. Ms. Davidson said she has not had running water at her home for over 2 years and now she feels like her voice is finally heard.

 1/12/2023 5:44 PM Charles Wassum, 200 Lawrence Street talked to the Board about his many years of voting at the high school. Mr. Wassum said when he voted in the November election there was a piece of paper posted outside of the room where the voting occurs of 15 various documents that can be presented to qualify him to vote. Mr. Wassum indicated that he pulled out one of those documents on the flyer that could be presented and said she refused him the right to vote. He said he did present the documentation that she wanted even though he felt was unnecessary. Mr. Wassum said he did come to the Registrar's office to find out that the document he presented should have been accepted. He asked the Board to see if they could look into to this issue to see it doesn't happen again.

The Board advised Mr. Wassum that they have no oversight of this issue that he would need to contact the Electoral Board.

 1/12/2023 5:48 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

 1/12/2022 5:48 PM County Administrator, Shawn Utt discussed the request for the Rich Valley Fair. Mr. Utt said he had a great conversation with Hal Campbell regarding the Rich Valley Fair and their updated policies and procedures earlier this week. He noted the following changes, among others, that have been adopted by the Fair's Board of Directors:

- a) Gate Admission will be done similar to football games which will include requiring tickets for all entries. The gate attendants will be assigned ticket books and will sign-out the cash that is to be used to give change. He/She will then report back at the end of the evening with the remaining cash and tickets which will be compared to ensure an audit trail is kept and all funds/tickets are accounted for.
- b) Emergency professionals (law enforcement and EMS) will have special ticketing.
- c) Exhibitors and donors will be given tickets ahead of time as those who are “comped” admission for whatever reason.

After further discussion, the following motion was made:

- *North Fork District Supervisor Phil Stevenson made a motion to formally request the EDA to consider releasing the grant/loan funds previously budgeted to the Rich Valley Fair Association for the renovation of their community center building.*

Royal Oak District Supervisor Courtney Widener 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff



1/12/2023 6:02 PM A motion was made by Royal Oak District Supervisor Courtney Widener to approve the Amendment to Musical or Entertainment Festival Ordinance as presented.

**AMENDMENT TO SMYTH COUNTY CODE OF ORDINANCES
CHAPTER 5 - AMUSEMENTS
ARTICLE III. MUSICAL OR ENTERTAINMENT FESTIVALS**

The Smyth County Board of Supervisors held duly advertised public hearing on Thursday, December 8, 2022, at 5:00 p.m. in the Board Room of the Smyth County Administration Building, 121 Bagley Circle, Marion, Virginia to consider proposed amendments to the Smyth County Code of Ordinances, Chapter 5, Article III titled "Musical or Entertainment Festivals; and;

The following amendments have been considered and are hereby adopted by the Smyth County Board of Supervisors.

ARTICLE III. MUSICAL OR ENTERTAINMENT FESTIVALS

Sec. 5-96. Permits—Required; applications; issuance or denial.

- (a) No person shall stage, promote, or conduct any musical or entertainment festival in the unincorporated areas of the county unless there shall have been first obtained from the County Administrator or his designee a special entertainment permit for such festival.
- (b) Application for an annual musical or entertainment festival required by this section shall be in writing on forms provided and filed in duplicate with the county administrator or his designee no less than 90 days prior to the first date of such festival. Such applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this article.
- (c) Annual musical or entertainment festival applications received no less than 90 days prior to the first date of such festival shall require notification by certified or registered mail to adjacent property owners for an opportunity to object to issuing of a permit. The applicant is required to pay for the cost of the certified or registered mailing which shall be handled by the County Administrator or his designee's office. If no objections are made within 30 days, the County Administrator or his designee may issue a permit. If a permit is denied, a public hearing may be requested and the Board of Supervisors may, in its discretion, approve or deny the permit.
- (d) Applications received 90 days or less to the first date of such festival shall require a public hearing with the Board of Supervisors. After a public hearing is held in accordance with Code of Virginia, §15.2-2204 the Board may issue a permit if the requirements of this article are met.
- (e) The County Administrator or his designee shall act on applications for permit under this article within 45 days from the filing of such applications and shall issue a permit if the requirements of this article are met. If granted, the permit shall be issued in writing on a form for such purpose and mailed by the county administrator or his designee to the applicant at the address indicated. If denied, the refusal shall be in writing, and the reasons for such denial stated therein, and mailed by the county administrator or his designee to the applicant at the address indicated.

(Code 1978, § 3-13; Code 1995, § 6-78; Ord. of 1-19-2009, § 6-78)

Sec. 5-97. Same—Conditions on issuance.

The permit required by this article shall not be issued unless the following conditions are met and the following plans, statements and approvals submitted to the County Administrator or his designee with the application:

- (1) *Promoters and backers.* A statement of the names and addresses of the promoters of the festival, and the financial backing of the festival.
- (2) *Location and site plan.* A statement of the location of the proposed festival, the name and address of the owner of the property on which such festival is to be held, and the nature and interest of the applicant therein. The site plan may be an applicant prepared sketch and shall include the following items:
 - a. Dimensions of site, including length, width, and total size.
 - b. Location of the lot or parcel by vicinity map. The site plan shall also contain a north arrow, original date, revision dates, and graphical scale.
 - c. Property lines of the proposed festival. If only a portion of the property is proposed for the festival, a "Limits of Festival" shall also be shown.
 - d. The name and address of the property owner of the site, if different than the applicant.
 - e. The tax parcel number of the parcels proposed for the festival.
 - f. The names, route numbers, locations, and dimensions of existing public or private streets, alleys, and rights of way shall be shown. Any proposed rights of way for said festival shall also be shown.
 - g. The location, type, and size of site access points such as driveways, curb openings, and crossovers. If existing cuts will serve the site, they shall be shown. If new median cuts are proposed, their locations shall also be shown.
 - h. The location of buildings or structures existing or proposed for the site, including the distance between buildings or structures.
 - i. Location and design of all existing and proposed utilities, including water, sanitation, and electrical service.
 - j. The location of any proposed bugger yards, screening, and fencing.
 - k. A statement by the applicant that the site plan for said festival will be built according to the plan.
 - l. Any additional information requested by the county administrator or the Board.
- (3) *Plans.* The following plans shall be submitted by the applicant to the agencies referenced below and said agencies approvals forwarded to the county administrator, or his designee, ten days prior to the public hearing.
 - a. *Sanitation facilities, garbage, trash and sewage disposal.* A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations, and shall be approved by the county health department.
 - b. *Food, water and lodging.* A plan for providing food, water, and lodging for the persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations, and shall be approved by the county health department.
 - c. *Medical facilities.* A plan for adequate medical facilities for persons at the festival, approved by the county health department.
 - d. *Parking, crowd and traffic control.* A plan for adequate parking facilities and traffic control in and around the festival area, approved by the county sheriff's office.

- e. *Fire protection.* A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and if applicable shall be approved by the state department of forestry.
 - f. *Tickets.* The applicant is to provide a statement containing the total number of tickets to be offered for sale and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.
- (4) *Lighting.* A statement specifying whether any outdoor lights or lighting is to be utilized, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival is located.
- (5) *Loud music.* A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the festival is located.
- (6) *Administration and public notice.* The county administrator or his designee is responsible for receiving each application for annual musical or entertainment festivals and processing those application as provided for in other articles of this chapter, including meeting the public notice requirements contained in Code of Virginia, § 15.2-2204.
- (7) *Fee.* Applications received at least 90 days prior to the first date of such festival, a non-refundable fee equal to the cost of certified or registered mailing to the adjacent property owners shall be paid with each application.
Applications received more than 90 days prior to the first date of such festival, a non-refundable fee equal to the cost of advertising which meet the public notice requirements contained in Code of Virginia, § 15.2-2204
- (8) *Certificate of liability insurance.* A certificate of liability insurance shall be submitted signifying the Board as "certificate holder" in the amount of not less than \$1,000,000.00 and shall cover medical pay. The date of the festival shall be within the effective dates of the certificate of liability insurance. A copy of said certificate shall be furnished to the Board with all other documentation before approval will be obtained by the applicant.
- (9) *Failure to comply.* Failure of the applicant to comply with the requirements of this section shall result in the application being returned to the applicant without any action by the administrator or his designee or the Board.
- (Code 1978, § 3-14; Code 1995, § 6-79; Ord. of 1-19-2009, § 6-79; Ord. of 3-8-2011)

Sec. 5-100. Revocation of permits.

The County Administrator or his designee shall have the right to revoke any permit issued under this article upon noncompliance with any of its provisions and conditions.

(Code 1978, § 3-17; Code 1995, § 6-82; Ord. of 1-19-2009, § 6-82)

Sec. 5-103. Appeals.

Any action taken by the County Administrator or his designee on a decision regarding the granting or denial of an annual musical or entertainment festival permit may be appealed by filing within 30 days of the decision with the Board of Supervisors.

(Ord. of 1-19-2009, § 6-86)

Sec. 5-104. Conditions.

In authorizing a permit for an annual musical or entertainment festival provided for in this article, the County Administrator or his designee may impose specific conditions as necessary to assure compliance with the standards set forth in this article. Such conditions may include, but are not limited to, dust control and prohibition and/or regulations of signs.

(Ord. of 1-19-2009, § 6-87)

The adoption of the amendments to the Smyth County Code of Ordinances, Chapter 5, Article III was duly considered following the required public hearing held on December 8, 2022, and further discussion on January 12, 2023; _____ made a motion to adopt the ordinance amendments as presented; the motion was seconded by _____, and the motion was approved by the Smyth County Board of Supervisors and will become effective on 12:01 a.m. on January 13, 2023. The Board of Supervisors voted in the following manner:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Charles E. Atkins				
Roscoe D. Call				
Lori H. Deel				
Kristopher S. Ratliff, DPh				
Charles P. Stevenson				
Michael L. Sturgill				
S. Courtney Widener				

I certify that this is a true and correct copy taken from the minutes of the Smyth County Board of Supervisors meeting of January 12, 2023.

Shawn M. Utt, Clerk of the Board

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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and*

Chilhowie District Supervisor Michael Sturgill

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff



1/12/2023 6:04 PM A motion was made by North Fork District Supervisor Phil Stevenson to approve the Amendment to Nuisance Ordinance as presented.

**AMENDMENT TO SMYTH COUNTY CODE OF ORDINANCES
CHAPTER 20 - ENVIRONMENT
ARTICLE III. NUISANCES**

The Smyth County Board of Supervisors held duly advertised public hearing on Thursday, December 8, 2022, at 5:00 p.m. in the Board Room of the Smyth County Administration Building, 121 Bagley Circle, Marion, Virginia to consider proposed amendments to the Smyth County Code of Ordinances, Chapter 20, Article III titled "Nuisances"; and;

The following amendments have been considered and are hereby adopted by the Smyth County Board of Supervisors.

ARTICLE III. NUISANCES

Sec. 20-66. Notice to comply.

- (a) Upon receipt of a complaint, the Board of Supervisors or its agent may:
 - (1) Direct a county employee or agent to investigate the complaint, which may include viewing the site as can be seen from a street or consenting adjoining property owner, taking photographs, interviewing interested parties, and consulting with state or other county agencies.
 - (2) After gathering evidence and information, the county employee or agent shall notify the property owner and the responsible party, if known, advising the complaint has been filed, The notice shall give the property owner an opportunity to respond to the complaint.
- (b) After the completion of the steps in subsections (a)(1) and (2) of this section, if the owner or responsible party does not respond or file a plan of action, the county employee or agent shall give notice to the owner or responsible party and complainant at least ten days before the next regular board meeting that they have the right to appear before the Board of Supervisors. At this meeting the Board will review the information gathered to determine if the complaint constitutes a public nuisance and the property owner will be given an opportunity to speak to the Board. If the owner of the property is unknown or the county has been unable to contact the owner, the county shall publish notice of the appearance before the Board once a week for two successive weeks in a newspaper having general circulation in the county.
- (c) If the county deems the complaint to be valid, the county shall give written notice to the owner of the property and to the responsible party if different from the owner and if known. The notice shall:
 - (1) Be in writing.
 - (2) State that the property is not in compliance with the provisions of this article.
 - (3) Describe the property location and give the tax map number.
 - (4) Describe the violations.
 - (5) Advise that if the owner does not abate the problem, the county will proceed to abate the nuisance with the costs thereof to be assessed against the owner and property in accordance with this article.

- (6) Advise that the cost of abatement by the county will constitute a lien against the property.
 - (7) Advise of the right of appeal per section 20-69.
 - (d) The notice required by this section shall be by certified or registered mail with return receipt to the address on the county tax records; or by hand delivery to the owner of the property and the responsible party, if different from the owner and if known. If notice is hand delivered, the county agent or employee who delivered the notice shall note on a duplicate copy the time, place and manner of such service.
 - (e) If the owner of the property is unknown or the county has been unable to contact the owner in the manner prescribed in this section, the county shall publish the notice once a week for two successive weeks in a newspaper having general circulation in the county.
 - (f) Notice to one owner shall be deemed notice to all owners of the property.
 - (g) The notice shall advise the owner of the right to appeal as described in this article.
- (Code 1978, § 12-28; Code 1995, § 58-28; Ord. of 10-22-2005, §§ 4-1, 4-2)

The adoption of the amendments to the Smyth County Code of Ordinances, Chapter 20, Article III was duly considered following the required public hearing held on December 8, 2022, and further discussion on January 12, 2023; _____ made a motion to adopt the ordinance amendments as presented; the motion was seconded by _____, and the motion was approved by the Smyth County Board of Supervisors and will become effective on 12:01 a.m. on January 13, 2023. The Board of Supervisors voted in the following manner:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Charles E. Atkins			
Roscoe D. Call			
Lori H. Deel			
Kristopher S. Ratliff, DPh			
Charles P. Stevenson			
Michael L. Sturgill			
S. Courtney Widener			

I certify that this is a true and correct copy taken from the minutes of the Smyth County Board of Supervisors meeting of January 12, 2023.

Shawn M. Utt, Clerk of the Board

Royal Oak District Supervisor Courtney Widener 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff



1/12/2023 6:00 PM A motion was made by North Fork District Supervisor Phil Stevenson to approve the Amendment to the Water & Sewer Utility Fee Schedule as presented.

RESOLUTION AMENDING FEE SCHEDULE FOR WATER AND SEWER SERVICE

WHEREAS, the Smyth County Board of Supervisors convened a properly advertised public hearing on December 8, 2022, for the purpose of amending the Water & Sewer Utility Fee Schedule to

include the requirement of a \$100.00 deposit for each service connection within the Smyth County water and sewer systems.

WHEREAS, Virginia Code Section 15.2-2119.4 and Smyth County Code Section 53-76(c) authorizes the County government to set the amount of the application fees and security deposits required for each water and sewer connection in the Smyth County water and sewer systems.

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby amends the Water & Sewer Utility Fee Schedule to include a deposit of One Hundred Dollars (\$100.00) for each service connection within the Smyth County water and sewer system as shown on Exhibit A attached hereto.

Adopted this the 12th day of January 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair


*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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

 1/12/2023 6:06 PM North Fork District Supervisor Phil Stevenson discussed his concerns with the Amendment to the Proposed Consideration/Adoption of Noise Ordinance. Mr. Stevenson suggested taking out the wording of kennels and adding "all animals located in an agricultural district."

Vice Chair, Rye Valley District Supervisor Lori Deel advised of some issues in her district with barking dogs and addressed those concerns. Discussion continued.

After further discussion, the following motion was made:

- *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to adopt a County Noise Ordinance with amended changes as discussed to include in Sec. 20-180 – Exceptions to include the exemption of agricultural activities, agricultural animals, and all other animals located in the agricultural zoning district.*

PROPOSED ORDINANCE
SMYTH COUNTY CODE OF ORDINANCES
CHAPTER 20, ARTICLE V – NOISE ORDINANCE

The Smyth County Board of Supervisors held duly advertised public hearing on Thursday, December 8, 2022, at 5:00 p.m. in the Board Room of the Smyth County Administration Building, 121 Bagley Circle, Marion, Virginia to consider proposed amendments to the Smyth County Code of Ordinances, Chapter 20, Article V titled “Noise Ordinance”; and;

The following ordinance has been considered and is hereby adopted by the Smyth County Board of Supervisors.

ARTICLE V – NOISE ORDINANCE

Sec. 20-175 – Jurisdiction.

The provisions of this article shall apply to all land in the county which is not within the jurisdiction of the incorporated municipalities.

Sec. 20-176 – Declaration of policy.

The Board of Supervisors hereby finds and declares that at certain levels, excessive noise can be detrimental to the health, welfare, safety and quality of life of the citizens of the county, and in the public interest excessive noise should be restricted. It is, therefore, the policy of the county to reduce, and to eliminate where possible, noise disturbances and related adverse conditions in the county, and to prohibit unnecessary, excessive, harmful and annoying noise from all sources subject to its police power.

Sec. 20-177 – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor vehicle means every vehicle defined as a motor vehicle by Code of Virginia, § 46.2-100.

Plainly audible means any sound that can be heard clearly by a person using his or her unaided hearing faculties. When music is involved, the detection of rhythmic bass tones shall be sufficient to be considered plainly audible sound.

Owner means the person owning, controlling, or possessing land, premises, or property.

Person means any individual, partnership, corporation, association, society, club, group of people acting in concert, or organization. This term shall not include the federal, state, county, town, city, or local government, or any agency or institution thereof.

Public property means any real property owned or controlled by the county or any other governmental entity or institution.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk or alley.

Real property boundary means the property line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

Residential has reference to single-unit, two-unit, or multiunit dwellings, and residential areas, but does include a vacant or unoccupied lot.

Sound means an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium, and which propagates at finite speed. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound amplifying equipment means any machine or device for the amplification of the human voice, music or any other sound. This term shall not include warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

Sec. 20-178 – Prohibited Generally.

It shall be a class 4 misdemeanor and a public nuisance for any person to willfully make, permit, continue or cause to be made, permitted or continued any excessive noise for a first offense.

It shall be a class 3 misdemeanor and a public nuisance for any person to willfully make, permit, continue or cause to be made, permitted, or continued any excessive noise within 12 months after a previous conviction.

Sec. 20-179 – Specific Prohibitions

Subject to the exceptions provided in section 20-180, any of the following acts, or the causing or permitting of such acts, among others, is declared to be excessive noise, and pursuant to Virginia Code §18.2-11, constituting a class 4 misdemeanor for a first offense and a class 3 misdemeanor for subsequent offenses within 12 months after a previous conviction and a public nuisance:

- (1) *Radios, television sets, musical instruments, similar devices.* Operating, playing, or permitting the operation or playing of any radio, amplifier, television, record, tape or

compact disc player, drum, musical instrument, or similar device between the hours of 11:00 p.m. and 7:00 a.m.:

- a. In such manner or with such volume as to permit sound to be heard across a residential real property boundary; or across a commercial real property boundary; or through partition walls common to two dwelling units within a building; or that is plainly audible at the property line on which it is located; or
 - b. When the sound source is located within a motor vehicle in or upon right-of-way or public property and the sound can be heard more than 50 feet from its source.
- (2) *Loudspeakers, public address systems and sound tracks.* Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom for any purpose between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to permit sound to be heard across a residential real property boundary; or through partition walls common to two dwelling units within a building; or that is plainly audible at the property line of the building in which it is located.
- (3) *Horns, whistles, etc.* Sounding or permitting the sounding of any horn, whistle or other auditory sounding device on or in any motor vehicle on any public right-of-way or public property, except as a warning of danger, between the hours of 11:00 p.m. and 7:00 a.m.
- (4) *Explosives, weapons, fireworks and similar devices.* Using or firing any explosives, weapons (except for lawful hunting activities and in the defense of one's self, the defense of another person, or the defense of property), fireworks or similar devices which creates impulsive sound in such a manner as to permit sound to be heard across a residential real property boundary, or through partitions common to two dwelling units within a building or on any public right-of-way or public property, in either case between the hours of 11:00 p.m. and 7:00 a.m.
- (5) *Yelling, shouting, etc.* Yelling, shouting, whistling or singing between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to permit the sound to be heard across a residential real property boundary, or through partitions common to two dwelling units within a building; or on a public right-of-way or public property.
- (6) *Schools, public building, places of worship, and hospitals.* The creation of any excessive noise within any school, court, public building, place of worship, or hospital, or on the grounds thereof or on any adjacent street between the hours of 11:00 p.m. and 7:00 a.m.
- (7) *Mass outdoor music festivals.* Using or causing to be used sound amplifying equipment for the purpose producing music or entertainment for a mass outdoor music festival between the hours of 11:00 p.m. and 7:00 a.m., unless such use is registered and approved by the Board of Supervisors, as provided in chapter 5, article III, pertaining to musical or entertainment festivals.

- (8) *Vehicles.* In operating a motor vehicle or motorcycle between the hours of 11:00 p.m. and 7:00 a.m., the following acts, among others, are declared to create loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive, namely:
- a. The use of a motor vehicle or motorcycle, on or about an area which is not a public highway, so out of repair as to cause thereby loud and unnecessary grating, grinding, rattling or any of such noises, or any other unnecessary noise.
 - b. The practice of unnecessarily racing the motor of a motor vehicle or motorcycle while standing or moving thereby causing unnecessary noise from such motor.
 - c. The practice of unnecessarily retarding the spark to the motor of a motorcycle and thereby causing unnecessary, loud and explosive noise from the motor.
 - d. In starting a motor vehicle or motorcycle from a standing position, the practice of gaining speed unnecessarily quickly and thereby causing unnecessary and loud noise from the motor and the screeching of tires, or either of such noise.
 - e. The practice of coming to an unreasonably quick stop with a motor vehicle or motorcycle and thereby causing unnecessary grinding of brakes and screeching of tires or either of such noises.
- (9) *Construction.* The erection, including excavation, demolition, alteration, or repair of any building or improvement between the hours of 11:00 p.m. and 7:00 a.m., except in the case of emergency under a permit granted by the County Administrator, or designee. In considering the granting, conditioning, or denial of the permit, the County Administrator, or designee shall be guided by the following standards:
- a. Nature of the emergency;
 - b. Proposed extended hours of operations;
 - c. Duration of period of requested extended hours;
 - d. Character of the area surrounding the construction site; and
 - e. Number of residential units the residents of which would be impacted by the extended hours of construction.
- (10) *Pneumatic hammer, chain saw, etc.* The operation between the hours of 11:00 p.m. and 7:00 a.m. of any chain saw, pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance.
- (11) *Animals.* The owning, keeping, or possessing of any animals which frequently or habitually howl, bark, meow, squawk in such a manner as to permit sound to be heard across a residential real property boundary, or through partitions common to two dwelling units within a building, or that is plainly audible at the property line of the

building in which it is located, between the hours of 11:00 p.m. and 7:00 a.m. This subsection shall not apply to any bona fide agricultural activity.

Sec. 20-180 – Exceptions

Sections 20-178 and 20-179 shall have no application to any sound generated by any of the following:

- (1) Sound necessary for the protection or preservation of property or the health, safety, life or limb of any person.
- (2) Public speaking and public assembly activities conducted on any public right-of-way or public property, and political events, gatherings or activities whether or not conducted on public property.
- (3) Radios, sirens, horns, and bells on police, fire, or other emergency response vehicles.
- (4) Parades, firework displays, school-related activities, and other such public special events or public activities.
- (5) Activities on or in municipal, county, state, United States, or school athletic facilities, or on or in publicly owned property and facilities.
- (6) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises served by any such alarm to turn off the alarm.
- (7) Religious services, religious events, or religious activities or expressions, including, but not limited to, music, singing, bells, chimes, and organs which are a part of such service, event, activity or expression.
- (8) Locomotives and other railroad equipment and aircraft.
- (9) The striking of clocks.
- (10) Military activities of the Commonwealth or of the United States of America.
- (11) Household tools and lawn mowers, except those that create an excessive noise, between 11:00 p.m. and 7:00 a.m.
- (12) Agricultural activities, to include licensed kennels in the Agricultural zoning district.
- (13) Manufacturing activities.

Sec. 20-181 – Validity

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.

Sec. 20-182 - Effective Date

This ordinance was duly considered following a required public hearing held on, and was adopted by the Board of Supervisors of Smyth County, Virginia, at its regular meeting held on, the members voting:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Charlie E. Atkins			
Roscoe D. Call			
Lori H. Deel			
Kristopher S. Ratliff, DPh			
Charles P. Stevenson			
Michael L. Sturgill			
S. Courtney Widener			

I certify that this is a true and correct copy taken from the minutes of the Smyth County Board of Supervisors meeting of January 12, 2023.

Shawn M. Utt, Clerk of the Board

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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.


ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff



1/12/2023 6:36 PM Chair, Atkins District Supervisor Charles Atkins called for a five-minute recess.

 1/12/2023 6:42 PM Chair, Atkins District Supervisor Charles Atkins called the meeting back to order.

 1/12/2023 6:42 PM Shawn Utt, County Administrator discussed the request from the Nebo Community Center's for funding assistance. Mr. Utt stated that as a follow-up to the Budget Committee meeting, the request was tabled at the December Board meeting to allow time to discuss any options that may be available.

Chair, Atkins District Supervisor Charles Atkins asked how much they were requesting, and Mr. Utt stated that the first phase of funds they requested were around \$60,000 to assist with new flooring and new windows.

North Fork District Supervisor Phil Stevenson stated that the County needs to focus those funds more towards an EMS station on that side of the County at this time. Royal Oak District Supervisor Courtney Widener agreed with Mr. Stevenson.

After further discussion the following motion was made:

- *North Fork District Supervisor Phil Stevenson made a motion to table the request for funding from Nebo Community Center at this time and to revisit the request with the next fiscal year budget process.*

Royal Oak District Supervisor Courtney Widener 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

 1/12/2023 6:48 PM A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel Supervisor to approve the FY23 3rd Quarter Appropriations for the following five funds in the amount of \$22,405,430.

→ General County.....6,500,000

- Schools – Operating (Fund009).....14,256,499
- Social Services (Fund 013).....1,628,931
- Sheriff-State Drug Asset (Fund 747).....10,000
- Sheriff-E-Summons (Fund 748).....10,000

TOTAL APPROPRIATION – 3rd Quarter \$ 22,405,430

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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff



1/12/2023 6:49 PM Shawn Utt, County Administrator presented the calendar year 2023 Miscellaneous Committee Appointments. Following discussion, the following motions were made:

- *A motion was made by North Fork District Supervisor to approve the appointments as presented for the Area Beautification Committee for CY-2023. Royal Oak District Supervisor Courtney Widener 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

Area Beautification Committee – Recommend reappointing the following to 1-year terms (1-1-202 through 12-31-2023):

- Phyllis Griffith (Rye Valley)
 - Loretta Hogston (Saltville)
 - Sherian Medley (Park)
 - Tina Henderson (Royal Oak)
 - Melissa Hall (Atkins)
 - Rachel Beverly (Chilhowie)
 - Sharon Buchanan (North Fork)
- *A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel to approve the appointments as presented for the Community Policy Management Team for CY-2023. Royal Oak District Supervisor Courtney Widener 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

Community Policy Management Team (CPMT) – Recommend reappointing the following to 1-year terms (1-1-2023 through 12-31-2023):

- Chris Austin (DSS rep, Committee Chair)
- Darcy Janson (Juvenile Court Service)
- Amy Johnson & Kevin Downs (Juvenile Court Service alt)
- Regina Pack Eller (Private Provider)
- Blake Frazier (Parent Representative)
- Kim Sturgill (SCSB rep)
- Julie Earp (Health Dept. rep)
- KJ Holbrook (Mt. Rogers CBS rep)
- Morgan Greer (Mt. Rogers CSB alt.)
- Shawn Utt (Smyth County rep)
- Lisa Richardson (Smyth County alt)

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the appointment of Manuel Street to Keep Southwest Virginia Beautiful for CY-2023. 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

- *A motion was made by Saltville District Supervisor to approve the appointment of Charles Atkins as the voting member and Kris Ratliff as his alternate for District Three Governmental Cooperative Board for CY-2023. 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

- *A motion was made by Saltville District Supervisor Roscoe Call to approve Charles Atkins as the voting member and Kendra Hayden as his alternate for the Marion Downtown Revitalization Committee for CY-2023. 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

- *A motion was made by North Fork District Supervisor Phil Stevenson to appoint Curtis Crawford as Chief of the Smyth County Fire & Rescue agency and Marshall "Marty" Lewis as Assistant Chief. 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

- *A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel to appoint Becca Creasy as the County's Subdivision Agent with Clegg Williams serving as Deputy Subdivision Agent. 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

- *A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel to re-appoint Paul Shepherd, Graham Davidson and David Spence to the Planning Commission each for an additional 4 -year term to end 1-1-2027. 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

- *A motion was made by Saltville District Supervisor Roscoe Call to re-appoint John DeBusk to the Board of Zoning Appeals to term to end 1-13-2027. 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff



1/12/2023 6:56 PM County Administrator, Shawn Utt discussed the Memorandum of Understanding with the Mount Rogers Planning District Commission related to the Saltville Library's ARC Planning Grant. Mr. Utt said he would like to recommend working with the PDC staff to move thing along since they have a great deal of knowledge with ARC funding and they have the staffing available. Mr. Utt referenced the draft agreement that was enclosed in the

Board packet and advised that the cost of the project would be funded with the ARC grant and will not require any additional funding from the County over what has already been approved.

- *Saltville District Supervisor Roscoe Call made a motion to authorize the County Administrator to execute the MOU with MRPDC related to the Saltville Library's ARC planning grant on the County's behalf.*

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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff



1/12/2023 6:58 PM County Administrator, Shawn Utt presented and discussed a Resolution of Smyth County combining the VJCCCA funding for the counties of Washington, Smyth, Lee, Scott, Wise, Buchanan, Dickenson, Tazewell and Russell as well as the cities of Bristol and Norton. Mr. Utt reported that it is in regarding state funding for a detention home and added that Washington County will continue to serve as fiscal agent.

- *A motion was made by North Fork District Supervisor Phil Stevenson to approve the Resolution of Smyth County combining the VJCCCA funding for the counties of Washington, Smyth, Lee, Scott, Wise, Buchanan, Dickenson, Tazewell and Russell as well as the cities of Bristol and Norton and authorize the County Administrator to execute on behalf of the County.*

RESOLUTION OF SMYTH COUNTY COMBINING THE VJCCCA FUNDING FOR THE COUNTIES OF WASHINGTON, SMYTH, LEE, SCOTT, WISE, BUCHANAN, DICKENSON, TAZEWEILL AND RUSSELL AS WELL AS THE CITIES OF BRISTOL AND NORTON

WHEREAS, Washington County has been the recipient of State funding from Virginia Juvenile Community Crime Control Act (VJCCCA) for the past twenty-six years; and

WHEREAS, this program, in conjunction with ten other jurisdictions has been jointly administered by the Appalachian Juvenile Commission and by Washington County as fiscal agent; and

WHEREAS, this Commission will serve as the distributor of funded programs to those localities participating; and

NOW, THEREFORE, BE IT RESOLVED by the Appalachian Juvenile Commission:

1. The Appalachian Juvenile Commission will participate in the VJCCCA and accept funds appropriate for the purpose set forth in this Act until it notifies the Department of Juvenile Justice in writing, that it no longer wishes to participate.
2. Washington County will combine with the counties of Smyth, Lee, Scott, Wise, Buchanan, Dickenson, Tazewell and Russell as well as the Cities of Bristol and Norton to form one combined plan with Washington County acting as the fiscal agent.
3. The County Administrator of Washington County is hereby authorized to execute a local combined plan on behalf of said localities.

Adopted this the 12th day of January, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS:**

Shawn M. Utt, Clerk

Charlie Atkins, Chair

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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff



1/12/2023 6:59 PM County Attorney Report -

County Attorney, Scot Farthing provided updates on various projects that he is currently working on. Mr. Farthing added that the purchase of the Transfer Station land is moving forward and are just working on finalizing the agreement.

- *North Fork District Supervisor Phil Stevenson made a motion to amend and approve the funds to purchase the tract of land and authorize the County Administrator to execute all necessary documents once the County Administrator and County Attorney agree all are in order to close the purchase.*

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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff



1/12/2023 7:01 PM County Administrator Report -

Mr. Utt presented the draft budget calendar for the Board's information and asked for consideration of adopting it for the FY23/24 calendar year.

- *North Fork District Supervisor Phil Stevenson made a motion to adopt the budget calendar for FY23/24 calendar year as follows:*

Budget forms distributed to Departments	January 13, 2023
Budget request notification published in newspaper/websites	January 13, 2023
Budget requests due to County Administrator's Office from Departments	February 10, 2023
Budget requests due to County Administrator's Office from Agencies	February 17, 2023
Revenue Projections (County Admin., Treasurer, Commissioner)	February 24, 2023
First Budget Draft to Budget Committee / Budget Committee Work Session	March 2, 2023
Budget Committee Work Session (with SCSB Budget Comm./Supt)	March 16, 2023
Budget Committee Work Session	March 30, 2023

Budget Committee Work Session (if needed)	April 6, 2023
Present Full Budget to Board of Supervisors	April 13, 2023
Budget Committee Work Session (if needed)	April 20, 2023
Budget Committee Work Session (if needed)	April 27, 2023
Budget Committee Work Session (if needed)	May 4, 2023
Public Hearing(s) – <i>(draft budget and any potential rate/tax adjustments?)</i>	May 11, 2023
Adopt County Budget for FY23/24 (tentative)	May 26, 2023
Adopt Tax Levies for FY23/24 (tentative)	May 26, 2023
Adopt CIP for FY23/24 (tentative)	May 26, 2023

Royal Oak District Supervisor Courtney Widener 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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff



1/12/2023 7:02 PM Supervisor Comment Time -

North Fork District Supervisor Phil Stevenson said he appreciates all the discussion that took place tonight but added that he is still concerned about the Noise Ordinance and hopes the Sheriff's Department will use good judgement. Mr. Stevenson congratulated Mr. Atkins and Mrs. Deel on their re-appointments.

Vice Chair, Rye Valley District Supervisor Lori Deel asked the Board to ponder on a possible one-time rebate for personal property taxes. Mrs. Deel stated that Wythe County had done

something similar, and she would like the Board to consider doing the same for Smyth County residents. Mr. Atkins said he thought it would be good to add to the Budget Committee agenda for discussion. Mrs. Deel also discussed giving some funds to the Konnarock Community Center due to the fact that while the County was attempting to find someone to drill for their well that they missed out on several fundraisers. Mrs. Deel proposed paying their electric bill for the next 6-months to help recoup some of the money lost without hosting the fundraisers. Mr. Utt said he believes there is a lump sum that was allocated to them, and Mrs. Richardson said she would check and report back.

Mrs. Deel also discussed a previous request to assist the Sugar Grove EMS with funding for a truck. Mrs. Deel commended Sugar Grove for stepping up and answering more call. Discussion continued.

- *A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel to approve an additional \$10,000 from Supplemental Appropriations to go along with the \$10,000 remaining in the CIP allocation for Sugar Grove EMS for a total of \$20,000 to be used as grant match.*

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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

Mrs. Richardson reported back to Mrs. Deel that Konnarock has \$4,000 they were allocated and advised the County can go ahead and pay that out to help the center meet their needs for the rest of the fiscal year.

Saltville District Supervisor Roscoe Call said he was glad to see everyone and thanked everyone for their thoughts and prayers during his time of recovery. Mr. Call also congratulated Mr. Atkins and Mrs. Deel on their re-appointments.

Chilhowie District Supervisor Michael Sturgill discussed a few issues with pipes bursting at schools during the bad cold snap. Mr. Sturgill thanked the Sheriff's office along with Chilhowie Fire and Chilhowie Water Department for their help and quick response. Mr. Sturgill did advise that Marion Fire/EMS appeared to finally be on board with a County Auto-Aid program. He thanked VDOT for coming to the meeting and presenting. Mr. Sturgill requested County staff to possibly look at BoardDocs as a platform to help simplify and manage all communication.

Royal Oak District Supervisor Courtney Widener thanked everyone for coming out and for all the progress that is being made in the County and for its citizens. Mr. Widener thanked Ms. Davidson for being here tonight to speak about the issue she's had with getting her water turned on. Mr. Widener noted that he is also on-board to try and get an EMS station in the Rich Valley area of the County to better assist those underserved. Mr. Widener thanked the staff for all the work they do and also the Fire/EMS and their families.

Chair, Atkins District Supervisor Charles Atkins said he passed out a County Administrator evaluation form to each Board member and to please complete and get it back to him as soon as possible. Mr. Atkins asked for consideration in getting a pump station in the Kiawana Road area in Atkins. Mr. Atkins said the residents in that area have little to no pressure and said if the County is going to sell the water, then it is their responsibility to make sure they have enough supply. Mr. Atkins also asked to look at what the County can do to assist the Volunteer Fire Department's turnout gear. Mr. Atkins said most only have 1 official turnout suit and thinks the County needs to step in to assist. Mrs. Deel stated that the Public Safety Committee is proposing to purchase 5 suits for each department that will have a rotation schedule, so this doesn't happen moving forward.

- *Chair, Atkins District Supervisor Charles Atkins made a motion to send a request to the Water & Sewer Committee to consider an in-line booster pump in the Kiawana Road area of Atkins and also reevaluate the connection fee.*

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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

Mr. Atkins said for everyone to be careful going home and he is happy to continue working to better the citizens of Smyth County.

 1/12/2023 7:24 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 Main Street property and potential EMS sites and Section 2.2-3711 (a)7 consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation regarding consultation with County attorney.

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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

 1/12/2023 7:45 PM Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution certifying the business conducted in closed session as follows. Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion.

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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

 1/12/2023 7:46 PM A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel to transfer the Glade Highlands Shell Building CD and any accumulated interest to the EDA Fund (004) and also direct the SWIFA payment to the EDA Fund (004) as soon as it is received.

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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff

- *A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel to approve various appraisals in the Atkins area for potential EMS operational sites.*

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,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call, and
Chilhowie District Supervisor Michael Sturgill*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kris Ratliff



1/12/2023 7:47 PM With no further business to discuss, the meeting was adjourned. The next meeting will be January 26, 2023 at 5:00 p.m.

The Smyth County Board of Supervisors held its regular meeting on Thursday, January 26th, 2023, 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; North Fork District Supervisor Phil Stevenson; Saltville District Supervisor Roscoe Call; Chilhowie District Supervisor Michael Sturgill; Royal Oak District Supervisor Courtney Widener; Park District Supervisor Kris Ratliff

ABSENT: Vice Chair Rye Valley District Supervisor Lori Deel.

STAFF: County Administrator Shawn Utt; Assistant County Administrator – Operations Lisa Richardson; Assistant County Administrator – Development Clegg Williams; County Attorney Scot Farthing; Curtis Crawford Emergency Services Coordinator; Marty Lewis Deputy Emergency Services Coordinator; Administrative Assistant/Deputy Clerk Paula Harvey & Auna Louthian

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

1/26/2023 5:01 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

1/26/2023 5:01 PM Paula Harvey, Administrative Assistant/ Deputy Clerk led the Pledge of Allegiance

1/26/2023 5:02 PM Heather Street, Assistant Director of IT gave the invocation.

1/26/2023 5:03 PM Chair, Atkins District Supervisor Charles Atkins requested a motion to amend the agenda to add an additional item under 14) Closed Session A(3) regarding Main Street Properties.

Motion was made by Chilhowie District Supervisor Michael Sturgill to amend the agenda adding the closed session item. Royal Oak District Supervisor Courtney Widener seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: *Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: *Vice Chair, Rye Valley District Supervisor Lori Deel.*

1/26/2023 5:03 PM David Rose from Davenport Public Finance gave a presentation on Smyth County's initial Capital Funding Affordability Analysis, a copy of which will be kept in the packet file for the meeting. Mr. Rose stated he believes that Davenport Public Finance has a handle on Smyth County's Capital Program. Mr. Rose also spoke on Smyth County's solid credit ratings and the importance of maintaining that rating as well as the needed funding for various projects including Radio, Comprehensive Building and Water Studies. In closing Mr. Rose discussed a positive path forward for Smyth County's financial picture and noted he will be at a future meeting to discuss next steps for the radio project funding.

The Board thanked Mr. Rose for coming.

1/26/2023 5:29 PM County Administrator Shawn Utt, read the following Public Hearing notice for the record.

NOTICE OF PUBLIC HEARING

In compliance with the Code of Virginia of 1950, and amendments thereto, the Smyth County Board of Supervisors will conduct a public hearing on Thursday, January 26, 2023, at 5:00 p.m., or shortly thereafter as may be heard, in the Board Room of the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia. The purpose of the public hearing is to allow the Board of Supervisors to hear comments from citizens concerning the adoption of a proposed fee schedule related to the provision of Emergency Medical Services through the newly created Smyth County Fire & EMS Department.

All interested parties may express their views by emailing alouthian@smythcounty.org prior to the scheduled public hearing. Written comments may also be mailed or delivered to the County Administrator, 121 Bagley Circle, Suite 100, Marion, Virginia 24354, or by fac to (276) 783-9314. All emails, written comments and faxes must be received by 2:00 p.m. on Thursday, January 26th, 2023.

A copy of the proposed fee schedule being considered is on file in the County Administrator's Office located at 121 Bagley Circle, Marion, Virginia or online at www.smythcounty.org for public review.

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

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

1/26/2023 5:31 PM *A motion was made by Park District Supervisor Kristopher Ratliff to waive the reading of rules for public hearings. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: *Vice Chair, Rye Valley District Supervisor Lori Deel.*

1/26/2023 5:31 PM Chair, Atkins District Supervisor Charles Atkins opened public hearing.

11/10/2022 5:33 PM Chair, Atkins District Supervisor Charles Atkins discussed review of EMS schedule and proposed rates. County Administrator Shawn Utt stated that proposed rates are equal to other EMS agencies within Smyth County noting the following fees:

- Basic Life Support \$800
- Advanced Life Support-1 \$1,000
- Advanced Life Support-2 \$1,200
- Ground Transport Mileage \$17.00 per mile

Chilhowie District Supervisor, Michael Sturgill asked for clarification on EMS billing process. County Administrator Shawn Utt explained that EMS would bill patients, insurance and Medicare/Medicaid but would not lead to full collections for past due accounts.

1/26/2023 5:34 PM With no one wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed public hearing.

1/26/2023 5:34 PM A motion was made by Saltville District Supervisor Roscoe Call to waive the rules of public hearings and to approve the EMS Fee Schedule 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,
Royal Oak District Supervisor Courtney Widener,
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: Vice Chair, Rye Valley District Supervisor Lori Deel.

1/26/2023 5:34 PM A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the minutes from the January 12th, 2023, meeting as presented. Park District Supervisor Kristopher Ratliff seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: Vice Chair, Rye Valley District Supervisor Lori Deel.

1/26/2023 5:36 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

1/26/2023 5:36 PM With no citizens wishing to speak Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

11/10/2022 5:36 PM Chilhowie District Supervisor Michael Sturgill read the minutes of the Building and Grounds Committee from the January 27th, 2023, meeting and presented the following committee recommendations:

- *Rye Valley District Supervisor Lori Deel made a motion to recommend authorizing the School Board to move forward with the demolition plan for the former historical museum that currently resides on the MSHS property. Park District Supervisor Kris Ratliff Seconded the motion, and it was unanimously approved.*

After consideration, the Building and Grounds recommendation PASSED by the following vote:

AYES: *Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: *Vice Chair, Rye Valley District Supervisor Lori Deel.*

- *Rye Valley District Supervisor Lori Deel made a motion to recommend setting a public hearing to consider moving the Riverside Community Center voting precinct location to the Chilhowie Town Hall. Park District Supervisor Kris Ratliff Seconded the motion, and it was unanimously approved.*

After consideration, the Building and Grounds recommendation PASSED by the following vote:

AYES: *Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: Vice Chair, Rye Valley District Supervisor Lori Deel.

- *Park District Supervisor Kris Ratliff made a motion to recommend setting a public hearing to consider relocating a portion of Lassiter Lane from the Seven Mile Ford precinct to the Chilhowie precinct pending review from the County Attorney. Rye Valley District Supervisor Lori Deel Seconded the motion, and it was unanimously approved.*

After consideration, the Building and Grounds recommendation PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: Vice Chair, Rye Valley District Supervisor Lori Deel.

- *Park District Supervisor Kris Ratliff made a motion to recommend setting a public hearing to consider combining the West Park precinct with the East Park precinct. Rye Valley District Supervisor Lori Deel Seconded the motion, and it was unanimously approved.*

After consideration, the Building and Grounds recommendation PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: Vice Chair, Rye Valley District Supervisor Lori Deel.

Chilhowie District Supervisor Michael Sturgill read the following summary from the committee minutes:

Historic District Designation for “Hospital Hill” – John Graham and the Appalachian Center for Hope Board have been working through the funding opportunities available for the ACH building (aka, the former Rehab Building). They are exploring historic tax credits and one option would be to propose a historic district for “hospital hill”. There have been some preliminary conversations with the administration of the mental health institute. Mr. Williams said it would be a resource that would be used by anyone looking to rehab the Morison Building should the County find options for the current offices elsewhere.

No action was taken, informational only at this time.

1/26/2023 5:44 PM County Administrator Shawn Utt read the minutes of the Budget Committee from the January 27th, 2023, meeting and presented the following committee recommendations:

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving Budget Amendment #7 in the amount of \$1,085,965 as presented. Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

AYES: *Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: *Vice Chair, Rye Valley District Supervisor Lori Deel.*

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving the 3-year Cost Allocation Plan Agreement (CAP) with Robinson, Farmer, Cox Associates and authorize the County Administrator to execute the agreement on behalf of the County. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

Chair, Atkins District Supervisor Charles Atkins proposed combining Cost Allocation and Audit Bid into one agreement. County Administrator Shawn Utt agreed that combining those agreements would be beneficial and will look at doing so during the next renewal period.

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

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: Vice Chair, Rye Valley District Supervisor Lori Deel.

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving the agreement with Revise Web Services for the new County website with a cost of \$8,190 annually for 5-years and authorize the County Administrator to execute on behalf of the County. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: Vice Chair, Rye Valley District Supervisor Lori Deel.

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving the budget transfer from Ambulance & Rescue Services (001-032030-5604-9) to the Smyth County Fire & Rescue Department (001-032050) as presented. Rye Valley District Supervisor Lori Deel Supervisor seconded the motion, and it was unanimously approved.*

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

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: Vice Chair, Rye Valley District Supervisor Lori Deel.

- *Motion was made by Rye Valley District Supervisor Lori Deel to recommend authorizing the County Administrator to execute a month-to-month lease agreement with the Don Bales Estate for up to \$1,500 a month. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

Chair, Atkins District Supervisor Charles Atkins noted that the purpose of the lease agreement with the Don Bales Estate was for the EMS crew and not to house any ambulances. County Administrator Shawn Utt agreed as well as adding that the lease would also grant the EMS crew office space.

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

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: Vice Chair, Rye Valley District Supervisor Lori Deel.

County Administrator Shawn Utt read the following summary from the committee minutes:

Personal Property Tax Rebate options - The committee discussed options related to a possible personal property tax rebate. Mr. Utt will report back to the committee with options, related costs, and anticipated time constraints.

No action was taken, informational only at this time.

1/26/2023 5:56 PM Economic Development Project Manager Kendra Hayden spoke on a request made by Speyside Bourbon Cooperage, Inc. for a full extension on the Tobacco Regional Opportunity Fund #3451 performance agreement. Speyside Bourbon Cooperage, Inc. was previously granted an administrative extension which was 6 months. The current

request would allow Speyside Bourbon Cooperage, Inc. to include the quarter ending September 30th, 2022 in their performance agreement calculations, which would more accurately demonstrate the company's employment numbers and prove they met the requirements of the performance agreement.

1/26/2023 5:56 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the Speyside request for a full extension. Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: Vice Chair, Rye Valley District Supervisor Lori Deel

1/26/2023 5:57 PM County Attorney Report:

County Attorney Scot Farthing did not have anything new to report at this time.

1/26/2023 5:57 PM County Administration Report:

County Administrator Shawn Utt asked Curtis Crawford to give an update on the radio tower project.

Mr. Crawford requested to touch on a few highlights before giving the radio tower update. Mr. Crawford stated that Smyth County has been working with the National Storm Service and assures that Smyth County is storm ready. Mr. Crawford also updated that EMS crews are in place and will start taking calls on February 1st, 2023. Mr. Crawford went on to discuss the radio tower project timeline. With three very good proposals in place Mr. Crawford is confident that Smyth County will have great options. The proposals will be presented Monday, January 30th 2023 to the Public Safety Committee and Radio Committee will attend. The Public Safety Committee will reconvene February 2nd, 2023, and plans to make a full recommendation to the board at the February 9th 2023 meeting. Mr. Crawford thanked

Shannon Williams for starting the project and is very appreciative of everyone that has helped along the way.

County Administrator Shawn Utt also reported the Grayson County Board of Supervisors Administrator sent a copy of their resolution that ties back to the rumor that the State Department of Agriculture was going to close the animal laboratory in Wytheville. Mr. Utt stated that he spoke to the Commissioner of the Department of Agriculture and he assured Mr. Utt it was just a recommendation from a statewide efficiency study and not to be concerned for any changes at this time. Mr. Utt suggested the County writing a letter of support addressed to the Commissioner copying the Governor, our State Delegates and our State Senators.

Chair Atkins District Supervisor believes that the resolution might be a more impactful option. After discussion the Board requested Mr. Utt to draft a resolution to be considered at the February 9th board meeting.

1/26/2023 6:05 PM Supervisor Comment Time:

North Fork District Supervisor Charles Stevenson had no comment at this time.

Royal Oak District Supervisor Courtney Widener thanked staff for all they do and noted he is looking forward to getting information on upcoming projects.

Saltville District Supervisor Roscoe Call stated he is glad to be here, he is mending from his fall and appreciates all the prayers.

Park District Supervisor Kristopher Ratliff had no comment at this time.

Chilhowie District Supervisor Michael Sturgill welcomed Auna to the staff and stated he believed last week's trip to Richmond (referring to the recent VACO Legislative Day) was very productive.

Chair, Atkins District Supervisor Charles Atkins commented that we need to make more trips to Richmond and get in front of legislature. Mr. Atkins welcomed Auna to the staff and wished everyone a safe trip home.

1/26/2023 6:08 PM *Royal Oak District Supervisor Courtney Widener 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 in reference to Main Street Properties. North Fork District Supervisor Charles Stevens seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

ABSENT: None.

Chair, Aktins District Supervisor Charles Atkins requested for Kendra Hayden to stay during the closed session.

1/26/2023 6:24 PM *Royal Oak District Supervisor Courtney Widener made a motion to enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

ABSENT: None.

**JOINT PUBLIC HEARING WITH BOARD OF
SUPERVISORS**

Board Members Present: Charlie Atkins, Chairman, Atkins District; Roscoe Call, Saltville District; Kris Ratliff, Park District; Michael Sturgill, Chilhowie District; and Courtney Widener, Royal Oak District

Board Members Absent: Lori Deel, Vice- Chairperson, Rye Valley District and Phil Stevenson, North Fork District

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

Commissioners Absent: Park District, Vacancy

Staff Present: Shawn Utt, County Administrator; Lisa Richardson, Assistant County Administrator - Operations; Clegg Williams, Assistant County Administrator - Development; Scot Farthing, County Attorney; Becca Creasy, Paula Harvey and Auna Louthian, Administrative Assistants. Stephanie Porter Nichols with the Smyth County News, the applicants, and one citizen were present.

1/26/2023 7:02 PM Charles Atkins, Chairman of the Board of Supervisors, and Hazel Wagoner, Chair of the Planning Commission, called the joint public hearing to order. Shawn Utt read the advertisement as placed in the Smyth County News and Messenger. Mr. Call made a motion to forgo reading the rules of procedure during public hearings, which was seconded by Mr. Ratliff.

**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 joint public hearings on Thursday, January 26, 2023, at 7:00 P.M. or as soon after 7:00 P.M. as each application described below may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following applications to the Zoning Ordinance of Smyth County, Virginia:

- 1) An application from US Cellular for a Special Use Permit to erect a Communication Tower on property located near 174 Fullen Lane in Chilhowie, Virginia, further identified as a portion of Tax Map No. 76-A-180. The property is owned by Jordon and Terry Hayes and is zoned Agricultural/Rural.*

2) An application from Brian and Brandi Cregger for a Special Use Permit to establish a Kennel. The property is located at 164 Gailliot Vista Drive in Marion, Virginia, further identified as Tax Map Nos. 46-A-54C and 46-A-54B and is zoned Agricultural/Rural.

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

Copies of the application(s) along with their maps/drawings are on file in the Office of the County Administrator of Smyth County and may be seen upon request. Copies are also maintained by the County Zoning Administrator at the address given above and may be viewed upon request 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

Hazel Wagoner, Chairperson of the Planning Commission

1/26/2023 7:05 PM Clegg Williams explained an application for US Cellular requesting a special use permit to construct a Communication Tower on Fullen Lane in Chilhowie. Mr. Williams identified the property as Tax Map No. 76-A-180 and it is zoned A/R. He noted the additional information required pursuant to Section 4-11 of the Zoning Ordinance was submitted by Pillar Engineering & Surveying. He further stated a notice of the public hearing was advertised in the Smyth County News on January 14 and 21 and a first-class mailing was sent to each of the applicant's adjoining property owners and that his office had not received any comments regarding the application. Mr. Williams highlighted Sections 3-2.2(k), 4-11, 6-2.3 and Article 10 of the Zoning Ordinance as they pertain to this application.

1/26/2023 7:06 PM Emilee Lauer, representing the applicant, US Cellular, joined the meeting through Google meets. Ms. Lauer described the location and size of the proposed tower and stated the FAA and FCC did not require any lighting on the tower as it would not affect any of the existing airports in the County. She stated the tower will be designed for three future carriers to co-locate along with ground area to house their equipment shelters.

1/26/2023 7:08 PM Roscoe Call asked about the proposed lot size. Ms. Lauer said they aren't purchasing the property, instead, they will be leasing a 100 x 100 square foot lot and will be fencing a 40 x 40 square foot area within it for their tower equipment. Mr. Call asked if any other structures are close enough for the tower to cause damages should it fall. Ms. Lauer responded stating the tower is 400 feet from any other structure as required in the Ordinance.

1/26/2023 7:09 PM Courtney Widener inquired about the possibility of other carriers co-locating on the tower. Ms. Lauer stated that US Cellular is the primary carrier but there will be enough room for other carriers to co-locate.

1/26/2023 7:10 PM Chairman Atkins asked if there were any citizens wishing to speak on the application. There was one citizen who stated she was there for observation only and did not oppose the request.

1/26/2023 7:11 PM With no other comments. Mr. Atkins asked Mr. Williams to proceed with the second application to be heard.

1/26/2023 7:11 PM Clegg Williams explained an application from Brian and Brandi Cregger requesting a special use permit to establish a Kennel on their 14 acres of land located on Gailliot Vista Drive in Marion. Mr. Williams stated the property is identified as Tax Map Nos. 46- A-54B and 46-A-54C and is zoned A/R. He further stated a notice of the public hearing was advertised in the Smyth County News on January 14 and 21 and a first-class mailing was sent to each of the applicant's adjoining property owners and that his office had not received any comments regarding the application. Mr. Williams highlighted Sections 3-2.2(g) and 6-2.3 of the Zoning Ordinance as they pertain to this application.

1/26/2023 7:12 PM Brian Cregger was present and spoke about his and his wife's shared love of animals and desire to fulfill the demand of the need for kennels in our area and felt their land was substantial enough to accomplish their goals. He stated his wife, Brandi, is employed at Abingdon Animal Hospital which makes her well experienced to operate a kennel. He stated he had spoken to all of his neighbors and addressed any concerns they may have had. They plan to construct the kennel to aesthetically compare to their newly constructed home which will be approximately 100 yards from the kennel.

1/26/2023 7:14 PM Roscoe Call inquired about the proximity to his closest neighbor's house to which Mr. Cregger replied by stating his closest neighbor is approximately 1/10 of a mile away.

1/26/2023 7:15 PM Charlie Atkins expressed his original concerns of "puppy milling" but after hearing Mr. Cregger's plans he feels much better and is not opposed. Mr. Cregger replied stating it will be a kennel and will not be used as a breeding facility. Mr. Atkins inquired about waste disposal. Mr. Cregger relayed information he received regarding the Health Department nor DEQ not having any requirements but that they plan to compost the waste.

1/26/2023 7:16 PM Mr. Williams interjected comments he received about BMP's being developed by the Health Department and/or DEQ and will hopefully be available very soon.

1/26/2023 7:17 PM Roscoe Call asked about heating the kennel. Brandi Cregger spoke stating they plan to heat and cool the kennel. She then elaborated on her goal to provide services not offered in this area and even hopes to offer extended services like exercising – running, etc. She stated she intends for the kennel to be to a higher scale facility.

1/26/2023 7:19 PM Considering no citizens wished to speak and no other comments Mr. Atkins and Mrs. Wagoner closed the joint public hearing and Mr. Atkins adjourned the Board's meeting.

The Smyth County Board of Supervisors held its regular meeting on Thursday, February 9th, 2023, 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; Saltville District Supervisor Roscoe Call (electronically); Chilhowie District Supervisor Michael Sturgill; Royal Oak District Supervisor Courtney Widener.

ABSENT: North Fork District Supervisor Phil Stevenson; Park District Supervisor Kris Ratliff

STAFF: County Administrator Shawn Utt; Assistant County Administrator – Development Clegg Williams; County Attorney Scot Farthing; Curtis Crawford Emergency Services Coordinator; Marty Lewis Deputy Emergency Services Coordinator; Administrative Assistant/Deputy Clerk Paula Harvey & Auna Louthian

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

2/9/2023 5:04 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

2/9/2023 5:07 PM Auna Louthian, Executive Assistant/ Deputy Clerk led the Pledge of Allegiance

2/9/2023 5:07 PM David Fugatt, Pastor of Davis Memorial and Mount Carmel United Methodist gave the invocation.

2/9/2023 5:07 PM A Motion was made by Rye Valley District Supervisor, Lori Deel to allow Saltville District Supervisor, Roscoe Call to electronically participate in the meeting per the Rules of Procedures. Chilhowie District Supervisor, Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Vice Chair, Rye Valley District Supervisor Lori Deel.

NAYS: None.

ABSTAINERS: Saltville District Supervisor Roscoe Call

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

2/9/2023 5:08 PM Chair, Atkins District Supervisor Charles Atkins requested a motion to amend the agenda to add additional items under 14) Closed Session A(3) regarding Main Street Properties and Atkins EMS Station as well as closed session A(7) regarding Adwolfe sewer project litigation.

- *Motion was made by Rye Valley District Supervisor Lori Deel to amend the agenda adding the closed session items. 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,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call*

NAYS: None.

ABSTAINERS: None.

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

2/9/2023 5:08 PM Anthony Carter, Noah Maden and Randy Hamm from Point Broadband updated the Board on the County-wide fiber project. Mr. Maden stated he anticipates the fiber installations to be complete by the first of July. Mr. Maden shared that the perception from the citizens has been wonderful and offered to answer any questions the Board may have. Chilhowie District Representative Michael Sturgill shared the citizens he has spoken with have all been very receptive. Mr. Utt shared that North Fork District Supervisor requested Point Broadband inspect for low hanging lines as he has had citizens contact him concerned. Mr. Madden assured he would look into the matter. Emergency Services Coordinator Curtis Crawford requested notification of when and where Point Broadband would be doing installations so he would be able to inform dispatch. Mr. Maden agreed to send a weekly email with the requested information.

The Board thanked Mr. Madden for coming.

1/26/2023 5:20 PM A motion was made by Royal Oak District Supervisor to approve the minutes from the January 26th, 2023, meeting as presented. Rye Valley District Supervisor seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Vice Chair, Rye Valley District Supervisor Lori Deel.
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call

NAYS: None.

ABSTAINERS: None.

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

1/9/2023 5:20 PM Mr. Utt presented the financial status report. Mr. Utt shared that the Glade Highlands Union Certificate of Deposit has been transferred to the EDA and the county is in great financial shape.

A motion was made by Chilhowie District Supervisor Michael Sturgill to approve current invoices and accounts payable. Royal Oak District Supervisor Courtney Widener seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Vice Chair, Rye Valley District Supervisor Lori Deel.
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call

NAYS: None.

ABSTAINERS: None.

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

2/9/2023 5:22 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

2/9/2023 5:22 PM Chair, Atkins District Supervisor Charles Atkins introduced Anna Lee Debord of 343 College St. Marion, VA. Mrs. Debord is a volunteer member of the Smyth County Museum. Mrs. Debord formally thanked the Board for their contribution to the Smyth County Museum as it provided funds for air conditioning. Mrs. Debord presented a box that was within

the contents of the museum when they relocated but had been unopened until recently. The box contained an authentic Civil War uniform. With damage to the uniform including bullet holes from the Battle of Gettysburg as well as wear from age, Mrs. Debord contacted Colleen Callahan who specializes in textile repairs. Mrs. Debord stated that the estimated cost of the repair done by Mrs. Callahan would be anywhere from \$5,000-\$6000 and is requesting financial help from the Board. Mrs. Debord went on to tell the story of the owner of the uniform which belonged to John Montgomery Preston II who was a citizen of Smyth County. Mrs. Debord presented pictures of the uniform to the Board as well as a similar previous repair done by Mrs. Callahan. Chilhowie District Supervisor Michael Sturgill thanked Mrs. Debord for all the work the volunteers do at the museum including partnering with the Smyth County Schools. Mr. Utt suggested Mrs. Debord include the cost of the uniform repair on the museums budget request.

2/9/2023 5:31 PM Chair, Atkins District Supervisor Charles Closed Citizens time.

2/9/2023 5:32 PM County Administrator Shawn Utt read the minutes from the Appointment Committee's February 2nd, 2023, meeting and presented the following committee recommendations:

- *A motion was made by Royal Oak District Supervisor Courtney Widener to recommend reappointing Ed Stringer as representative for the Mount Rogers ASAP to an additional 4-year term through March 31st 2027. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the Appointment Committee recommendation PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

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

- *A motion was made by Royal Oak District Supervisor Courtney Widener to recommend Gabriel Johnson as the alternate RPAC- I Region 4 Manager. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the Appointment Committee recommendation PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

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

- A motion was made by Royal Oak District Supervisor Courtney Widener to recommend Auna Louthian to be appointed as Deputy Clerk for Smyth County Board of Supervisors. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.

After consideration, the Appointment Committee recommendation PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

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

2/9/2023 5:44 PM County Administrator Shawn Utt read the minutes from the Budget Committee's January 27th, 2023, meeting and presented the following committee recommendations:

- Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving Budget Amendment #8 in the amount of \$581,008 as presented. Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.

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

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

NAYS: None.

ABSTAINERS: None.

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

**RESOLUTION
SMYTH COUNTY BUDGET FISCAL YEAR 2022/23 – AMENDMENT #8**

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, in the meeting of September 8, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #3) for Fiscal Year 2022/23 in the amount of \$112,924,53; and

WHEREAS, in the meeting of October 13, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #4) for Fiscal Year 2022/23 in the amount of \$113,844,560; and

WHEREAS, in the meeting of November 10, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #5) for Fiscal Year 2022/23 in the amount of \$113,965,647; and

WHEREAS, in the meeting of December 8, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #6) for Fiscal Year 2022/23 in the amount of \$114,283,366; and

WHEREAS, in the meeting of January 26, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #7) for Fiscal Year 2022/23 in the amount of \$115,369,331; and

WHEREAS, the aggregate amount of budget amendment #8 is \$581,008 which would increase the Fiscal Year 2022/23 budget to a total of \$115,950,339 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 \$115,950,339.

BE IT FURTHER RESOLVED, the approval of this budget amendment #8 shall indeed constitute an appropriation of the same funds.

Adopted this the 9th day of February, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

-
- *Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving line-item transfer from Public Safety (001-032050-9004) to Information Systems (001- 012200-9001) in the total amount of \$5090.77 and a second budget transfer from Finance (001-0121050-9004) to Information Systems (001-012200-9001) in the amount of \$3,737.89. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

Chair, Atkins District Supervisor Charles Atkins proposed a correction to the charges to more accurately reflect the funds spent from each department for budgeting purposes.

After consideration, the Budget Committee recommendation FAILED by the following vote:

AYES: None.

NAYS: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Lori Deel.

ABSTAINERS: None.

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

- *Motion was made by Rye Valley District Supervisor Lori Deel to transfer the charges for IT equipment from Information Systems (001- 012200-9001) to Public Safety (001-032050-9004) in the total amount of \$5090.77 and a second transfer of charges from Information Systems (001-012200-9001) to Finance (001-0121050-9004) in the amount of \$3,737.89. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*
-

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,

*Vice Chair, Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call*

NAYS: None.

ABSTAINERS: None.

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

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend refund to Kenneth and Sherreye Plowman in the amount \$3,240.85 for 3 tax years due to inadvertent taxing of livestock. Rye Valley District Supervisor Lori Deel Supervisor seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

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

Mr. Utt shared that he is still working on tax refund options. Conversation only, no action was taken.

Chair Atkins District Supervisor Charles Atkins requested Mr. Utt to obtain a crime rate report of Smyth County as well as the surrounding counties following the interstate and to report back to the Board.

2/9/2023 5:44 PM Vice Chair Rye Valley District Supervisor Lori Deel read the minutes from the Comprehensive Plan Committee's February 2nd, 2023, meeting and shared that Hill Studio has been working with the Comprehensive Plan Committee and has been doing a great job. Hill Studio plans have the content for the Comprehensive Plan completed by the end of the summer and the board adopting the Plan by the end of 2023. Chair Atkins District Supervisor Charles Atkins shared that he is very happy hearing the update on the Comprehensive plan and looks forward to the Board being involved due to the positive impact this will have on Smyth County.

2/9/2023 5:47 PM Vice Chair Rye Valley District Representative Lori Deel read the minutes from the Public Safety Committee's meetings which were held on January 30th, 2023, February 2nd, 2023, and February 9th 2023 and made the following recommendations:

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend the County staff to begin negotiations with Motorola Solutions, Inc. on their proposal towards the Radio Project RFP as recommended by the Radio Committee. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

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

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

NAYS: *None.*

ABSTAINERS: *None.*

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

Vice Chair Rye Valley District Supervisor commended the Public Safety group for all they have done in the Radio Project RFP process. Chair Atkins District Supervisor Charles Atkins asked for clarification for the EMT scholarship that was discussed in a recent newspaper article. Mr. Crawford shared the scholarship provides the EMT certification free of charge to any Smyth County citizen. Vice Chair Rye Valley District Supervisor Lori Deel stated the meeting with the Town of Marion was helpful with insights on better communication from both parties and a good positive relationship moving forward. Chair Atkins District Supervisor Charles Atkins commented that the Smyth County EMS program has been really well received by all citizens he has spoken to.

2/9/2023 6:00 PM County Administrator Shawn Utt read the minutes from the Water and Sewer Committee's February 2nd, 2023, meeting and presented the following recommendation:

- *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to recommend a 5-year water contract renewal with the town of Chilhowie and authorizing County Administrator, Shawn Utt to execute the contract on the County's behalf. Saltville District Supervisor seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

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

2/9/2023 6:05 PM Assistant County Administrator – Development Clegg Williams read the minutes from the Planning Commission’s January 26th, 2023, meeting. He noted Saltville District Representative David Spence made a motion to recommend approval of the Special Use Permit for the US Cellular Communication Tower. Chilhowie District Representative Graham Davidson Jr. seconded the motion, and it was unanimously approved by the Planning Commission.

- *After consideration, Chilhowie District Supervisor Michael Sturgill made a motion to approve the Special Use Permit for the US Cellular Communication Tower. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

The motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

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

Mr. Williams also noted the Planning Commission made the following recommendation: Saltville District Representative David Spence made a motion to recommend approval of the Special Use Permit for Brian and Brandi Cregger’s Kennel. Rye Valley Representative Paul Shepherd seconded the motion, and it was unanimously approved by the Planning Commission.

- *After consideration, Rye Valley District Supervisor Lori Deel made a motion to approve the Special Use Permit for Brian and Brandi Cregger's Kennel. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

The motion PASSED with the following vote:

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

NAYS: None.

ABSTAINERS: None.

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

2/9/2023 6:08 PM Mr. Utt presented a Resolution in support of the Virginia Department of Agriculture and Consumer Services Animal Laboratory to remain in Wytheville for the Boards consideration.

- *Vice Chair Rye Valley Supervisor Lori Deel made a motion to approve the resolution as presented and direct County Administrator Shawn Utt to forward the resolution to the VDAC Commissioner as well as Legislators. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

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

**RESOLUTION OF SMYTH COUNTY IN SUPPORT OF THE VIRGINIA DEPARTMENT OF
AGRICULTURE & CONSUMER SERVICES ANIMAL LABORATORY REMAINING IN
WYTHEVILLE**

WHEREAS, the agricultural and farming economy is one of the largest economic sectors in Smyth County and Southwest Virginia as a whole; and

WHEREAS, the market value of livestock, poultry and their products in Smyth County is in excess of \$34 million based on the most recent USDA Census of Agriculture data; and

WHEREAS, Smyth County ranks 14th among all Virginia counties for market value of livestock, poultry and their products; and

WHEREAS, Smyth County ranks in the top 14 counties in Virginia for cattle, 5th for calves, 17th for milk from cows and 9th for sheep, goats and their products; and

WHEREAS, Smyth County ranks 41st in Virginia for equine revenue; and

WHEREAS, the Virginia Department of Agriculture and Consumer Services employed a prominent team to provide a full review and analysis of the Regional Animal Health Laboratory System; and

WHEREAS, one of the strategic recommendations from the analysis to rectify the perceived inefficiencies found in having four smaller laboratories scattered across the Commonwealth (located in Lynchburg, Harrisonburg, Warrenton and Wytheville) by combining them into two facilities (located in Harrisonburg and Blacksburg); and

WHEREAS, the timely services rendered by the Regional Animal Health Laboratory in Wytheville to the agriculture community of Smyth County should not go unrecognized and are truly a blessing to the users of the facility.

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby offers its full support to the continued presence of the Regional Animal Health Laboratory center Wytheville; and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors hereby encourages the Commissioner of the Department of Agriculture and Consumer Services and the Governor of Virginia to support the continued presence of the Regional Animal Health Laboratory center in Wytheville and identify other potential methods to increase efficiencies in the system rather than consolidation of centers.

Adopted this the 9th day of February, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS:**

Shawn M. Utt, Clerk

Atkins, Chair

Charlie

2/9/2023 6:11 PM Mr. Utt requested the Board approve a third quarter supplemental appropriation request in the amount of \$44,398 to the Recovery Court (Fund 749).

- Vice Chair Rye Valley District Supervisor Lori Deel made a motion to approve a third quarter supplemental appropriation in the amount of \$44,398 to the Recovery Court (fund 749). Royal Oak District Supervisor Courtney Widener seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

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

2/9/2023 6:12 PM Mr. Utt gave an update on the Opioid Settlement and will have a resolution for the Board's review at the February 23rd meeting. Chair Atkins District Supervisor Charles Atkins requested an update on ACH Building. Mr. Utt stated that the General Assembly gave Smyth County the building and two and a half acres but not the parking lot. Mr. Utt has spoken to the hospital and anticipates a solution for the parking lot in the coming weeks.

2/9/2023 6:12 PM Assistant County Administrator – Development Clegg Williams read the minutes from the Smyth County Planning Commission's January 30th, 2023, meeting. He noted *Saltville District Representative David Spence made a motion to recommend appointment of Anthony Dean to the Mount Rogers District Commission for 2023. Rye Valley Representative Paul Shepherd seconded the motion, and it was unanimously approved by the Planning Commission.*

- *After consideration, Rye Valley District Supervisor Lori Deel made a motion to appoint Anthony Dean to the Mount Rogers District Commission for 2023. Park District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

The motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

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

1/26/2023 5:57 PM County Attorney Report:

County Attorney Scot Farthing stated he has been working on various projects as he receives them depending on the urgency including real estate issues.

1/26/2023 5:57 PM County Administration Report:

County Administrator Shawn Utt did not have anything extra to report at this time.

1/26/2023 6:05 PM Supervisor Comment Time:

Royal Oak District Supervisor Courtney Widener shared that he is excited about the communications tower as well as moving forward with EMS. Mr. Widener also stated he was glad that the Town of Marion and Smyth County could come together, and he hoped everyone had a safe trip home.

Saltville District Supervisor Roscoe Call thanked everyone for allowing him to join electronically as he has been feeling under the weather. Mr. Call thanked the staff for all they do.

Chair, Atkins District Supervisor Charles Atkins shared that he is excited that he feels the citizens of Smyth County are finally all getting the same opportunities with EMS as well as the communication tower.

Chilhowie District Supervisor Michael Sturgill thanked the staff and is thankful for highspeed broadband coming in. Mr. Sturgill thanked the Mayor of Marion for attending the Board meeting as well as Mrs. Debord.

Vice Chair, Rye Valley District Supervisor Lori Deel shared she is excited moving forward with the communications tower as well as Point Broadband. Mrs. Deel stated these projects will shorten EMS call times and she is very thankful for that. Mrs. Deel requested the Board consider allowing the Smyth County offices to close in observance of Good Friday (April 7th)

- *Vice Chair Rye Valley District Representative Lori Deel made a motion to allow Smyth County offices to close in observance of Good Friday (April 7th). Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

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

Vice Chair Rye Valley District Supervisor Lori Deel also shared that a citizen had contacted her about an accessory building on a vacant lot adjacent to his property. Mr. Williams spoke on permits on vacant lots and stated the citizen did not want to pay for the deed to be redone to allow for the permit. Mr. Williams recommended sending this issue to the Ordinance Committee for a better solution. The Board member concurred with the recommendation.

- **2/9/2023 7:18 PM** Royal Oak District Supervisor Courtney Widener 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 in reference to Main Street Properties and Atkins EMS Station as well as Code of Virginia Section 2.2-3711(a)(7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation regarding Adwolfe Sewer Project. 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,
Royal Oak District Supervisor Courtney Widener,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call*

NAYS: None.

ABSTAINERS: None.

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

2/9/2023 7:18 PM Royal Oak District Supervisor Courtney Widener made a motion to enter back into open session. Vice Chair Rye Valley Supervisor Lor Deel seconded the motion.

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

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

NAYS: None.

ABSTAINERS: None.

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

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.

2/9/2023 7:20 PM Chilhowie District Supervisor Michael Sturgill made a motion to allow County Attorneys to draft a settlement agreement regarding the Gollehon suit and present an upcoming Board meeting for final review and consideration. Royal Oak District Supervisor Courtney Widener seconded the motion.

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

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

NAYS: None.

ABSTAINERS: None.

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

2/9/2023 7:25 PM The Board of Supervisors meeting adjourn.

The Smyth County Board of Supervisors held its regular meeting on Thursday, February 23rd, 2023, 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 (electronically); Saltville District Supervisor Roscoe Call; Chilhowie District Supervisor Michael Sturgill; Royal Oak District Supervisor Courtney Widener.

ABSENT: North Fork District Supervisor Phil Stevenson

STAFF: County Administrator Shawn Utt; Assistant County Administrator- Development Clegg Williams; Assistant County Administrator- Operations Lisa Richardson; County Attorney Scot Farthing; Economic Development Project Manager Kendra Hayden; Executive Administrative Assistant/Deputy Clerk Auna Louthian

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

2/23/2023 5:05 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

2/23/2023 5:07 PM Dennis Greer Building and Grounds Superintendent led the Pledge of Allegiance.

2/23/2023 5:07 PM Economic Development Project Manager Kendra Hayden gave the invocation.

2/23/2023 5:07 PM A Motion was made by Chilhowie District Supervisor Michael Sturgill to allow Rye Valley District Supervisor Lori Deel to electronically participate in the meeting. Royal Oak District Supervisor Courtney Widener seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call, and
Park District Supervisor Kris Ratliff.

NAYS: None.

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

ABSENT: North Fork District Supervisor Phil Stephens.

2/23/2023 5:08 PM A motion was made by Royal Oak District Supervisor Courtney Widener to approve the minutes from the February 9th, 2023, meeting as amended. Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: Park District Supervisor Kris Ratliff

ABSENT: North Fork District Supervisor Phil Stevenson.

2/23/2023 5:09 PM A motion was made by Saltville District Supervisor Roscoe Call to waive the reading of rules for the Public Hearing. Park District Supervisor Kris Ratliff seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

2/23/2023 5:09 PM Mr. Utt summarized the Public Notice as advertised in the Smyth County News and Messenger.

NOTICE OF PUBLIC HEARING

In compliance with the Code of Virginia of 1950, and amendments thereto, the Smyth County Board of Supervisors will conduct a public hearing to consider Amendment No. 1 to the Smyth County Code of Ordinances Chapter 17, Elections, Article III, Section 67 entitled Polling Places; Precinct Boundaries. The Board of Supervisors shall hear comments from citizens concerning the proposed amendment.

The public hearing shall be held on Thursday, February 23, 2023, beginning at 5:00 p.m., or as soon thereafter as may be heard, in the Board Room of the Smyth County Office Building, 121 Bagley Circle, Marion Virginia.

All interested persons may express their views by emailing alouthian@smythcounty.org prior to the scheduled public hearing. Written comments may also be mailed or delivered 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 2:00pm on Thursday, February 23, 2023.

A copy of the proposed Amendment is on file in the County Administrator's Office located at 121 Bagley Circle, Marion Virginia or online at www.smythcounty.org for public review.

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

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

2/23/2023 5:12 PM Charles Wassum, 321 Wassona Drive, Marion spoke regarding his concern with voting precinct changes as well as voter fraud. He also noted difficulties he has had in the past with acceptable identification methods and expressed hope these would not continue with future elections.

2/23/2023 5:17 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the Public Hearing.

2/23/2023 5:19 PM David Rose with Davenport Financial provided a proposed schedule for the Radio Project Financing process. Mr. Rose indicated that Davenport Financial would begin to distribute Bank RFPs to all local, regional, and national banking institutions on March 1st.

Bank bids would be due by March 22nd, 2023, and Public Hearing on the use of the bond proceeds would be advertised on March 29th as well as April 5th and would be held at the Board's April 13th regular meeting. Mr. Rose stated at the April 13th Board meeting Davenport and the Board will also have the opportunity to discuss all options and Davenport will make a recommendation and closing date would be around May the 4th if everything goes accordingly. Davenport Financial plans to work closely with the staff as well as the County Treasurer to help make educated choices on investments for the proceeds of the bond to maximize interest income as well. The Board thanked Mr. Rose for coming.

2/23/2023 5:26 PM *A motion was made by Chilhowie District Supervisor Michael Sturgill to allow County Administrator Shawn Utt to schedule and advertise a Public Hearing in relation to Radio Project Financing General Obligation Bond at the April 13th Board of Supervisors Meeting. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

2/23/2023 5:26 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

2/23/2023 5:26 PM Chair, Atkins District Supervisor Charles Atkins introduced Crystal Ferguson of 201 East Main St. Marion, VA. Mrs. Ferguson spoke on how grateful she is to attend a Board meeting. Mrs. Ferguson shared that she is in recovery herself. Mrs. Ferguson stated she would love to see an after-care program for citizens in recovery with grant funds Smyth County has applied for on the opioid crisis. Mrs. Ferguson is thankful to be a productive member of the community and to have a voice to help others. Chilhowie District Supervisor Michael Sturgill thanked Mrs. Ferguson for speaking and commended her on standing up and understands the courage it took for her to do so. Saltville District Supervisor Roscoe Call congratulated Mrs. Ferguson on her recovery. Royal Oak District Supervisor Courtney Widener thanked Mrs. Ferguson for sharing her story, he has witnessed her on her journey and is very proud of all she has accomplished as well as coming out for her community.

2/23/2023 5:32 PM Chair, Atkins District Supervisor Charles Atkins introduced Anna Lee Debord of 343 College St. Marion, VA. Mrs. Debord is a volunteer member of the Smyth County Museum. Mrs. Debord shared events as speakers they plan to schedule for 2023 at the Museum. Chair, Atkins District Supervisor Charles Atkins thanked Mrs. Debord for all she does.

2/23/2023 5:36 PM Chair, Atkins District Supervisor Charles Atkins introduced Roby Parks Jr. of 187 Churchland Drive, Atkins, VA. Mr. Parks discussed an ongoing issue with trailers sitting on the State ride away near his residence, the house on the property has no electricity and trash is piled up. Mr. Parks is aware these things take time but would just like a solution. Chair, Atkins District Supervisor Charles Atkins shared that this property is less than 600 yards from a convince station. County Attorney Scot Farthing stated he was thankful for the reminder and will continue to work on a solution. Mr. Farthing was held up with being unable to contact relatives of a deceased heir to the property but will exhaust all efforts. Mr. Parks thanked the Board and Mr. Farthing, as he just hopes for a good outcome. Mr. Parks also congratulated Mrs. Ferguson on her recovery.

2/23/2023 5:45 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins Closed Citizens time.

2/23/2023 5:45 PM County Administrator Shawn Utt read the minutes from the Building and Grounds Committee on February 16th, 2023, meeting and presented the following recommendations:

- *Motion was made by Rye Valley Supervisor Lori Deel to recommend approving Vertical Solutions, Inc. to maintain and service the Smyth County Library elevator and authorize the County Administrator to execute the agreement. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the Building and Grounds Committee recommendation PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- Motion was made by Rye Valley Supervisor Lori Deel to recommend approving the replacement of the Smyth County Library HVAC system with funds from Supplemental Appropriation up to \$15,000. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the Building and Grounds Committee recommendation PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- Motion was made by Rye Valley Supervisor Lori Deel to recommend approving the recommendation of Leonard Roofing, LLC to repair the roof of the Morison Building, authorizing the County Administrator to execute the agreement and funding to be pulled from reserves. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the Building and Grounds Committee recommendation PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend the approval of \$36,024 to AECOM for the change order for the review of 2 additional buildings and authorization for the County Administrator to execute the agreement with funding to be pulled from general fund reserves. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

After consideration, the Building and Grounds Committee recommendation PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

2/23/2023 5:53 PM County Administrator Shawn Utt read the minutes from the Budget Committee on February 16th, 2023, meeting and presented the following recommendations:

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving and appropriation of Budget Amendment #9 in the amount of \$1,052,000 as presented. Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

RESOLUTION
SMYTH COUNTY BUDGET FISCAL YEAR 2022/23 – AMENDMENT #9

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, in the meeting of September 8, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #3) for Fiscal Year 2022/23 in the amount of \$112,924,53; and

WHEREAS, in the meeting of October 13, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #4) for Fiscal Year 2022/23 in the amount of \$113,844,560; and

WHEREAS, in the meeting of November 10, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #5) for Fiscal Year 2022/23 in the amount of \$113,965,647; and

WHEREAS, in the meeting of December 8, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #6) for Fiscal Year 2022/23 in the amount of \$114,283,366; and

WHEREAS, in the meeting of January 26, 2023, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #7) for Fiscal Year 2022/23 in the amount of \$115,369,331; and

WHEREAS, in the meeting of February 9, 2023, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #8) for Fiscal Year 2022/23 in the amount of \$115,950,339; and

WHEREAS, the aggregate amount of budget amendment #9 is \$1,052,000 which would increase the Fiscal Year 2022/23 budget to a total of \$117,002,339 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 \$117,002,339.

BE IT FURTHER RESOLVED, the approval of this budget amendment #9 shall indeed constitute an appropriation of the same funds.

Adopted this the 23rd day of February 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

Exhibit A

FY2022/23

Budget Amendment #9 (2/23/23)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
FUND 001	Comp Board-Clerk of Courts	001-023080-0002	Circuit Court Records Pre	\$ (10,492)	\$ (52,000)	\$ (62,492)	Additional grant funds from Library of Virginia
FUND 009	Smyth Co. Schools	009-021050-0230	VA DOE ESSER Funds	\$ (400,000)	\$ (1,000,000)	\$ (1,400,000)	ESSER Funding
Total Revenues With Amendment				\$ (115,950,339)	\$ (1,052,000)	\$ (117,002,339)	

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget Amount	Notes
FUND 001	Clerk of Circuit Court	001-021060-8888-71	Record Preservation Grant	\$ 18,000	\$ 52,000	\$ 70,000	Additional grant funds from Library of Virginia
FUND 009	Smyth Co. Schools	009-099990-5804	Operations & Maintenance	\$ 7,535,004	\$ 1,000,000	\$ 8,535,004	ESSER Funding
Total Expenditures With Amendment				\$ 115,950,339	\$ 1,052,000	\$ 117,002,339	

Revenues	\$	(115,950,339)	\$	(1,052,000)	\$	(117,002,339)
Expenditures	\$	115,950,339	\$	1,052,000	\$	117,002,339
Difference	\$	-	\$	-	\$	-

- Motion was made by Rye Valley District Supervisor Lori Deel to adopt the Smyth County School Board Appropriated Balance for Capital Use Policy as amended. Atkins District Supervisor Charles Atkins seconded the motion, and it was approved with Chilhowie District Supervisor Michael Sturgill abstaining.

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

AYES: Chair, Atkins District Supervisor Charles Atkins,

*Royal Oak District Supervisor Courtney Widener,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kris Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *Chilhowie District Supervisor Michael Sturgill.*

ABSENT: *North Fork District Supervisor Phil Stevenson.*

Chair, Atkins District Supervisor Charles Atkins noted that the Smyth County School Board Appropriated Balance Policy would need to be adopted each year by the Board at the Board's organizational meeting.

2/23/2023 6:01 PM Assistant County Administrator- Development Clegg Williams read the minutes from the Ordinance Committee on February 16th, 2023 meeting and presented the following recommendations:

- *Motion was made by Atkins District Supervisor Charles Atkins to hold a joint public hearing with the Planning Commission on March 23rd to consider amending the zoning ordinance to consider an exemption for accessory buildings located on adjacently owned properties from the SUP requirement. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the Ordinance Committee recommendation PASSED by the following vote:

AYES: *Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson.*

- *Motion was made by Atkins District Supervisor Charles Atkins to hold a joint public hearing with the Planning Commission on March 23rd regarding a proposed solar ordinance. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the Ordinance Committee recommendation PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

2/23/2023 6:16 PM County Administrator Shawn Utt read the minutes from the Solid Waste Committee on February 16th, 2023, meeting and presented the following recommendations:

- *Motion was made by Saltville District Supervisor Roscoe Call made a motion to recommend approval of the New River Resource Authority contract and to authorize the Chairman and County Attorney to execute the agreement. Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved.*

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

AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

2/23/2023 6:18 PM County Administrator Shawn Utt presented the Resolution for the Smyth County Board of Supervisors to participate in an additional proposed Opioid settlement, with this one including Teva, Allergan, Walmart, Walgreens and CVS.

- *Saltville District Supervisor Roscoe Call made a motion to adopt the Opioid Resolution as presented. Park District Supervisor Kristopher Ratliff seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,

*Royal Oak District Supervisor Courtney Widener,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kris Ratliff, and,
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

RESOLUTION OF THE SMYTH COUNTY BOARD OF SUPERVISORS APPROVING OF THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY AND/OR THE COUNTY'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts Smyth County by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Smyth County's various departments and agencies; and

WHEREAS, Smyth County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Smyth County; and

WHEREAS, Smyth County has filed suit against Teva, Allergan, Walmart, Walgreens, CVS, and certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed Smyth County; and

WHEREAS, the County's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the Smyth County Board of Supervisors has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the Distributors and Janssen; and

WHEREAS, the County's outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel.

NOW THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors, this 23rd day of February, 2023, approves of the County's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the County Attorney and/or the County's outside counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

Adopted this the 23rd day of February 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS:**

Shawn M. Utt, Clerk

Charlie Atkins, Chair

2/23/2023 6:21 PM Mr. Utt Spoke about Term contracts for Architectural, Engineering, Surveying and other professional services needed. Mr. Utt proposed firms the- staff would like to recommend moving forward on a Term Contract basis of 1 year and renewable up to 4 additional years including:

Architectural: AECOM, The Thrasher Group, Cameron Wolfe

Engineering/Survey: TRC/Draper Aden Associates, AECOM, The Lane Group, CHA Inc.

- *Chilhowie District Supervisor Michael Sturgill made a motion to approve the following firms for term service contracts and authorize County Administrator to execute each contract: Architectural Services: AECOM, The Thrasher Group, Cameron Wolfe and for*

Engineering/Survey Services: TRC/Draper Aden Associates, AECOM, The Lane Group, CHA Inc.
Royal Oak District Supervisor Courtney Widener seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

2/23/2023 6:24 PM County Attorney Report:

County Attorney Scot Farthing had nothing new to report at this time but offered to answer any questions. Vice Chair Rye Valley District Supervisor Lori Deel asked for an update on Quill Run. Mr. Farthing shared that Quill run is ready to be filled.

2/23/2023 6:25 PM County Administration Report:

Mr. Utt requested the Board take action to allow Mr. Farthing to forward the voting precinct ordinance amendment approved earlier in the meeting to the Virginia Attorney General as required. He noted the Board would need to first waive the rules of public hearings in order to take action this evening.

- Saltville District Supervisor Roscoe Call made a motion to waive the rules of the public hearings. Park District Supervisor Kristopher Ratliff seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- Saltville District Supervisor Roscoe Call made a motion to adopt the Voting District Ordinance as amended, contingent on the approval of the Attorney General. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

Mr. Utt presented crime rate data information regarding Smyth County as well as surrounding counties/towns for the last four years as requested by Chairman, Atkins District Supervisor Charles Atkins. Mr. Utt also spoke on Mount Rogers Community Services and the joint efforts of a regional opioid mitigation project. Mount Rogers has asked for the County's support in serving as fiscal agent for the project. He noted. Mr. Utt also mentioned Planning Commission appointment of David Spence that had been requested for a 2-year term and was mistakenly appointed for a 4- year term.

- Motion was made by Chilhowie District Supervisor Michael Sturgill to appoint David Spence a 2-year re-election term to the Planning Commission set to expire January, 31st, 2025. Saltville District Supervisor seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

2/23/2023 6:36 PM Supervisor Comment Time:

2/23/2023 6:37 PM Royal Oak District Supervisor Courtney Widener thanked Mrs. Ferguson for speaking tonight. Mr. Widener stated that having Mrs. Ferguson attend indicates Smyth County has citizens that have experienced this opioid crisis and how important it is that we help. Mr. Widener congratulated Mrs. Ferguson again and commended her for making an impact. Mr. Widener stated he is concerned with Churchland Drive property with hearing Mr. Parks speak on the matter he would really like to see this issue resolved. Mr. Farthing stated this property was hung up in the legal process due to being unable to contact current owners. Mr. Farthing will exhaust all options and continue to try to resolve this issue. Mr. Widener stated he believes there is too much red tape with allowing the citizens to put accessory buildings on their properties and would love to see more leeway with some restrictions. Mr. Widener wished the County a happy 191st birthday, as well as thanking the staff for all they do.

2/23/2023 6:43 PM Chair, Atkins District Supervisor Charles Atkins thanked the staff and fellow board members as well as the citizens for speaking tonight. Mr. Atkins mentioned the trash issue on the highways and would love to see efforts to resolve this issue. Assistant County Administrator- Development Clegg Williams mentioned a partnership with VDOT that the County used to participate in (the Assign-a-Highway Program) and offered to check back into it.

2/23/2023 6:46 PM Park District Supervisor Kristopher Ratliff thanked staff as well as fellow Board members for their hard work. Mr. Ratliff stated he would love to find a path to allow health care workers to assist in opioid crisis with possibly training and programs to help the citizens regain their lives.

2/23/2023 6:49 PM Vice Chair Rye Valley District Supervisor Lori Deel thanked Mrs. Ferguson for coming. Mrs. Deel believes it is extremely important we invest in the lives of our citizens. Mrs. Deel also shared concern for a well to be drilled in Konnarock for the community center. Clegg Williams stated he has been working with potential well drillers to try to move efforts along but has experienced difficulty in getting someone to Konnarock to drill a class 1 well, which has higher standards than the normal class 2 well. Mrs. Deel also questioned if Mr. Farthing needed help with projects that were previously behind when he started with Smyth County, she knows he has a lot on his plate and is thankful for the work he does but would like to support him in any way he needs. Mr. Farthing said he is diligently working and will let the Board know if he believes outsourcing is necessary to move projects along. Mrs. Deel thanked

the Board for letting her join electronically as she has a sick little one. Mrs. Deel wished everyone a good night and a safe trip home.

2/23/2023 6:52 PM Saltville District Supervisor Roscoe Call thanked the staff and citizens. Mr. Call commended Mrs. Ferguson on her recovery. Mr. Call wished everyone a safe trip home and God Bless.

2/23/2023 6:54 PM Chilhowie District Supervisor Michael Sturgill thanked the staff and shared we are welcoming the Attorney General to Smyth County on Tuesday and the events they will attend in the Smyth County Schools. Mr. Sturgill also shared the School Board has received a \$200,000 lab school planning grant and should know within a month or so if they received the implementation grant. This grant would allow students going in the healthcare profession to receive instruction from Emory & Henry School of Health Sciences in Marion while they are still in Highschool. Mr. Sturgill thanked the staff as well as the Board for all the hard work they do. Mr. Sturgill thanked the Town of Chilhowie in their efforts to assist in a water issue this past week, he is thankful for their diligence to being a team and working together for our citizens. Mr. Sturgill thanked the Board as well as the staff as he appreciates everyone and all they do.

2/23/2023 6:59 PM Chair, Atkins District Supervisor Charles Atkins offered to let any other staff to speak. Assistant County Administrator- Operations Lisa Richardson thanked the Board for all they do as she appreciates each of them.

- *Royal Oak District Supervisor Courtney Widener 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 update on Building Study Implementation, Atkins EMS, and Mountain Empire Industrial Park Property. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

2/23/2023 7:30 PM *Royal Oak District Supervisor Courtney Widener made a motion to enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.*

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


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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

2/23/2023 7:30 PM *Chair, Atkins District Supervisor Charles Atkins adjourned the Board of Supervisors meeting.*

 The Smyth County Board of Supervisors held its regular meeting on Thursday, March 9th, 2023, 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: Vice Chair Rye Valley District Supervisor Lori Deel; Saltville District Supervisor Roscoe Call; Park District Supervisor Kris Ratliff; Chilhowie District Supervisor Michael Sturgill; Royal Oak District Supervisor Courtney Widener.

ABSENT: Chair Atkins District Supervisor Charles Atkins, and North Fork District Supervisor Phil Stevenson

STAFF: County Administrator Shawn Utt; Assistant County Administrator- Development Clegg Williams; Assistant County Administrator- Operations Lisa Richardson; County Attorney Scot Farthing; Economic Development Project Manager Kendra Hayden; Executive Administrative Assistant/Deputy Clerk Auna Louthian

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

3/9/2023 5:05 PM Vice Chair, Rye Valley District Supervisor Lori Deel called the meeting to order and welcomed everyone.

3/9/2023 5:05 PM Sandie Seymour Accounts Payable, led the Pledge of Allegiance.

3/9/2023 5:05 PM Pastor Lance Turner of Mt. Zion Temple gave the invocation.

- *Motion was made by Royal Oak District Supervisor Courtney Widener to amend the agenda as presented. Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson, and Chair, Atkins District Supervisor Charles Atkins.*

- *Motion was made by Royal Oak District Supervisor Courtney Widener to approve the minutes from the March 9th, 2023, meeting. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson, and
Chair, Atkins District Supervisor Charles Atkins.*

3/9/2023 5:12 PM Assistant County Administrator Lisa Richardson- Operations reviewed the current financial status and accounts payable report for the County.

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the list of accounts payable as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson, and
Chair, Atkins District Supervisor Charles Atkins.*

3/9/2023 5:12 PM Bradley Powers, 1245 S Main Street, Marion thanked the Board for the positive changes they have made to the community. Mr. Powers stated as you go through the county you can see the progress. Mr. Powers also shared that he is aware of the decreased response EMS time in Atkins and is so thankful that the Board is helping the Smyth County Citizens in a great way.

3/9/2023 5:14 PM Charles Wassum, 321 Wassona Drive, Marion wished to publicly congratulate Chilhowie High School relay team on their State Championship win.

3/9/2023 5:17 PM With no one else wishing to speak, Vice Chair, Rye Valley District Supervisor Lori Deel closed Citizens Time.

3/9/2023 5:17 PM County Administrator Shawn Utt read the minutes from the Budget Committee meeting on March 2nd, 2023, and presented the following recommendations:

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving Budget Amendment #10 in the amount of \$366,593 as presented. Chair Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved.*

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

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson, and
Chair, Atkins District Supervisor Charles Atkins.*

**RESOLUTION
SMYTH COUNTY BUDGET FISCAL YEAR 2022/23-
AMENDMENT #10**

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, in the meeting of September 8, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #3) for Fiscal Year 2022/23 in the amount of \$112,924,531; and

WHEREAS, in the meeting of October 13, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #4) for Fiscal Year 2022/23 in the amount of \$113,844,560; and

WHEREAS, in the meeting of November 10, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #5) for Fiscal Year 2022/23 in the amount of \$113,965,647; and

WHEREAS, in the meeting of December 8, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #6) for Fiscal Year 2022/23 in the amount of \$114,283,366; and

WHEREAS, in the meeting of January 26, 2023, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #7) for Fiscal Year 2022/23 in the amount of \$115,369,331; and

WHEREAS, in the meeting of February 9, 2023, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #8) for Fiscal Year 2022/23 in the amount of \$115,950,339; and

WHEREAS, in the meeting of February 23, 2023, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #9) for Fiscal Year 2022/23 in the amount of \$117,002,339; and

WHEREAS, the aggregate amount of budget amendment #10 is \$366,593 which would increase the Fiscal Year 2022/23 budget to a total of \$117,368,932 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 \$117,368,932.

BE IT FURTHER RESOLVED, the approval of this budget amendment #10 shall indeed constitute an appropriation of the same funds.

Adopted this the 9th day of March, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to grant the funding request for Atkins and Sugar Grove Fire Departments to purchase personal protective gear in the total amount of \$30,000 (\$15,000 per department) to be paid out of unbudgeted reserves. Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson, and
Chair, Atkins District Supervisor Charles Atkins.*

Vice Chair, Rye Valley District Supervisor Lori Deel suggested the Board of Supervisors consider a rotation between all the County's fire departments to purchase up to date gear. Discussion ensued about future budget issues, including increases in regional jail costs, as well as opportunities such as the Bristol Casino revenue sharing.

3/9/2023 5:25 PM Vice Chair Rye Valley Supervisor Lori Deel read the minutes from the Public Safety meeting held on March 2nd, 2023. Vice Chair Rye Valley Supervisor Lori Deel shared the meeting was held at the Smyth County Fire Rescue Academy Training Facility to allow elected officials and staff to ask questions about the Radio Project with Motorola Solutions. Chilhowie District Supervisor Michael Sturgill shared that he has spoken with another county that currently uses the Motorola system and they have had great success. Royal Oak District Supervisor Courtney Widener stated the County had previously used Motorola and it was a wonderful system. Vice Chair Rye Valley Supervisor Lori Deel expressed her appreciation to all who have worked on this project including staff who were "boots on the ground" in testing and getting us to this point.

3/9/2023 5:30 PM Economic Development Project Manager Kendra Hayden gave a presentation on current Economic Development projects. Mrs. Hayden shared that Smyth County has been awarded an Industrial Revitalization Fund Planning Grant in the amount of \$35,000 for the Natalie Mills Project and is requesting the Board give authorization to the County Administrator to execute the Memorandum of Understanding with DHCD.

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to adopt the Memorandum of Understanding with DHCD as presented and authorize County Administrator to execute on the County's behalf. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson, and
Chair, Atkins District Supervisor Charles Atkins.*

The Board thanked Mrs. Hayden for her incredible job with her presentation and all she does for Smyth County.

3/9/2023 5:45 PM Assistant County Administrator- Development Clegg Williams discussed a trash compactor that had broken at the Atkins convenience station and the need of a replacement. Park District Supervisor Kris Ratliff commended Mr. Williams on his dedication as Chair, Atkins District Supervisor Charles Atkins had shared with him that Mr. Williams was at the convenience station cleaning out the trash compactor and attempting to help Utilities and Solid Waste Foreman Wally Blevins repair it personally. Park District Supervisor Kris Ratliff shared he was thrilled with the leadership skills this act took.

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to propose adding \$17,000 to budget amendment #11 for purchase of a new trash compactor with funds to be pulled from reserves. Saltville District Supervisor Roscoe Call Seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson, and
Chair, Atkins District Supervisor Charles Atkins.*

3/9/2023 5:49 PM County Administrator Shawn Utt presented a Resolution in support of US House of Representatives Community Project Funding Appropriations Grant request for the Marion Economic Development Authority for the Board's consideration.

- *Motion was made by Royal Oak District Supervisor Courtney Widener in support of the Resolution for the Community Project Funding Appropriations Grant request for the Marion Economic Development Authority. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson, and Chair, Atkins District Supervisor Charles Atkins.

RESOLUTION
IN SUPPORT OF US HOUSE OF REPRESENTATIVES COMMUNITY PROJECT
FUNDING APPROPRIATIONS GRANT REQUEST FOR THE MARION
ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, the Smyth County Board of Supervisors understands the critical need for our community to address endemic housing needs within the Town of Marion; and

WHEREAS there are 2,161 veterans living in Smyth County, with 379 of these veterans living on income that is considered to be at poverty level and 17.5% living below the poverty line; and

WHEREAS, the Marion Economic Development Authority has partnered with the Marion Housing and Redevelopment Authority to create a new housing development for veterans; and

WHEREAS, this project, dubbed "Victory Circle" will build twenty-four (24) single- and two-bedroom townhouse units specifically designed to provide for the needs of our veterans and will be rented to veterans; and

WHEREAS, this project will develop ten (10) acres in the center of town in the first subdivision development in Marion in a generation; and

WHEREAS, this project will provide additional impetus for the further private development of the remaining parcel of adjacent land into much-needed housing opportunities for the region; and

WHEREAS, the total cost of this project is estimated at \$6.5 million, with this request being a critical part of the overall funding package

NOW, THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors do hereby provide this Resolution of Support for the attached application for consideration for grant funding through the US House of Representatives Community Project Funding Appropriations Program to provide \$1 million in grant funds for this important project.

Adopted this the 9th day of March, 2023

ATTEST:

SMYTH COUNTY
BOARD OF SUPERVISORS

Shawn M. Utt, Clerk

Lori Deel, Vice Chair

3/9/2023 5:55 PM County Administrator Shawn Utt presented a Resolution in support of US House of Representatives community project funding appropriations grant request for the Smyth/Wythe Airport Commission for the Board's consideration.

- *Motion was made by Chilhowie District Supervisor Michael Sturgill in support of the Resolution for the Community Project Funding Appropriations Grant request for the Smyth/Wythe Airport Commission. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson, and Chair, Atkins District Supervisor Charles Atkins.*

**RESOLUTION
IN SUPPORT OF US HOUSE OF REPRESENTATIVES COMMUNITY
PROJECT FUNDING APPROPRIATIONS GRANT REQUEST FOR
SMYTH/WYTHE AIRPORT COMMISSION**

WHEREAS, Smyth County is a sponsoring member of the Smyth/Wythe Airport Commission; and

WHEREAS, the Smyth/Wythe Airport Commission owns and operates Mountain Empire Airport (MIU) in Rural Retreat; and

WHEREAS, Mountain Empire Airport serves an integral role as a local and regional economic development generator for our region, as well as home to emergency services aircraft that serve our rural community, and as an important facility for military aircraft as part of their training; and

WHEREAS, the availability of individual hangar units connected directly to the airport terminal aircraft parking apron is a constant need for businesses to base their aircraft at MKJ, and the leasing of such hangars will assist the Commission in their FAA-mandated pursuit to achieve financial self-sustainability for the airport; and

WHEREAS, the airport has served the region for 65 years and continues to be a valuable resource for both business and tourism/leisure aviation activities; and

WHEREAS, the facilities and services provided by the Mountain Empire Airport and staff supports local and regional companies in efficient use of their travel needs, including key employers Pepsico, Aschenback Ford, General Dynamics, Utility Trailer, and Klockner Pentaplast.

NOW, THEREFORE, we, the Smyth County Board of Supervisors, do hereby provide this Resolution of Support for the attached application for consideration for grant funding through the US House of Representatives Community Project Funding Appropriations Program to provide critical funding for this important project.

Adopted this the 9th day of March, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Lori Deel, Vice Chair

3/9/2023 5:56 County Administrator Shawn Utt presented a Resolution in support of Smyth County recognizing Emergency Management professional's week March 19th – March 25th for the Boards consideration.

- *Motion was by Chilhowie District Supervisor Michael Sturgill in support of the Resolution to recognize March 19th- March 25th as Emergency Management Professionals week. Park District Supervisor Kris Ratliff seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson, and
Chair, Atkins District Supervisor Charles Atkins.*

**RESOLUTION
IN SUPPORT OF EMERGENCY MANAGEMENT
PROFESSIONALS' WEEK**

WHEREAS, the emergency management team of Smyth County and the Commonwealth of Virginia work tirelessly behind the scenes to create a safer, stronger and more resilient County and

WHEREAS, in the midst of natural disasters, pandemics, civil unrest, terrorism and other man-made and natural threats and hazards, every emergency begins and ends locally; and

WHEREAS, emergency managers are considered a vital public service providing necessary assistance to the County to prepare for, respond to and recover from emergencies; and

WHEREAS, Emergency Managers develop emergency plans and procedures, organize training including first responders and community partners, manage, lead, and provide skills and resources to minimize the impact of disasters, work with state and federal agencies to find the most effective methods of disaster recovery, to increase safety and security, as well as build business continuity; and

WHEREAS, the role of emergency managers in creating a safer more resilient community is more important than ever;

WHEREAS, the Smyth County Board of Supervisors encourages all citizens to honor the Smyth County Emergency Management team and to recognize their service behind the scenes in their commitment to health, safety, and welfare of all who live and visit in Smyth County.

NOW, THEREFORE, the Smyth County Board of Supervisors does hereby proclaim March 19th- March 25th, 2023 as Emergency Management Professionals' Week.

Adopted this the 9th day of March, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Lori Deel, Vice Chair

3/9/2023 5:58 PM County Attorney Report:

County Attorney Scot Farthing reported that he has a court date scheduled for Quail Run on April 18th 2023. Mr. Farthing also shared various other projects his office has been working on.

3/9/2023 6:01 PM County Administrator Report:

County Administrator Shawn Utt stated the Treasurer requested funds be appropriated in the amount of \$4,225.15 for fund 748 due to a low balance of remaining appropriations and the need to pay several bills.

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to appropriate \$4,225.15 in fund 748. Park District Supervisor Kristopher Ratliff seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson, and Chair, Atkins District Supervisor Charles Atkins.*

3/9/2023 6:03 PM Supervisor Comment Time

Saltville District Supervisor Roscoe Call shared it is a pleasure to be at the Board meeting and thanked staff for a great job. Saltville District Supervisor Roscoe Call also commended Kendra Hayden on an amazing presentation.

Chilhowie District Supervisor Michael Sturgill stated there have been discussions with Emory & Henry College School of Health Sciences pertaining to grants for implementation of Health Care excellence to allow Sophomores in High School to shadow health care professionals. Mr. Sturgill also shared that the school system has been working with local industrial business to allow High School Seniors to tour the facilities in hopes of making connections for jobs as they graduate. Mr. Sturgill also thanked the staff for all they do.

Rye Valley District Supervisor Lori Deel commented on the luncheon with the Attorney General the previous week. Mrs. Deel shared the statistics pertaining to drug overdoses was alarming and is very thankful for a glimmer of hope in our community with strides being taken for

positive change. Mrs. Deel shared she is also appreciative of Mrs. Hayden and the work she is doing for the County. Mrs. Deel also shared that her best friend's daughter is on a leadership team at Christopher Newport and presented on EMS changes in Smyth County at a leadership competition in Kansas. Mrs. Deel also announced her campaign for Treasurer at the end of her Board of Supervisors term.

Royal Oak District Supervisor Courtney Widener thanked the staff for making things happen and constant communication. Mr. Widener also thanked Mrs. Hayden for her presentation as the job she does is very important, and he believes she is doing an amazing job taking the County in a great direction.

Park District Supervisor Kristopher Ratliff thanked the staff for their hard work and spoke again on his recognition for Clegg Williams in helping his staff as well as being a great leader.

- *Royal Oak District Supervisor Courtney Widener 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 update on Building Study Implementation, Atkins EMS, and Main Street Properties as well as Code of Virginia Section 2.2-3711(a) (7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation regarding the Adwolfe Sewer Project litigation. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson, and Chair, Atkins District Supervisor Charles Atkins.*

3/9/2023 6:36 PM *Royal Oak District Supervisor Courtney Widener made a motion to enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.*

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson, and
Chair, Atkins District Supervisor Charles Atkins.*

- *Motion was made by Royal Oak District Supervisor Courtney Widener to accept and approve the Gollehon settlement agreement as presented and allow Chairman or Vice Chairman to sign. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson, and
Chair, Atkins District Supervisor Charles Atkins.*

3/9/2023 6:40 PM Vice Chair, Rye Valley District Supervisor Lori Deel adjourned the Board of Supervisors meeting.



The Smyth County Board of Supervisors held its regular meeting on Thursday, March 23rd, 2023, at 5:00 p.m. The location of the meeting was held 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; Park District Supervisor Kristopher Ratliff; Chilhowie District Supervisor Michael Sturgill; Royal Oak District Supervisor Courtney Widener.

ABSENT: North Fork District Supervisor Phil Stevenson and Saltville District Supervisor Roscoe Call

STAFF: County Administrator Shawn Utt; Assistant County Administrator- Development Clegg Williams; Assistant County Administrator- Operations Lisa Richardson; County Attorney Scot Farthing; Executive Administrative Assistant/Deputy Clerk Auna Louthian

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

3/23/2023 5:01 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

3/23/2023 5:01 PM Danny Wilson, Building Inspector led the Pledge of Allegiance.

3/23/2023 5:03 PM Heather Street, Assistant Director of IT gave the invocation.

- *Motion was made by Royal Oak District Supervisor Courtney Widener to amend the agenda with the addition of a Resolution in support of National Agriculture Week and Closed of Virginia 2.2-3711 (a)4 EMS Operations. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kristopher Ratliff.

NAYS: None.

ABSTAINERS: None.

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

3/23/2023 5:03 PM Chair, Atkins District Supervisor Charles Atkins introduced Gina Waddle from Evergreen Soil and Water Conservation. Mrs. Waddle thanked the Board for their annual contribution to Evergreen Soil and Water Conservation. Mrs. Waddle spoke about the impact of programs and activities they are participating in that benefit Smyth County. Mrs. Waddle provided a list to the Board of current projects. The Board thanked Mrs. Waddle for all that Evergreen Soil and Water Conservation does for the wellbeing of Smyth County.

3/23/2023 5:10 PM

- *Motion was made by Rye Valley District Supervisor Lori Deel to allow Saltville District Supervisor Roscoe Call to join electronically. Chilhowie District Supervisor seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kristopher Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

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

- *Motion was made by Royal Oak District Supervisor Courtney Widener to approve the minutes from the March 9th, 2023, meeting. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kristopher Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

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

3/23/2023 5:12 PM Chair Atkins District Supervisor Charles Atkins opened citizens' time.

Rose Linkins, Smyth County Library Director thanked the Board for the facility support including the new heat pump. Mrs. Rose shared new programs the library is offering including a home school story time, partnering with Chilhowie Garden club every Friday at 1pm to share tips on how to grow from seed as well as planning hatching chicks in April for Science Month. Mrs. Rose shared efforts the library is making to reach homes with computer access to librarians. Chilhowie District Supervisor Michael Sturgill thanked Mrs. Rose for all she does in connection with the school system.

3/23/2023 5:20 PM With no other citizens wishing to speak Chair, Atkins District Supervisor Charles Atkins closed citizens' time.

3/23/2023 5:20 PM County Administrator Shawn Utt read the minutes from the Budget Committee meeting on March 16th, 2023, and presented the following recommendations:

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving Budget Amendment #11 in the amount of \$741,090 as presented. Chair Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kristopher Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call.

RESOLUTION

SMYTH COUNTY BUDGET FISCAL YEAR 2022/23- AMENDMENT #11

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, in the meeting of September 8, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #3) for Fiscal Year 2022/23 in the amount of \$112,924,531; and

WHEREAS, in the meeting of October 13, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #4) for Fiscal Year 2022/23 in the amount of \$113,844,560; and

WHEREAS, in the meeting of November 10, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #5) for Fiscal Year 2022/23 in the amount of \$113,965,647; and

WHEREAS, in the meeting of December 8, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #6) for Fiscal Year 2022/23 in the amount of \$114,283,366; and

WHEREAS, in the meeting of January 26, 2023, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #7) for Fiscal Year 2022/23 in the amount of \$115,369,331; and

WHEREAS, in the meeting of February 9, 2023, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #8) for Fiscal Year 2022/23 in the amount of \$115,950,339; and

WHEREAS, in the meeting of February 23, 2023, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #9) for Fiscal Year 2022/23 in the amount of \$117,002,339; and

WHEREAS, in the meeting of March 9, 2023, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #10) for Fiscal Year 2022/23 in the amount of \$117,368,932; and

WHEREAS, the aggregate amount of budget amendment #11 is \$741,090 which would increase the Fiscal Year 2022/23 budget to a total of \$118,110,022 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 \$118,110,022.

BE IT FURTHER RESOLVED, the approval of this budget amendment #11 shall indeed constitute an appropriation of the same funds.

Adopted this the 23rd day of March 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

Exhibit A
FY 2022-23
Budget Amendment #11 (3/16/23)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
FUND 001	Comprehensive Services Act	001-022500-0002	CSA - Pool Funds (State)	\$ (1,788,831)	\$ (465,864)	\$ (2,254,715)	
FUND 001	State Grant Funding	001-021100-0037	Regional Housing Planning Grant	\$ -	\$ (50,000)	\$ (50,000)	Regional Planning Grant for MRPD
FUND 001	Local Funds Transfer	001-040000-0005	Use of Fund Balance	\$ (1,464,800)	\$ (225,206)	\$ (1,690,006)	
Total Revenues With Amendment				\$ (117,368,932)	\$ (741,090)	\$ (118,110,022)	

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget Amount	Notes
FUND 001	Volunteer Fire Department	001-032020-5604-41	Atkins VFD	\$ 39,221	\$ 15,000	\$ 54,221	
FUND 001	Volunteer Fire Department	001-032020-5604-43	Sugar Grove VFD	\$ 39,364	\$ 15,000	\$ 54,364	
FUND 001	Capital Improvements	001-070000-8888-__	Conv. Station Compactor	\$ -	\$ 17,000	\$ 17,000	
FUND 001	Capital Improvements	001-070000-8888-__	Regional Housing Planning Grant	\$ -	\$ 50,000	\$ 50,000	
FUND 001	Comprehensive Services Act	001-083040-5701	CSA - Pool Funds	\$ 2,000,000	\$ 607,886	\$ 2,607,886	
FUND 502	Capital Improvements	502-012010-0258	County Building Use Plan	\$ 28,000	\$ 36,204	\$ 64,204	
Total Expenditures With Amendment				\$ 117,368,932	\$ 741,090	\$ 118,110,022	

Revenues	\$ (117,368,932)	\$ (741,090)	\$ (118,110,022)
Expenditures	\$ 117,368,932	\$ 741,090	\$ 118,110,022
Difference	\$ -	\$ -	\$ -

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving the requested 4th Quarter Appropriations in the total amount of \$22,449,882 as presented. Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved.*

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

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Vice Chair, Rye Valley District Supervisor Lori
Deel, Chilhowie District Supervisor Michael
Sturgill, and
Park District Supervisor Kristopher Ratliff.*

NAYS: None.

ABSTAINERS: None.

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

3/29/2023 5:28 PM Saltville District Supervisor Roscoe Call rejoined the meeting electronically & North Fork District Supervisor Phil Stevenson joined the meeting in person.

- *A motion was made by Rye Valley District Supervisor Lori Deel to recommend approving the Smyth Promise Program as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

To provide additional information on this committee recommendation, County Administrator Shawn Utt introduced Linda Helton, the Executive Director of the Smyth County Community Foundation. Mrs. Helton shared a potential partnership between Virginia Highlands Community College, Wytheville Community College, Smyth County Community Foundation, Smyth County Schools, and the Smyth County Board of Supervisors called the *Smyth Promise Program*. This funding program guarantees a college education for all Smyth County Seniors who recently graduated. This program can be used for an associate degree or any certificate classes at either WCC or VHCC. *Smyth Promise* is considered a “last dollar” program after the student applies for all available grants and would cover the remaining cost of tuition. President of Virginia Highlands Community College Dr. Adam Hutchinson and President of Wytheville Community College Dr. Dean Sprinkle as well as Mrs. Helton offered unanimous support. Chilhowie District Supervisor Michael Sturgill shared that he believes this is an incredible opportunity and a great partnership between all parties. Mrs. Helton also clarified there will be no GPA requirement the first semester as well as required volunteer hours the students will have to complete. Rye Valley Supervisor Lori Deel stated she couldn’t thank the folks who have worked on this program enough, this is a huge investment into our children to break generational poverty and a sense of hope and opportunity. Chair, Atkins District Supervisor

Charles Atkins shared he believes this is an incredible opportunity but asked for clarification on who will keep up with the program. Dr. Hutchinson clarified that the respective colleges would report back to the Foundation. Royal Oak District Supervisor Courtney Widener shared this is much needed in Smyth County and suggested meetings with students as well as parents to spread the word.

Dr. Hutchinson stated that each college has workshops planned to assist students with grants and funds they have available to them.

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

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

NAYS : None.

ABSTAINERS : None.

ABSENT : None.

3/23/2023 5:50 PM County Administrator Shawn Utt read the minutes from the Insurance Committee meeting held on March 16th, 2023.

- A motion was made by Chilhowie District Supervisor Michael Sturgill to recommend maintaining The Local Choice health insurance proportional rates with the 9.9% increase. Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS : None.

ABSENT : None.

3/23/2023 5:51 PM Lynn Rasnick with the Childrens Advocacy Center and Alpha the Advocacy Center's service dog spoke about the ongoing child abuse cases in Smyth County and what the Advocacy center does to impact and assist those children in healing. Royal Oak District Supervisor Courtney Widener thanked Mrs. Rasnick for all the Advocacy does for the community, working in the Sheriff's department he knows the positive influence this has. Park District Supervisor Kristopher Ratliff asked for the best point of contact in child abuse situations.

Mrs. Rasnick clarified that the one reporting an incident would still need to call the Sherriff's office or Social Services, but the child would be routed to them for interviews pertaining to court cases, healing, and therapy. Atkins District Supervisor Charles Atkins read the following resolution to declare April as Child Abuse Prevention Month.

RESOLUTION PROCLAMING APRIL TO BE CHILD ABUSE PREVENTION MONTH

WHEREAS, The Smyth County Board of Supervisors recognizes that over 7,000 children in Virginia were determined to be abused and neglected in 2022; and

WHEREAS, child abuse and neglect has been demonstrated to impact a victim's physical, mental and emotional health in ways that can have lifelong consequences; and

WHEREAS, Effective child abuse prevention programs succeed because of partnerships among citizens, human services agencies, schools, religious organizations, law enforcement agencies, and the business community; and

WHEREAS, Child abuse prevention is a community responsibility and finding solutions depends on involvement among all residents of Smyth County.

NOW, THEREFORE, BE IT RESOLVED, that The Smyth County Board of Supervisors proclaims April as Child Abuse Prevention Month in Smyth County and urges all citizens to work together to reduce child abuse and neglect and insure the health and safety of its youngest citizens.

Adopted, this 23rd day of March 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to adopt the Resolution proclaiming April as Child Abuse Awareness month as Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

3/23/2023 6:02 PM County Administrator Shawn Utt presented a proposal from Enteros Design from the RFP, Saltville Branch Analysis to define and layout future space requirements for the Saltville Branch Library, and evaluate the ability of the existing and potential library sites to accommodate these needs. He reminded the Board that this project was funded by the Appalachian Regional Commission's planning grant approved in late 2022.

- *Motion was made by Saltville District Supervisor Roscoe Call to approve the agreement with Enteros and authorize the County Administrator to execute. Chilhowie District Supervisor Michael Sturgill Seconded the motion and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

3/23/2023 6:05 PM County Administrator Shawn Utt presented the following Resolution in

support Agriculture Week for the Board's consideration.

RESOLUTION IN SUPPORT OF NATIONAL AGRICULTURE WEEK

WHEREAS, National Agriculture Week is celebrated in March with dates announced by the Agriculture Council of America. This year the holiday celebrates its 50th anniversary and commences on March 21 and ends on the 27th. The week celebrates and acknowledges the agricultural industry and the role it plays in stabilizing the economy; and

WHEREAS, Our founding fathers understood how important it was to have a fertile place for farming to grow. George Washington once said, "Agriculture is the most healthful, most useful and most noble employment of man." Thomas Jefferson added, "Agriculture is our wisest pursuit, because it will in the end contribute most to real wealth, good morals, and happiness."; and

WHEREAS, Agriculture is Virginia's largest private industry. The industry has an economic impact of \$82.3 billion annually, provided more than 381,800 jobs in the Commonwealth; and

WHEREAS, Agriculture is the leading industry in Smyth County. Historically, agriculture contributes over \$50 million dollars to our local economy and much of that total is spent locally. Our leading commodity in the county is beef cattle, which represents over 96% of our agricultural totals; and

WHEREAS, Smyth County Ag is not limited to beef cattle. We are sources of everything from pumpkins and Christmas trees to small ruminants like sheep and goats, to fruits and vegetables; however, making sure that agriculture remains viable is up to all of us; and

WHEREAS, No other nation on Earth can match the United States in military strength, industrial might and agricultural production. Agriculture helps keep America, Virginia and Smyth County Strong!

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby proclaims March 21st, 2023 – March 27th 2023 as Agriculture Week.

Adopted this the 23rd day of March, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

-
- A motion was made by Rye Valley District Supervisor Lori Deel in support of the Resolution to proclaim March 21st – 27th Agriculture week. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

3/23/2023 6:07 PM County Attorney Report:

County Attorney Scot Farthing reported he has been working on various projects for the EDA as well as investigating real estate and title work. Park District Supervisor Kristopher Ratliff asked about nuisance complaint on Perry Lane. Assistant County Administrator- Development Clegg Williams clarified that the complaint has been filed and the owner currently is in the time frame to fix the issue.

3/23/2023 6:10 PM County Administrator Report:

County Administrator Shawn Utt provided the Board with a report on updates of various projects. Mr. Utt stated John Graham with the Appalachian Center of Hope reached out to request a Board member to join their ACH Work- Group. Royal Oak District Supervisor Courtney Widener volunteered to attend. Mr. Utt also shared upcoming events the Board might be interested in attending including Grand Re-Opening and ribbon cutting of Adwolfe Mart, Tourism Study Presentation, and Household Hazardous Waste Collection Day.

3/23/2023 6:14 PM Supervisor Comment Time

Chilhowie District Supervisor Michael Sturgill commented on the *Smyth Promise Program* and what great hope it gives to Smyth County. Mr. Sturgill also shared a conversation he had with Dr. Carter this morning regarding how thankful they are for School Resource Officers and how crucial they are to the protection of our children.

Chair, Atkins District Supervisor Charles Atkins thanked everyone for open discussions as well as anyone who attends the Board meetings. Mr. Atkins is grateful for the opportunity to work with others to improve the County.

Park District Supervisor Kristopher Ratliff is so thankful for the educational opportunities in the County. Mr. Ratliff asked about a transportation system to provide students who do not have a way to school. Mr. Ratliff also shared how proud he is of decreasing emergency

response time and has received many positive comments from citizens on this improvement.

Royal Oak District Supervisor Courtney Widener commented about his excitement for the Smyth Promise Program. Mr. Widener also reminded the Board about the Sound the Alarm event at Atkins Fire Department. Mr. Widener also thanked staff as well as Mr. Farthing for the work they continue to do.

Vice Chair, Rye Valley District Supervisor Lori Deel thanked the Board and shared her appreciation with each of them for the momentum they have built together for Smyth County. Mrs. Deel also thanked EMS Staff in the County and Towns for setting aside politics and serving our citizens. Mrs. Deel shared the 20th was the 20th year anniversary of the war in Iraq thanked Mr. Widener for his time in the military and service in Iraq.

North Fork District Supervisor Phil Stevens had no comment.

Saltville District Supervisor Roscoe Call thanked the staff for all they do and stated he can't wait to be back in person.

- *Royal Oak District Supervisor Courtney Widener 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 Atkins EMS Stations well as Code of Virginia Section 2.2-3711(a)(4) Protection of the privacy of individuals in personal matters not related to public business regarding EMS Operations and Code of Virginia Section 2.2-3711(a)(5) Business/Industrial Prospects, discussion concerning a business or industry considering expansion for which no previous announcements have been made regarding project Bowtie. 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,
Royal Oak District Supervisor Courtney Widener,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

3/23/2023 6:56 PM *Royal Oak District Supervisor Courtney Widener made a motion adopt the following resolution certifying the business conduct in closed session as follows. Rye Valley District Supervisor Lori Deel seconded the motion.*

RESOLUTION
CERTIFICATION OF CLOSED SESSION

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

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

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

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

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

NAYS: None.

ABSTAINERS: North Fork District Supervisor Phil Stevenson.

ABSENT: None.



The Smyth County Board of Supervisors held its regular meeting on Thursday, April 13th, 2023, at 5:00 p.m. The location of the meeting was held 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 (electronically); Chilhowie District Supervisor Michael Sturgill; Royal Oak District Supervisor Courtney Widener; North Fork District Supervisor Phil Stevenson; Saltville District Supervisor Roscoe Call.

ABSENT: Park District Supervisor Kristopher Ratliff

STAFF: County Administrator Shawn Utt; Assistant County Administrator- Development Clegg Williams; Assistant County Administrator- Operations Lisa Richardson; County Attorney Scot Farthing; Economic Development Manager Kendra Hayden; Emergency Services Coordinator Curtis Crawford; Executive Administrative Assistant/Deputy Clerk Auna Louthian

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

4/13/2023 5:01 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

4/13/2023 5:01 PM Auna Louthian, Executive Assistant/ Deputy Clerk led the Pledge of Allegiance.

4/13/2023 5:03 PM Allen Johnsey, Director of Ministry at First United Methodist Church gave the invocation.

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to allow Rye Valley District Supervisor Lori Deel to join electronically. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Phil Stevenson, and

Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

- *Motion was made by Royal Oak District Supervisor Courtney Widener to amend the agenda as presented. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

3/23/2023 5:03 PM Shawn Utt, County Administrator read the following resolution in support of Animal Care and Control Appreciation Week:

SMYTH COUNTY BOARD OF SUPERVISORS

Animal Care and Control Appreciation Week

WHEREAS, the National Animal Care & Control Association (NACA) is committed to setting the standard of professionalism in animal welfare and public safety through training, networking, and advocacy; and,

WHEREAS, animal care and control professionals dedicate their lives to the health and safety of at-risk and helpless animals; and,

WHEREAS, animal care and control professionals work to rescue and protect animals from injury, disease, abuse, and starvation; and,

WHEREAS, NACA has designated the second full week of April as Animal Care and Control Officer Appreciation Week; and,

WHEREAS, federal, state, and local government officials throughout the nation take this time to recognize, thank, and commend all animal care and control professionals for the dedicated services they perform and for fulfilling the commitment to providing the highest and most efficient level of customer service; and,

NOW, THEREFORE the Smyth County Board of Supervisors declares the week of April 9th through 15th, 2023, to be National Animal Care and Control Appreciation Week in Smyth County.

Adopted This 13th day of April, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS:**

Shawn M. Utt, Clerk

Charlie Atkins, Chair

4/13/2023 5:06 PM

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to adopt the Resolution in support of Animal Care and Control Appreciation Week. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristopher Ratliff.*

Chair, Atkins District Supervisor Charles Atkins acknowledged the work that the Animal Control group does to keep Smyth County animals as well as its citizens safe. Chief Animal Control Officer Chris Bennett thanked the Board for the invitation as he is honored to have their support as well as thankful for the recognition of his staff.

4/13/2023 5:12 PM Chair Atkins District Supervisor Charles Atkins introduced Bradley Powers who gave a presentation regarding veteran statistics within Smyth County. Mr. Powers shared the current and predicted veteran population in Smyth County. Chair, Atkins District Supervisor Charles Atkins thanked Mr. Powers for the information.

4/13/2023 5:16 PM Roland Kooch with Davenport spoke on the scheduled public hearing topic of the 2023 Bond Financing for the Public Safety Radio System project. Mr. Rolland gave a brief update regarding the financing proposals that Davenport has received including an offer from JP Morgan and Truist, noting that both have locked rates. Mr. Kooch shared Davenport's suggestion of utilizing Truist for a 15-year term with the flexibility of prepayment and cost of funds to be covered by earned interest within the bond.

4/13/2023 5:36 PM Chair, Atkins District Supervisor Charles Atkins opened the public hearing.

Bradley Powers of 1245 South Main Street, Marion thanked the committees and Board for their ability to know the need for public safety workers to communicate better.

4/13/2023 5:36 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to waive the rules of the public hearing. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

- *Motion was made by Rye Valley District Supervisor Lori Deel to approve the Bond Financing for the 2023 Radio Project and allow County Administrator or Chairman to act on agreement and resolution as well as sign all necessary documents. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

- Motion was made by Royal Oak District Supervisor Courtney Widener to approve the minutes from the March 23rd, 2023, meeting. Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

4/13/2023 5:41 Assistant County Administrator Lisa Richardson presented the financial status report.

- A motion was made by Saltville District Supervisor Roscoe Call to approve current invoices and accounts payable. Royal Oak District Supervisor Courtney Widener seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

4/13/2023 5:45 PM Chair Atkins District Supervisor Charles Atkins opened citizens' time.

Crystal Glass of 201 East Main Street, Marion shared she has continued to educate herself on current funding for recovery opportunities for Smyth County. Ms. Glass thanked the Board for allowing her to come and speak and is willing to share any information she has obtained.

Suzie Fields residing at 412 Kellyville Rd, Atkins with the Smyth County Animal Rescue shared information on their new facility. Mrs. Fields stated that the facility's primary target is to transport rescue animals and would provide a holding location for these animals. Mrs. Fields invited the Board to tour the building.

4/13/2023 5:51 PM With no other citizens wishing to speak Chair, Atkins District Supervisor Charles Atkins closed citizens' time.

4/13/2023 5:51 PM County Administrator Shawn Utt read the minutes from the ARPA Committee meeting on March 30th, 2023, and presented the following recommendations:

- *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to recommend allocating \$3 million dollars in partnership with Mount Rogers Planning District structured as a revolving loan fund with the program modeled after the current VA Housing Program. North Fork District Representative John McLean seconded the motion.*

After consideration, the ARPA Committee recommendation FAILED by the following vote:

AYES: None.

*NAYS: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call.*

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

- *Royal Oak District Supervisor Courtney Widener made a motion to approve allocating \$3 million dollars in partnership with Mount Rogers Planning District with a fee as determined by the program policy, structured as a revolving loan fund with the program modeled after the current VA Housing Program. Chilhowie District Supervisor seconded the motion.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

- Chilhowie District Representative Ronnie Corvin made a motion to recommend \$500,000 be allocated to partnership with Smyth County School Board and County Administration for the demolition and redevelopment of the former Marion Intermediate School building. Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion.*

North Fork District Supervisor Phil Stevenson shared that he would like to see the funds be utilized throughout the county as well as requesting the funds be used for a new building as opposed to demolishing the existing building. Chair, Atkins District Supervisor Charles Atkins asked if the building demolition could be taken care of without the use of ARPA funds. Mr. Utt stated he could look at adding that to the budget.

- Motion was made by North Fork District Supervisor Phil Stevenson to table the recommendation from the ARPA committee for the \$500,000 partnership with Smyth County School Board and County Administration for the demolition and redevelopment of the former Marion Intermediate School Building. Saltville District Supervisor seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

- *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to recommend allocating \$500,000 to County Recreation and Athletic needs with the remaining ARPA funds to be allocated for future recreational needs. Chilhowie District Representative Ronnie Corvin seconded the motion.*

After much excitement, the ARPA Committee recommendation PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

4/13/2023 Royal Oak District Supervisor Courtney Widener read the following resolution for the Boards consideration:

**RESOLUTION IN RECOGNITION OF THE SECOND WEEK OF APRIL AS
NATIONAL PUBLIC SAFETY COMMUNICATOR WEEK**

WHEREAS, emergencies can occur at any time that require law enforcement, fire or emergency medical services; and,

WHEREAS, when an emergency occurs the prompt response of law enforcement officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

WHEREAS, the safety of our law enforcement officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Smyth County emergency communications center; and,

WHEREAS, Public Safety Telecommunicators (also known locally as our Dispatchers) are the first and most critical contact our citizens have with emergency services; and,

WHEREAS, Public Safety Telecommunicators are the single vital link for our law enforcement officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and,

WHEREAS, Public Safety Telecommunicators of Smyth County have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients in need; and,

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

NOW, THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors declares the week of April 7 through 13, 2023, to be National Public Safety Telecommunicators Week in Smyth County, in honor of the men and women whose diligence and professionalism keep our County and citizens safe.

Adopted this the 13th day of April, 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

- *A motion was made by Royal Oak District Supervisor Courtney Widener to adopt the Resolution in support of National Public Safety Communicator Appreciation Week. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristopher Ratliff.*

Sherriff Shuler spoke about the appreciation he had for the County Dispatchers. Mr. Shuler stated the Sherriff's department is like a well-oiled machine and the dispatchers are equivalent to a starter. Rye Valley District Supervisor shared that dispatchers are not currently considered first responders and a conversation to resolve that needs to be had with our legislators.

4/13/2023 6:26 PM Mr. Utt read the minutes from the previous Budget Committee meetings held on March 30th and April 6th and presented the following recommendations:

- *A motion was made by Rye Valley District Supervisor Lori Deel to allocate \$15,000 from supplemental appropriation to purchase turnout gear for Adwolfe Fire Department. Chair, Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

4/13/2023 6:37 PM Emergency Management Coordinator Curtis Crawford read the Public Safety committee minutes from April 6th and April 13th and presented the following recommendations:

- *Chilhowie District Supervisor Michael Sturgill made the motion following Mr. Crawford's recommendation to form the task force with the report to be presented to the Public Safety Committee prior to the May 4th committee meeting. The motion was seconded by Royal Oak District Supervisor Courtney Widener and passed unanimously.*

North Fork District Supervisor Phil Stevenson shared that he believes this might be something the County take a hand in. Mr. Stevenson stated Mr. Brewster is doing a great job and hopes that he stays with us.

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

AYES: None.

*NAYS: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call.*

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

- *Royal Oak District Supervisor Courtney Widener made a motion to form the task force for Saltville EMS with a recommendation to be presented to the Public Safety Committee prior to the May 4th committee meeting with the addition of Mrs. Lisa Richardson. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED with the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

- *Chilhowie District Supervisor Michael Sturgill made the motion to send the Saltville Town Council written notification of the motion being stated by the Committee. The motion was seconded by Royal Oak District Supervisor Courtney Widener and passed unanimously.*

After consideration, the Public Safety recommendation PASSED with the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving the County Administrator to execute the contract and other necessary documents with Motorola Solutions for the Public Safety Voice Ratio Communications project pending final review from the County Attorney as presented. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

Chair, Atkins District Supervisor Charles Atkins asked about the insurance associated with the equipment. Mr. Crawford clarified that he is confident in the current contract and insurance the equipment will come with.

After consideration, the Public Safety recommendation PASSED with the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

The Board thanked Mr. Crawford for all his work on this project. Mr. Crawford thanked everyone involved who worked diligently to get to this point. Royal Oak District Supervisor Courtney Widener thanked all involved with the Radio System project, he shared he is aware firsthand at the importance and is so grateful we are moving forward.

4/13/2023 6:57 PM Royal Oak District Supervisor Courtney Widener read the minutes from March 30th and made the following recommendation:

- *Rye Valley District Supervisor made a motion to recommend the southern portion of Old Brunswick Road of up to half a mile be added to the current 6-year plan as recommended by VDOT. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

After consideration, the Transportation Committee recommendation PASSED with the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

4/13/2023 7:05 PM Assistant County Administrator- Development Clegg Williams read the minutes from the Planning Commission's March 23rd, 2023, meeting. He noted Mr. Spence made a motion to recommend approval of the text amendment and additional regulations as presented for Solar Energy Facilities, which was seconded by Mr. Shepherd approved by the Planning Commission with majority vote.

- *After consideration Chilhowie District Supervisor Michael Sturgill made a motion to*

approve the zoning ordinance text amendment and additional regulations as presented for Solar Energy Facilities. Royal Oak District Supervisor Courtney Widener seconded the motion.

After consideration, the motion PASSED by the following VOTE:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

Mr. Williams also noted the Planning Commission made the following recommendation: Mr. Spence made a motion to recommended approval of the text amendment to allow for accessory buildings on a property owner adjoining tract when it has a principle building and both tracts are single ownership which was seconded by Mr. Dean by majority vote it was approved by the Planning Commission.

- After consideration Chilhowie District Supervisor Michael Sturgill made a motion to approve the zoning ordinance text amendment to allow accessory buildings on a contiguous lot without a special use permit with no size limitation but increase setback requirements to 15 feet from the lot lines. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following VOTE:

*AYES: Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call.*

NAYS: Chair Atkins District Supervisor Charles Atkins.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

4/13/2023 7:21 PM Mr. Utt presented the Board with a contract renewal with the Town of Saltville to purchase water.

- A motion was made by North Fork District Supervisor Phil Stevenson to approve the 5-year*

water contract renewal with the Town of Saltville and authorize County Administrator to execute the contract on the County's behalf. Saltville District Supervisor Roscoe Call seconded the motion.

After consideration, the motion PASSED by the following VOTE:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

4/13/2023 7:24 PM County Attorney Report:

County Attorney Scot Farthing reported he has been working on various projects for the EDA as well as investigating real estate and title work that has kept him busy.

4/13/2023 6:10 PM County Administrator Report:

County Administrator Shawn Utt provided the Board with a report on updates of various projects. Mr. Utt shared the flyer for Household Hazardous Waste Collection Day and stated it is posted in all the Towns as well as the convenience stations. Mr. Utt also shared information on the VACo's Region 12 meeting and provided the invitation to the Board. Lastly, Mr. Utt shared a request to re-appoint Mrs. Pamela Hill to the Virginia Highlands Community College Board for another 4-year term.

- A motion was made by Chilhowie District Supervisor Michael Sturgill to re- appoint Mrs. Pamela Hill the Virginia Highlands Community College Board as the Smyth County representative for a 4-year term expiring June 30th, 2027. 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,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel,
Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

4/13/2023 7:26 PM Supervisor Comment Time

Royal Oak District Supervisor Courtney Widener commented shared that Johnny Joanna, Chief Deputy just finished National FBI Academy. Mr. Widener shared that less than 1% are selected to go through this program and is very proud. Mr. Widener also shared it has been an extremely tough week on First Responders, insuring citizens are safe with all the distress calls they have received. Mr. Widener shared his gratitude and appreciation for the first responders and all they do.

North Fork District Supervisor Phil Stevenson stated he had been having issues with Point Broadband but thanked Kendra Hayden for her diligence in finding solutions for Mr. Stevenson as well as citizens. Mr. Stevenson suggested the Board give their full support to Mrs. Hayden. Mrs. Hayden stated she is happy to solve the communication gap between citizens and Point Broadband.

Chair, Atkins District Supervisor Charles Atkins shared that he still is getting phone calls with praise of Atkins EMS station and is very thankful call times have improved.

Vice Chair, Rye Valley District Supervisor Lori Deel thanked the Board and shared her appreciation for all Dispatchers as well as Animal Control. Mrs. Deel also stated she was very thankful to vote on the radio system. Finally, Mrs. Deel shared her appreciation for the taskforce for Saltville EMS and is looking forward to putting politics aside and doing what is best for the citizens in this situation.

Chilhowie District Supervisor Michael Sturgill thanked the Board for their support on projects for County recreation projects.

Chair, Atkins District Supervisor Charles Atkins thanked everyone for open discussions as well as anyone who attends the Board meetings. Mr. Atkins is grateful for the opportunity to work with others to improve the County.

Saltville District Supervisor Roscoe Call shared a complaint he had gotten from a citizen in Clegg Horne Valley. Mr. Williams assured he would look into this issue for Mr. Call. Mr. Call also wished everyone well and hoped everyone had a safe trip home.

- *Royal Oak District Supervisor Courtney Widener 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 Atkins EMS update and Main Street Properties well as Code of Virginia Section 2.2-3711(a)(5) Business/Industrial Prospects, discussion concerning a business or industry*

considering expansion for which no previous announcements have been made regarding project Bowtie. Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

4/13/2023 7:37 PM Royal Oak District Supervisor Courtney Widener made a motion adopt the following resolution certifying the business conduct in closed session as follows. Saltville District Supervisor Roscoe Call seconded the motion.

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,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel,

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

4/13/2023 8:04 PM

- *Motion was made by Royal Oak District Supervisor Courtney Widener to approve the loan agreement to the EDA in the amount of \$1.5 million for purchase of Main Street Property B and authorize County Administrator or Chairman to execute all necessary documents. Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following VOTE:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

4/13/2023 8:05 PM With no other business to discuss Chair, Atkins District Supervisor Charles Atkins adjourned the Board of Supervisors meeting.



The Smyth County Board of Supervisors held its regular meeting on Thursday, April 27th, 2023, at 5:00 p.m. The location of the meeting was held 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; Park District Supervisor Kristopher Ratliff; Chilhowie District Supervisor Michael Sturgill; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call.

ABSENT: Vice Chair Rye Valley District Supervisor Lori Deel
North Fork District Supervisor Phil Stevenson

STAFF: County Administrator Shawn Utt; Assistant County Administrator- Development Clegg Williams; Assistant County Administrator- Operations Lisa Richardson; County Attorney Scot Farthing; Economic Development Project Manager Kendra Hayden; Executive Administrative Assistant/Deputy Clerk Auna Louthian

OTHERS: Sheriff's Office and Citizens

4/27/2023 5:01 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

4/27/2023 5:01 PM Paula Harvey, Public Safety Administrative Assistant led the Pledge of Allegiance.

4/27/2023 5:03 PM Economic Development Project Manager, Kendra Hayden gave the invocation.

4/27/2023 5:03 PM County Administrator Shawn Utt reviewed the draft budget for FY23/24 with goals to continue to implement recommendations from Davenport & Associates with a proposed utilities increase of 2%, as well as focus on EMS coverage and funding, and increased support for youth recreational programming with end goal of larger County presence. Mr. Utt mentioned some of the changes this year, including the health insurance rate increase of 9.9%. Mr. Utt requested approval to advertise the public hearing for the School Board and County Budgets as well as the increased utility rate.

- *Motion was made by Saltville District Supervisor Roscoe Call to advertise public hearings for Smyth County Budget FY23/24, School Board FY23/24 and utility rate increase. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Park District Supervisor Kristopher Ratliff
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson, and
Vice Chair Rye Valley District Supervisor Lori Deel.

4/27/2023 5:19 PM Amanda Livingston, Director of Tourism presented the Visitor Profiling and Nature of Demand study from the Institute for Service Research. Mrs. Livingston shared some of the most prevalent words within the survey used to describe Smyth County were beautiful, friendly, and warmth. Mrs. Livingston also shared Hungry Mother State Park was the top location of interest to people traveling into Smyth County. Royal Oak District Supervisor Courtney Widener asked Mrs. Livingston how often Smyth County overlooks are advertised. Mrs. Livingston shared that current advertising for the County leans heavily on mountain photos and videos as well as pictures and videos of our citizens to showcase the friendliness and outdoor beauty that make Smyth County so special. Royal Oak District Supervisor Courtney Widener stated he believes the overlooks need more visible signage. Park District Supervisor Kristopher Ratliff shared in his traveling experience he is drawn to micro/local breweries or distilleries and believes that more of these business in Smyth County would be a great addition.

- *Motion was made by Saltville District Supervisor Roscoe Call to approve the minutes from the April 13th, 2023, meeting. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristopher Ratliff.
Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson, and
Vice Chair Rye Valley District Supervisor Lori Deel.

4/27/2023 5:45 PM Chair Atkins District Supervisor Charles Atkins opened citizens' time.

Charles Wassam of 321 Wassona Drive, Marion shared his concern about the shooting range in Marion. Mr. Wassam is concerned about the number of people that are utilizing this land for target practice and the amount of noise this is causing. Royal Oak District Supervisor Courtney Widener asked Mr. Wassam about who is utilizing this area. Mr. Wassam stated he believes it is currently being used by the corrections office.

4/27/2023 5:49 PM With no other citizens wishing to speak Chair, Atkins District Supervisor Charles Atkins closed citizens' time.

4/27/2023 5:50 PM Assistant County Administrator Lisa Richardson presented the following resolution for the Boards consideration:

A RESOLUTION OF THE COUNTY OF SMYTH, VIRGINIA

REGIONAL IMPROVEMENT COMMISSION FUNDS

WHEREAS, Virginia Code 558.1-4107.1 established in 2020, a Regional Improvement Commission to serve the jurisdictions composing the Bristol Transportation District; and

WHEREAS, the purpose of the Regional Improvement Commission shall be to (i) receive disbursements made to it; (ii) establish funding priorities for member localities related to improvements in the area of education, transportation, and public safety; and (iii) make annual payments divided equally among the jurisdictions to fund the established priorities as determined by the Commission; and

WHEREAS, the Regional Improvement Commission has established funding priorities for member localities related to improvements in the area of education, transportation, and public safety; and

WHEREAS, the Regional Improvement Commission is planning to make its first annual distribution to each jurisdiction composing the transportation district in August 2023; and

WHEREAS, the Regional Improvement Commission has asked each member locality to provide documentation of each locality's 2023 funding priorities.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors for Smyth County, Virginia hereby plans to use its portion of the 2023 Regional Improvement Commission funds for improvements in public safety and education.

Adopted this the 27th day of April 2023.

ATTEST:

SMYTH COUNTY BOARD OF SUPERVISORS

Shawn Utt, Clerk

Charles E. Atkins, Chair

- *Chilhowie District Supervisor Michael Sturgill made a motion to adopt the resolution for Bristol Improvement Commission and Use of Casino Tax Revenues. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristopher Ratliff.
Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson, and
Vice Chair Rye Valley District Supervisor Lori Deel.*

Mr. Utt requested a supplemental appropriation of \$1,750,000 for the proposed loan funding to the EDA for the purchase of the property at 626 S. Main Street.

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to approve the Supplemental Appropriation of \$1,750,000 for Fund 505. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristopher Ratliff.
Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson, and
Vice Chair Rye Valley District Supervisor Lori Deel.*

4/27/2023 5:54 PM County Attorney Report:

County Attorney Scot Farthing indicated his work on real estate transactions. Mr. Farthing reported the hearing for Quail Run property was last week and that judge ordered the property owners to clean it up within 90 days or the Board will have the right to place a lien on the

property and hire a cleanup crew. Mr. Farthing also noted he is still currently working on Riverside Drive as well as Churchland drive.

4/27/2023 5:56PM County Administrator Report:

County Administrator Shawn Utt provided the Board with a report on updates of various projects. Mr. Utt shared full page article in the Smyth County News and Messenger about Student Government Day. Mr. Utt gave thanks to County staff for tremendous success and the good example set for the students who attended. Mr. Utt also mentioned the public hearing VDOT will be holding for their sex year plan on larger projects district wide on May 15th at the SWVA High Education Center.

Assistant County Administrator – Development Clegg Williams updated the Board on a question previously asked on solar farmland use taxes. Mr. Williams shared that if the land is converted into a solar farm, roll back taxes would apply but debate is still being had on state level if the land still houses farm animals and how that would affect the roll back taxes. Mr. Williams hopes to have clarification in the near future.

4/27/2023 6:00 PM Supervisor Comment Time

Chair, Atkins District Supervisor Charles Atkins shared that he attended Student Government Day with Mr. Sturgill and Mrs. Deel and in his opinion, this was the best Student Government Day he had seen. Mr. Atkins praised the staff for their hard work and planning to make the event successful. Mr. Atkins also asked if VDOT would need to share with anyone about a temporary lane closure, discussion ensued. Mr. Atkins thanked everyone for their attendance at the meeting.

Royal Oak District Supervisor Courtney Widener thanked the staff for all their hard work. Mr. Widener also complemented Mrs. Livingston on her presentation, he enjoyed reading the visitor profile study and asked that the County help in any developmental standpoint to show the beauty and assets Smyth County has to offer.

Chilhowie District Supervisor Michael Sturgill thanked everyone for their work and recognized the staff for their efforts putting together Student Government Day. Mr. Sturgill shared he has heard many conversations generated about the event from students and teachers. Mr. Sturgill also mentioned the art show at Chilhowie High School and invited everyone out.

Saltville District Supervisor Roscoe Call thanked the staff and shared that he feels like the Board is his home away from home. Mr. Call wished everyone well and asked that they travel safely.

Park District Supervisor Kristopher Ratliff echoed his thankfulness of the staff and their preparedness. Mr. Ratliff would also like to nominate Lea Meadows for the unfilled Planning Commission seat.

- *Park District Supervisor Kristopher Ratliff made a motion to appoint Lea Meadows to the Planning Commission representing Park District with a term expiring on 1-31-2024. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristopher Ratliff.
Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson, and
Vice Chair Rye Valley District Supervisor Lori Deel.*

- *Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)(8) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding EMS agreements. Park District Supervisor Kristopher Ratliff seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristopher Ratliff.
Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson, and
Vice Chair Rye Valley District Supervisor Lori Deel.*

4/27/2023 6:24PM *Royal Oak District Supervisor Courtney Widener made a motion adopt the following resolution certifying the business conduct in closed session as follows. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

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,
 Royal Oak District Supervisor Courtney Widener,
 Park District Supervisor Kristopher Ratliff.
 Chilhowie District Supervisor Michael Sturgill,
 Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson, and
 Vice Chair Rye Valley District Supervisor Lori Deel.

4/27/2023 6:25 PM

- *Motion was made by Royal Oak District Supervisor Courtney Widener to approve the MOU with the Town of Saltville Resolution as presented and authorize the Chairman or County Administrator to execute as discussed in closed session. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
 Royal Oak District Supervisor Courtney Widener,
 Park District Supervisor Kristopher Ratliff.
 Chilhowie District Supervisor Michael Sturgill,
 Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson, and
Vice Chair Rye Valley District Supervisor Lori Deel.*

4/27/2023 6:26 PM With no other business to discuss Chair, Atkins District Supervisor Charles Atkins adjourned the Board of Supervisors meeting.

The Smyth County Board of Supervisors held a special called meeting on Thursday, May 4th, 2023, at 10:30a.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; Royal Oak District Supervisor Courtney Widener; Park District Supervisor Kris Ratliff.

ABSENT: North Fork District Supervisor Phil Stevenson and Saltville District Supervisor Roscoe Call.

STAFF: County Administrator Shawn Utt; Assistant County Administrator – Development Clegg Williams; Executive Administrative Assistant/Deputy Clerk Auna Louthian.

OTHERS: Smyth County News and Messenger, Sheriff's Office

5/4/2023 10:33 AM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

Presented the following resolution for the Boards consideration:



SMYTH COUNTY BOARD OF SUPERVISORS

AUTHORIZING THE PREPARTATION AND FILING OF AN APPLICATION FOR VIRGINIA DEPARTMENT OF HEALTH-OFFICE OF DRINKING WATER GRANT FUNDS THROUGH THE FINANCIAL AND CONSTRUCTION ASSISTANCE PROGRAMS (FCAP).

WHEREAS, the Smyth County Board of Supervisors has applied for funding for various drinking water projects in the County;

WHEREAS, the Virginia Department of Health-Office of Drinking Water has funded several drinking water projects in the County;

WHEREAS, the Smyth County Board of Supervisors has reviewed project planning material and found that the pre-requirements have been met for submitting a funding application;

THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors hereby vote to seek additional funding from the Office for the following project;

Smyth-Atkins Water Line Interconnection \$3,543,600.00

THEREFORE, BE IT RESOLVED, that the Smyth County Administrator can immediately begin to process funding applications for these projects and be authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the Smyth County Attorney.

Adopted this the 4th day of May, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS:**

Shawn M. Utt, Clerk

Charlie Atkins, Chair

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to adopt the Resolution for the Application for Virginia Department of Health- Office Drinking Water Grant Funds and allow the County Administrator and Chairman to execute. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Park District Supervisor Kristopher Ratliff
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Chilhowie District Supervisor Michael Sturgill,*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.*

5/4/2023 10:39 AM *With no other business to discuss The Board of Supervisors meeting adjourned*



The Smyth County Board of Supervisors held its regular meeting on Thursday, May 11th, 2023, 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; Saltville District Supervisor Roscoe Call; Park District Supervisor Kris Ratliff; Chilhowie District Supervisor Michael Sturgill; Royal Oak District Supervisor Courtney Widener.

ABSENT:

North Fork District Supervisor Phil Stevenson

STAFF:

County Administrator Shawn Utt; Assistant County Administrator- Development Clegg Williams; Assistant County Administrator- Operations Lisa Richardson; County Attorney Don Martin; Executive Administrative Assistant/Deputy Clerk Auna Louthian

OTHERS:

Smyth County News and Messenger, Sheriff's Office, and Citizens

5/11/2023 5:05 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

5/11/2023 5:05 PM Economic Development Project Manager Kendra Hayden, led the Pledge of Allegiance.

5/11/2023 5:05 PM Pastor David Fugate of Davis Memorial gave the invocation.

5/11/2023 5:06 PM County Administrator, Shawn Utt read the following resolution in support of National Police Week for the Boards consideration:



SMYTH COUNTY BOARD OF SUPERVISORS

RESOLUTION OF THE SMYTH COUNTY BOARD OF SUPERVISORS IN HONOR OF LAW ENFORCEMENT OFFICERS AND NATIONAL POLICE WEEK

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Smyth County Law Enforcement Agencies; and,

WHEREAS, since the first recorded death in 1786, more than 26,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and,

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC where the names of fallen heroes are being added to the National Law Enforcement Officers Memorial, including 245 officers killed in 2022 and 34 this year; and,

WHEREAS, the Candlelight Vigil is part of National Police Week, which will be observed this year May 14-20; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

WHEREAS, Smyth County prides itself in the four agencies of Smyth County that protect and serve its citizens including The Smyth County Sheriff's Office, Town of Chilhowie Police Department, Town of Marion Police Department, Town of Saltville Police Department for their dedication, passion, and enthusiasm; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of Police Officers by recognizing National Police Week;

NOW, THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors declares the week of May 14th to May 20th, 2023, to be National Police Week in Smyth County, in honor of the men and women whose diligence and professionalism keep our County and citizens safe.

Adopted this the 11th day of May, 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

Rye Valley District Supervisor Lori Deel thanked the Men and Women who selflessly serve and asked that everyone in attendance take a moment of silence in remembrance of Corporal Christopher Paschal who was a Smyth County Deputy who tragically lost his life in 2009. After a moment of silence, Chilhowie District Supervisor Michael Sturgill shared that the Smyth County officers are top notch in all towns and the county, he is very thankful for all they do for our school system as well. Chair, Atkins District Supervisor Charles Atkins thanked each department for all they do as a team and for the County. Saltville District Supervisor Roscoe Call stated he knew being a Police Officer was a thankless job and sometimes goes unappreciated, but he trusts our officers with his life.

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to adopt the resolution in support of Law Enforcement Officers and National Police Week May 14th- May 20th, 2023 in Smyth County. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

5/11/2023 5:12 PM Mr. Utt presented the following resolution in support of National Emergency Medical Services week for the Boards consideration:



SMYTH COUNTY BOARD OF SUPERVISORS

RESOLUTION OF THE SMYTH COUNTY BOARD OF SUPERVISORS IN HONOR OF EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services agencies are ready to provide life-saving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their life-saving skills; and

WHEREAS, Smyth County prides itself in the five agencies of Smyth County that provides emergency medical services; Town of Chilhowie, Town of Marion, Sugar Grove Lifesaving Crew, and Smyth County for their dedication, passion, and enthusiasm; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW, THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors declares the week of May 21st to May 27th, 2023, to be Emergency Medical Services Week in Smyth County, in honor of the men and women whose diligence and professionalism keep our County and citizens safe.

Adopted this the 11th day of May, 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

- *Motion was made by Chilhowie District Supervisor to Michael Sturgill to adopt the resolution in support of Emergency Services Week from May 21st, 2023 to May 27th 2023. Rye Valley District Supervisor Lori Deel seconded the motion.*

Chilhowie District Supervisor Michael Sturgill thanked the EMS staff for their passion and commitment to keeping the people of Smyth County safe. Rye Valley District Supervisor Lori Deel shared she knows the sacrifices and family time missed along with long hours serving their community, but the EMS staff is extremely appreciated.

After consideration, the motion PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

5/11/2023 5:15 PM Smyth County Schools Superintendent Dr. Dennis Carter gave the presentation on the projected School Board Budget for FY23/24. Dr. Carter shared that the General Assembly approved a "Skinny Budget" as a budget placeholder at the conclusion of the regular session. Dr. Carter also stated that during the Reconvene Session on April 12, it was anticipated a new budget would be approved. Due to the primaries on June 20, a final budget for FY24 will not be approved until after the primaries are concluded. Currently both the House and Senate have a 7% raise, whereas the Skinny Budget has a 5% raise. Therefore, since the General Assembly did not take action to change the 5%, this budget is reflective of the Skinny Budget revenue and includes a 5% raise. Dr. Carter also gave highlights of current staffing and changes in the new budget.

Park District Supervisor Kristopher Ratliff asked Dr. Carter if the salary for our educators is competitive with the neighboring counties. Dr. Carter stated that Smyth County is not as competitive at the starting scale but is more competitive at the top of the salary scale. Chair, Atkins District Supervisor Charles Atkins asked for clarification as to why the textbook line is so small in the budget. Dr. Carter shared that there have not been any updates on textbooks making the cost less. Dr. Carter thanked his staff for all that they do as well as the Board for allowing him to speak.

5/11/2023 5:45 PM Mr. Utt introduced Grayson Shultz the Virginia Tech intern who has been working on a County Wide Recreation program. Mr. Shultz provided a list of all recreational locations throughout the county and specific key points about each. Mr. Shultz also provided an inventory summary table for each town and the county with potential sites for new fields and opportunities for improvement.

Royal Oak District Supervisor Courtney Widener shared that he had looked through the prepared report, and he was extremely impressed.

5/11/2023 5:56 PM Pam Heath, Assistant Residency Engineer with VDOT gave the quarterly report including the speed studies previously requested on route 630 Long Hollow Road, route 610 Valley Drive, route 42 Bluegrass Trail, and route 648 Old Mill Road all with no change in speed limits. Mrs. Heath explained the criteria required to change speed limits include three or more accidents in the last 3 years and new development along the road. Mrs. Heath also shared the revenue sharing project with Evergreen Court is with VDOT's county division in the financial department and Smyth County should be getting the invoice fairly soon. The project will begin once VDOT receives the funds and deposits it in the bank.

Chair, Atkins District Supervisor Charles Atkins asked if anything could be done to fix the issues with Bear Creek Road. Mr. Atkins has seen the issues firsthand after VDOT used a slurry to repair the road. Currently the road is extremely dangerous for citizens, especially on a motorcycle. Mrs. Heath stated that the slurry would get better over a period of time. Rye Valley District Supervisor Lori Deel shared the same issue on Riverside, Harris Lane, and Thomas Bridge Road and she has had complaints from citizens driving motorcycles that are concerned. Mrs. Heath shared that after 28 days they would visit the road and report back to the Board.

Debbie Thompson, who is a resident of Harris Lane shared the story of how the road got to the current state it is in. Mrs. Thompson stated she did make a complaint about the road condition last year. After the complaint VDOT came out to spread asphalt with a grader to repair the road, but Mrs. Thompson stated it made it feel like an interstate rumble strip. June 2nd 2022 W&L came to repave the road and did an excellent job. On April 6th 2023 Slurry Paving Company came out to pave over what W&L had paved making the road bumpy, unsmooth and in her opinion, unsafe.

Park District Supervisor Kristopher Ratliff asked if VDOT will look at any road changes on the interstate at exit 44 due to the series of crashes. Mrs. Heath shared VDOT does have their eyes on that data and can follow up with any changes that they make.

Royal Oak District Supervisor Courtney Widener brought up Flint Lane. To clarify Mr. Widener stated that in 1953 the state acquired this property and in 1982-1983 there was a resolution to return the property back to the previous property owners but for whatever reason the previous property owners did not request the land be deeded back to them. Mrs. Heath clarified that VDOT does own that property from around 70 feet out from the center line. Mr. Widener stated that he has spoken to multiple property owners that have said

VDOT does maintain and plow the road for snow as well as putting down asphalt, up to this point he isn't sure VDOT would have record of the snowplows or work done on the road, but questioned if they had been maintaining it would VDOT not have to continue to do so. Mrs. Heath shared she had talked to the VDOT superintendent, and he has been employed in his position for 25 years and claims VDOT has not ever maintained Flint Lane and VDOT sees this road as a long driveway. Mr. Widener shared he trusts his residents that live on Flint Lane and would just like a resolution for them going forward. Mrs. Heath suggest the County pursue a revenue sharing project, with all requirements of the road currently meeting those project guidelines including the large right of way and public road for 25 years or more this would be the same process as Evergreen Court that the County is currently participating in.

5/11/2023 6:21 PM Chair, Atkins District Supervisor Charles Atkins opened the public hearing for the 6 Year VDOT Plan. County Administrator, Shawn Utt read the following public notice:

**NOTICE OF PUBLIC HEARING
6 YEAR VDOT PLAN
BY SMYTH COUNTY, VIRGINIA**

The Virginia Department of Transportation and the Board of Supervisors of Smyth County, in accordance with Section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing in the Board Meeting Room of the Smyth County Government Center Building, 121 Bagley Circle, Marion, Virginia 24354 at 5:00 p.m. or as soon thereafter as possible on May 11th, 2023. The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2023/24 through 2028/29 in Smyth County and on the Secondary System Construction Budget for Fiscal Year 2023/24. Copies of the proposed Plan and Budget may be reviewed by contacting the Abingdon Residency Office of the Virginia Department of Transportation at (276) 676-5582 or at the Smyth County offices located at 121 Bagley Circle, Marion, Virginia 24354.

All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds.

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

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

5/11/2023 6:23 PM With no citizens signed up to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

- *A motion was made by Rye Valley District Supervisor Lori Deel to waive the rules of the public hearing. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- *A motion was made by Saltville District Supervisor Roscoe Call to adopt the VDOT Secondary Six-Year Road plan for the FY2023/2024. 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,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

**RESOLUTION OF THE SMYTH COUNTY BOARD OF SUPERVISORS
IN SUPPORT OF THE SECONDARY SIX-YEAR ROAD PLAN**

At a regular meeting of the Board of Supervisors of the County of Smyth, held at the Smyth County Administration Building on Thursday, May 11th at 5:00p.m.

The following Board members were present:

Atkins District Supervisor, Charles Atkins
Chilhowie District Supervisor, Michael Sturgill
Saltville District Supervisor, Roscoe Call

Royal Oak District Supervisor, Courtney Widener
Rye Valley District Supervisor, Lori Deel
Park District Supervisor, Kris Ratliff

On motion by Saltville District Supervisor Roscoe Call, seconded by Rye Valley District Supervisor Lori Deel and carried:

WHEREAS, Sections 33.2-358 and 33.2-331 of the Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2024 through 2029) as well as the Construction Priority List (2029) on May 11th, 2023 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

WHEREAS, Jeff Harrison, Residency Administrator, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2024 through 2029) and the Construction Priority List (2029) for Smyth County; and,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Smyth County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2024 through 2029) and Construction Priority List (2029) are hereby approved as presented at the public hearing.

Adopted this the 11th day of May, 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

5/11/2023 6:25 PM Chair, Atkins District Supervisor Charles Atkins stepped out of the room. Vice Chair, Rye Valley District Supervisor Lori Deel opened the Nuisance Complaint public hearing for 276 Perry Lane in Atkins. Assistant County Administrator-Development, Clegg Williams shared he has received response back from the property owners of 276 Perry Lane and they have plan of action to clean and secure or demolish the property within 120 days.

5/11/2023 6:27 PM With no one signed up to speak, Vice Chair, Rye Valley District Supervisor Lori Deel closed the public hearing.

- *A Motion was made by Saltville District Supervisor Roscoe Call to waive the rules of the public hearing. Royal Oak District Supervisor, Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *Chair, Atkins District Supervisor Charles Atkins.*

ABSENT: *North Fork District Supervisor Phil Stevenson.*

- *A motion was made by Saltville District Supervisor Roscoe Call to declare 276 Perry Lane a public nuisance and give the property owners 120 days to clean and secure or demolish the property and if not completed in this time frame, give the County Attorney authorization to move forward with establishing a legal case. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: Chair, Atkins District Supervisor Charles Atkins.

ABSENT: North Fork District Supervisor Phil Stevenson.

5/11/2023 6:32 PM Chair, Atkins District Supervisor Charles Atkins re-entered the room and opened the Nuisance Complaint Public Hearing on 118 Old Eleven Road, Marion.

The property owner, April Dowell explained to the Board that she and her spouse had been facing medical issues with little to no help from anyone, they have struggled to keep up. Mrs. Dowell shared pictures of the progress that had already been made with most everything cleaned up. Mr. Williams stated it isn't very often he gets to speak or meet with a property owner in these situations, and he commended Mrs. Dowell for the work that they had put into cleaning the property up so quickly. Mr. Williams offered to go back out to the property and take photos before the July 8th Board meeting and will follow up then.

5/11/2023 6:43 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

5/11/2023 6:44 PM

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the minutes from the April 27th, 2023 meeting as amended. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

5/11/2023 6:45 PM Assistant County Administrator- Operations, Lisa Richardson presented the County's updated financial information.

SMYTH COUNTY BOARD OF SUPERVISORS**THURSDAY, MAY 11, 2023****ACCOUNTS PAYABLE LISTING****APRIL 2023**

Request approval of the following payables:

<u>General County - Regular Checks</u>	\$1,252,666.67
<u>Fund 4 EDA - Regular Checks</u>	\$32,519.88
Accounts Payable Listing 04/01/2023 - 04/30/2023	\$1,285,186.55
<u>Fund Accounts - Manual Checks</u>	
Fund 004 EDA	
Fund 505 Transfer Station Construction	
Fund 747 Sheriff State Asset Forfeiture	\$164.00
Fund 748 Sheriff Purchase of Equipment	\$1,345.14
Fund 749 Recovery Court	\$723.41
Fund 770 Commonwealth Attorney Federal Drug Asset	
Total Fund Accounts	\$2,232.55
TOTAL ACCOUNTS PAYABLE - APRIL 2023	\$1,287,419.10

5/11/2023 6:47 PM Chair, Atkins District Supervisor Charles Atkins opened Citizen's time.

5/11/2023 6:47 PM With no citizens signed up to speak Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

5/11/2023 6:49 PM County Administrator, Shawn Utt read the minutes from the May 4th, 2023 Budget Committee meeting and presented the following recommendations for the Boards consideration:

- A motion was made by Rye Valley District Supervisor Lori Deel to recommend scheduling a public hearing for the May 25th Board of Supervisors meeting to discuss Budget Amendment #12. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.

After consideration, the Budget Committee recommendation FAILED by the following vote:

AYES: None.

*NAYS: Chair, Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- A motion was made by Chilhowie District Supervisor Michael Sturgill to approve setting a public hearing on May 25th, 2023 for a budget amendment in the amount of \$4,136,006.00 to include the first payment on the new radio systems. 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,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- A motion was made by Rye Valley District Supervisor Lori Deel to recommend approving the Virginia Opioid Abatement Authority Cooperative Agreement and give County Administrator the authorization to sign and execute the document. Michael Sturgill seconded the motion, and it was unanimously approved.

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

AYES: Chair, Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

5/11/2023 6:51 PM Emergency Coordinator, Curtis Crawford read the minutes from the May 4th, 2023 Public Safety meeting and presented the following recommendations for the Boards consideration:

- *Chilhowie District Supervisor Mike Sturgill made a motion to recommend authorizing forgiveness of the remaining balance of the loan with the Town of Saltville in the amount of \$64,000, in exchange for transfer of property and building. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

Chair, Atkins District Supervisor suggested a title search on the building, Mr. Crawford agreed to make sure that will happen.

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

AYES: Chair, Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend sending the items discussed to the Ordinance Committee for further consideration. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

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

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend adopting the Smyth County Emergency Operations Plan (EOP) as amended. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

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

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- *Chilhowie District Supervisor Michael Sturgill recommended approving the two resolutions honoring EMS and Law Enforcement. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

No action was taken due to voting on this matter earlier in the meeting.

5/11/2023 7:05 PM Assistant County Administrator- Development, Clegg Williams read the minutes from the Ordinance Committee meeting held on May 5th, 2023 and presented the following recommendations for the Boards consideration:

- *A motion was made by Atkins District Supervisor Charlie Atkins to recommend scheduling a joint public hearing with the Planning Commission regarding the proposed Wind Energy amendment on July 27th. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the Ordinance Committee recommendation PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- *A motion was made by Atkins District Supervisor Charles Atkins to recommend scheduling a joint public hearing with the Planning Commission on July 27th regarding the proposed Games, Arcade "Skill" Gaming amendment by special use in the commercial and industrial districts of Smyth County. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the Ordinance Committee recommendation PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

5/11/2023 7:12 PM County Attorney Report:

County Attorney Don Martin gave updates on properties Mr. Farting has been working on serving for nuisance complaints and offered to answer any questions.

5/11/2023 7:12 PM County Administrator Report:

County Administrator Shawn Utt shared that the Bond for the Radio system has been closed and with the Treasurers proposed investment the interest is envisioned to have enough return to pay the first 2 payments. Mr. Utt also reported that he heard back from the Area Ranger, Edward Wright, with updates on the local campgrounds. Mr. Utt shared that Raccoon Branch Campground is fully open, Hurricane Campground is fully open, and they are still facing sewer issues with Grindstone.

Chair, Atkins District Supervisor requested a cost estimate to get the sewer issues fixed at Grindstone and would like a letter to our elected officials about this issue. Mr. Utt will follow up.

5/11/2023 7:16 PM Supervisor Comment Time

Rye Valley District Supervisor Lori Deel thanked the Board for their support in adopting the Resolutions in support of our Police and EMS workers. Mrs. Deel shared her appreciation for all they do. Mrs. Deel also congratulated all the graduates and looks forward to seeing all the great things the Board will continue to do.

Chilhowie District Supervisor Michael Sturgill thanked the teachers in the county for all their hard work. Mr. Sturgill also invited the Board to all the Smyth County graduation ceremonies. Mr. Sturgill also shared he has already seen a positive impact with Smyth Promise with 40 out of 60 graduates participating in this program.

Chair, Atkins District Supervisor Charles Atkins shared that the water runoff issue at the Don Bales estate is finally fixed but wished Mr. Bales was here to see it. Mr. Atkins wished everyone a safe trip home.

Royal Oak District Supervisor Courtney Widener thanked the teachers for all their dedication and sees firsthand the hard work they put into our children. Mr. Widener also congratulated all upcoming graduates including his son. Mr. Widener thanked the staff for their hard work, especially Mr. Williams, for all his help with the Flint Lane issue, although there is no perfect situation, he hopes we can just do the best for our citizens.

Saltville District Supervisor Roscoe Call shared it is a pleasure to be at the Board meeting and thanked staff for their great work. Mr. Call congratulated the graduates and expressed his appreciation for Teachers, EMS, and Law Enforcement.

5/11/2023 7:28 PM

- *Royal Oak District Supervisor Courtney Widener 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 Mountain Empire Industrial Park as well as Code of Virginia Section 2.2-3711(a) (5) Business/Industrial Prospects, discussion concerning a business or industry considering expansion for which no previous announcements have been made regarding project Bowtie, as well as Code of Virginia Section 2.2-3711(a)(1) Personnel Matters; Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body regarding EMS operations and personnel update. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

5/11/2023 8:07 PM *Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.*

**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,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

5/11/2023 8:09 PM *Chair, Atkins District Supervisor Charles Atkins adjourned the Board of Supervisors meeting.*



The Smyth County Board of Supervisors held its regular meeting on Thursday, June 8th, 2023, at 5:00 p.m. The location of the meeting was held 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; Park District Supervisor Kristopher Ratliff; North Fork District Supervisor Phil Stevenson; Saltville District Supervisor Roscoe Call; Chilhowie District Supervisor Michael Sturgill (electronically).
- ABSENT:** Royal Oak District Supervisor Courtney Widener.
- STAFF:** County Administrator Shawn Utt; Assistant County Administrator- Development Clegg Williams; Assistant County Administrator- Operations Lisa Richardson; County Attorney Scot Farthing; Economic Development Manager Kendra Hayden; Executive Administrative Assistant/Deputy Clerk Auna Louthian
- OTHERS:** Smyth County News and Messenger, Sheriff’s Office, and Citizens

6/8/2023 5:02 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

6/8/2023 5:01 PM Manuel Street, GIS Coordinator led the Pledge of Allegiance.

6/8/2023 5:03 PM Pastor LaTara Turner Cross of Mt. Zion Temple Family Worship Center gave the invocation.

6/8/2023 5:03 PM Chair, Atkins District Supervisor Charles Atkins entertained a motion to allow Chilhowie District Supervisor Michael Sturgill to join the meeting electronically.

- A motion was made by Park District Supervisor Kristopher Ratliff to allow Chilhowie District Supervisor Michael Sturgill to join the Board of Supervisors meeting electronically. 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 Kristopher Ratliff,
North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call.
- NAYS:** None.
- ABSTAINERS:** None.
- ABSENT:** Royal Oak District Supervisor Courtney Widener and
Chilhowie District Supervisor Michael Sturgill.

6/8/2023 5:04 PM Chair, Atkins District Supervisor Charles Atkins entertained a motion to amend the agenda to add Recommendation from the Planning Commission to Old Business.

- A motion was made by Park District Supervisor Kristopher Ratliff to amend the agenda as presented to add Planning Commission Recommendations to Old Business. 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 Kristopher 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.

6/8/2023 5:05 PM Paige Wright, Executive Director of the Smyth County Education Foundation gave an update on the afterschool program. Mrs. Wright shared the positive feedback and support she has received. Chair, Atkins District Supervisor Charles Atkins shared he has heard many positive reviews as well and thanked Mrs. Wright for all she does.

6/8/2023 5:10 PM Minutes from the May 25th, 2023 meeting.

- Motion was made by Rye Valley District Supervisor Lori Deel to approve the minutes as amended from the May 25th, 2023, 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,
North Fork District Supervisor Phil Stevenson,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.
- NAYS:

None.
- ABSTAINERS:

Chilhowie District Supervisor Michael Sturgill.
- ABSENT:

Royal Oak District Supervisor Courtney Widener.

6/8/2023 5:11 PM Assistant County Administrator- Operations, Lisa Richardson presented the County’s updated financial information.

SMYTH COUNTY BOARD OF SUPERVISORS

THURSDAY, JUNE 08, 2023

ACCOUNTS PAYABLE LISTING

MAY 2023

Request approval of the following payables:

General County - Regular Checks	\$1,798,119.02
Fund 4 EDA - Regular Checks	\$6,508.95
Accounts Payable Listing 05/01/2023 - 05/31/2023	\$1,804,627.97
Fund Accounts - Manual Checks	

Fund 302 Public Safety Radio	
Fund 505 Transfer Station Construction	
Fund 747 Sheriff State Assets Forfeiture	
Fund 748 Sheriff Purchase of Equipment	
Fund 749 Recovery Court	\$32,693.46
Fund 760 Commonwealth Attorney Federal Drug Assets	
Total Fund Accounts	\$32,693.46
TOTAL ACCOUNTS PAYABLE - MAY 2023	\$1,837,321.43

- *Motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing as presented. 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,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener.

6/8/2023 5:13 PM Chair Atkins District Supervisor Charles Atkins opened citizens' time.

Rose Likins, Director of the Smyth County Public Library provided an update on the library. Mrs. Likins shared that the summer has started off strong. The library started a summer reading program and had an outcome of more than 300 people. She also informed the Board that the usage of the library is up in each location around 30% from previous years. Finally, Mrs. Likins shared that they did receive a digital navigator grant to assist citizens in identifying an affordable home broadband internet plan, determining what devices best meet their needs, using existing devices at home, and in accessing the internet safely to achieve their goals. Chair Atkins District Supervisor Charles Atkins shared that citizens feel very welcome in all the libraries, and it shows. Saltville District Supervisor Roscoe Call shared he believes Mrs. Linkis is doing an amazing job and thanked her for all her hard work.

David Fields of 412 Kelly Hill Rd, Atkins, VA 24311 shared his opinion on the electric vehicle charging station. Mr. Fields offered his property and his support of the project.

Anna Lee Debord of 343 College St. Marion, VA. Mrs Debord is a volunteer member for the Smyth County Museum. Mrs. Debord updated the Board about the museums events and shared the spring newsletter with each of them. Mrs. Debord thanked the Board for their continued support.

Brian Walker, Democratic Candidate for the Commissioner of Revenue introduced himself with a short biography and if elected hopes to have a good line of communication and working relationships with the Board.

6/8/2023 5:27 PM Chair, Atkins District Supervisor Charles Atkins closed citizens' time.

6/8/2023 5:28 PM Saltville District Supervisor Roscoe Call read the minutes of the Water and Sewer Committee from the June 1st, 2023, meeting and presented the following committee

recommendations:

- *A motion was made by North Nork District Supervisor Phil Stevenson to recommend directing staff to take the necessary steps to resolve credit balances. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener.

- *A motion was made by North Fork District Supervisor Phil Stevenson to recommend denying the request for the removal of current fees and penalties on Mr. Matney’s account. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener.

- *A motion was made by North Fork District Supervisor Phil Stevenson to recommend writing off the final balance of \$20,693 off of Daniel Johnsey’s account as agreed with the Bank of Marion. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener.

- *A motion was made by North Fork District Supervisor Phil Stevenson to recommend changing the leak adjustment policy and form to not require a receipt for the water leak repair. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

- AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff,
Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call.*
- NAYS: None.*
- ABSTAINERS: None.*
- ABSENT: Royal Oak District Supervisor Courtney Widener.*

6/8/2023 5:39 PM Assistant County Administrator- Development, Clegg Williams read the minutes of the Solid Waste Committee from the June 1st, 2023 meeting and presented the following committee recommendations:

- A motion was made by North Fork District Supervisor Phil Stevenson to recommend declining the tire disposal policy change with the exception of a potential waiver that would indicate origination from the Nebo community. Saltville District Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the 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 Kristopher Ratliff,
Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call.*
- NAYS: None.*
- ABSTAINERS: None.*
- ABSENT: Royal Oak District Supervisor Courtney Widener.*

Rye Valley District Supervisor Lori Deel asked for research of what other counties do with regards to tire disposal options for the general public. Mr. Utt will report back.

- A motion was made by North Fork District Supervisor Phil Stevenson to decline the partnership with the Town of Marion to pay half the tipping fees for the BAUD program. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the 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 Kristopher Ratliff,
Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call.*
- NAYS: None.*
- ABSTAINERS: None.*
- ABSENT: Royal Oak District Supervisor Courtney Widener.*

6/8/2023 5:57 PM County Administrator Shawn Utt read the minutes of the Budget Committee from the June 1st, 2023 meeting and presented the following committee recommendations:

Mr. Utt discussed current personal property tax rates. The Board had previously decreased the personal property tax rate to \$2.15 with an advertisement of \$2.30, Mr. Utt provided a copy of the Resolution for setting property tax rates with the \$2.30. After discussing the options, the following motion was offered:

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to adopt the following resolution and set the current Tangible Personal Property tax rate at \$2.22 with a PPTRA rate of 40%. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

**A RESOLUTION SETTING PROPERTY TAX RATES
FOR THE PERIOD OF JULY 1, 2023 THROUGH JUNE 30, 2024**

WHEREAS, the Smyth County Board of Supervisors hereby adopts a budget for the fiscal year ending June 30, 2024; and

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

THEREFORE, BE IT RESOLVED that the Board of Supervisors make the following property tax rates for July 1, 2023 through June 30, 2024.

Real Estate	\$0.74 per hundred dollars of assessed valuation
Airplanes	\$1.40 per hundred dollars of assessed valuation
Machinery and Tools	\$1.55 per hundred dollars of assessed valuation
Merchants Capital	\$0.40 per hundred dollars of assessed valuation
Tangible Personal Property:	
a) Automobiles as described in subdivision A 3 of the Code of Virginia §58.1-3503 at a rate of \$2.22 per hundred dollars of assessed valuation; and	
b) Trucks of less than two tons as described in subdivision A (4) and A (5) of the Code of Virginia §58.1-3503 at a rate of \$2.22 per hundred dollars of assessed valuation; and	
c) All other Tangible Personal Property as described in the Code of Virginia §58.1-3503 at a rate of \$2.30 per hundred dollars of assessed valuation.	

BE IT FURTHER RESOLVED that the Board of Supervisors hereby sets the Personal Property Tax Relief Act (PPTRA) rate at 40% for the July 1, 2023 through June 30, 2024 tax year as recommended by the Smyth County Commissioner of Revenue.

Adopted this the 8th day of June, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

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 Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: *North Fork District Supervisor Phil Stevenson*

ABSTAINERS: *None.*

ABSENT: Royal Oak District Supervisor Courtney Widener.

- A motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving the MOU between the PDC and Smyth County pertaining to the Smyth Grow Housing Program as presented and allow County Administrator to sign. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener.

- Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving the requested 1st Quarter Appropriations in the total amount of \$38,169,864 as presented. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

No Action was taken at this time, will revisit later in the meeting.

6/8/2023 6:15 PM Rye Valley District Supervisor Lori Deel read the minutes of the Public Safety Committee from the June 1st, 2023 meeting (which was a joint meeting with Marion's Police/Fire/EMS Committee) and presented the following committee recommendations:

- A motion was made by Royal Oak District Supervisor Courtney Widener to form a joint task force committee for Marion EMS services. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the 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 Kristopher Ratliff,
Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener.

- A motion was made by Chilhowie District Supervisor Michael Sturgill recommend approval of the updated Fire Response Auto-Aid agreement. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

After consideration, the 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 Kristopher Ratliff,*

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

*NAYS: None.
ABSTAINERS: None.
ABSENT: Royal Oak District Supervisor Courtney Widener.*

6/8/2023 6:25 PM Chair, Atkins District Supervisor Charles Atkins called a recess in the meeting.

6/8/2023 6:42 PM Chair, Atkins District Supervisor Charles Atkins called the meeting back to order. Note that Chilhowie District Supervisor Michael Sturgill lost electronic connection and is now absent from the meeting.

6/8/2023 6:42 PM Assistant County Administrator- Development, Clegg Williams presented the following recommendation from the Planning Commission:

Kermit and Teresa McCall - recommendation on proposed Special Use Permit for Event Center
After reviewing the file and taking into consideration all comments heard tonight, Mr. Dean felt the application meets the standards set out in Article 6-2.3 and made a motion to recommend approval of the special use permit for an Event Center upon approval from VDOT as allowed in Article 6-2.4, which was seconded by Mr. Davidson and the following vote was recorded.

- Vote: 6 yeas Campbell, Davidson, Dean, Meadows, Shepherd, and Wagoner
 1 absent Spence
- *After discussion by the Board, a motion was made by North Fork District Supervisor to uphold the Planning Commission's recommendation to approve the special use permit for an Event Center for Kermit and Teresa McCall located on their property located at 592 South Fork Road in Marion, Virginia upon approval from VDOT. 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 Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.
NAYS: North Fork District Supervisor Phil Stevenson
ABSTAINERS: None.
ABSENT: Royal Oak District Supervisor Courtney Widener and
Chilhowie District Supervisor Michael Sturgill.*

6/8/2023 6:48 PM Mr. Utt presented the following Ordinance pretraining to 2% Water and Sewer increase:

**ORDINANCE SETTING FIXED CHARGES AND VOLUME CHARGES FOR
WATER AND SEWER SERVICE, TO BE EFFECTIVE JULY 1, 2023**

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, 2023 is to provide for an across-the-board increase of 2% in water and sewer utility rates and fees; and,

WHEREAS, the Board of Supervisors conducted a duly noticed public hearing on May 25, 2023 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.

NOW, THEREFORE, be it **ORDAINED** by the Board of Supervisors of Smyth County, Virginia, sitting in regular session this 8th day of June, 2023, 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 25, 2023 and was adopted by the Board of Supervisors of Smyth County, Virginia, at its regular meeting held on this, the 8th day of June, 2023 and shall be effective July 1, 2023, the members voting as follows:

Member	Vote	
Charles E. Atkins	Yes	Adopted this the 8th day of June, 2023.
Roscoe D. Call	Yes	
Lori H. Deel	Yes	
Kristopher S. Ratliff, DPh	Yes	Attest:
Charles P. Stevenson	No	
Michael L. Sturgill	Absent	
S. Courtney Widener	Absent	
		Clerk of the Smyth County Board of Supervisors

Appendix A

Water & Sewer Utility Rate Schedule
(FY2023/24) – Effective July 1, 2023

Water Rates – Residential

0 – 1,000 gallons	\$24.10 minimum bill
1,001 – 6,000 gallons	\$10.44 per 1,000 gallons
6,001 and over	\$12.85 per 1,000 gallons

Water Rates – Commercial

0 – 4,000 gallons	\$56.20 minimum bill
Each additional 1,000 gallons	\$12.85 per 1,000 gallons

Water Rates –Industrial

0 – 25,000 gallons	\$260.98 minimum bill
Each additional 1,000 gallons	\$12.85 per 1,000 gallons

Sewer Rates – Residential

0 – 1,000 gallons	\$24.10 minimum bill
1,001 – 6,000 gallons	\$10.44 per 1,000 gallons
6,001 and over	\$12.85 per 1,000 gallons

Residential Flat Rate	\$53.34 per month
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Sewer Rates – Commercial

0 – 4,000 gallons	\$56.20 minimum bill
Each additional 1,000 gallons	\$12.85 per 1,000 gallons

Sewer Rates –Industrial and Industrial Enterprise Zone

0 – 3,000 gallons	\$80.30 minimum bill
Each additional 1,000 gallons	\$13.39 per 1,000 gallons

- *A motion was made by Rye Valley District Supervisor Lori Deel to adopt the Ordinance Setting Fixed Changes and Volume Changes for Water and Sewer Service, to be effective July 1, 2023. Park District Supervisor Kristopher Ratliff seconded the motion.*

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

- AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*
- NAYS: North Fork District Supervisor Phil Stevenson*
- ABSTAINERS: None.*
- ABSENT: Royal Oak District Supervisor Courtney Widener and
Chilhowie District Supervisor Michael Sturgill.*

6/8/2023 6:42 PM Mr. Utt presented the following Resolution in support of the adoption of the budget for FY23/24

**A RESOLUTION ADOPTING THE BUDGET FOR THE COUNTY OF SMYTH, VIRGINIA
FOR THE FISCAL YEAR OF JULY 1, 2023 THROUGH JUNE 30, 2024**

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, 2023 and ending June 30, 2024;

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 \$2.22 per \$100 on assessed value of the tangible personal property assessed by the County and segregated pursuant to subdivisions A(3), A(4) and A(5) of the Code of Virginia §58.1- 3503; a tax of \$2.30 per \$100.00 on assessed value of the remaining 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, 2023, in the County of Smyth, Virginia, by the Smyth County Board of Supervisors and shall be effective July 1, 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

REVENUE WORKSHEET
FY23/24

Budget
2023/24

FUND 001 - General Fund

Real Property Taxes	(11,850,000.00)
Public Services	(1,700,000.00)
Minerals	(6,079.00)
Personal Property	(4,873,209.00)
Machinery & Tools	(2,122,716.00)
Merchants Capital	(275,359.00)
Lodging Tax	(100,000.00)
Meals Tax	(100,000.00)
Cigarette Tax	(240,000.00)
Penalties & Interest	(695,000.00)
Franchise License Taxes	-
Motor Vehicle License	(480,669.00)
Rolling Stock	(32,235.00)
Utility Licenses Tax	(98,431.00)
Consumer Utility Taxes	(1,050,892.00)
Permits & Other License	(92,147.00)
Fine & Forfeitures	(130,664.00)
Interest on Investments	(556,000.00)
Use of Property	(143,770.00)
Court Cost	(9,172.00)
Charges for Commonwealth Atty	(3,000.00)
Charges for Sanitation & Waste	(1,210,000.00)
Expenditure Refunds	(3,409,943.00)
Miscellaneous	(892,395.00)
State Grant Money	(2,700,561.00)
Revenue from the Commonwealth	(929,144.00)
PPTRA	(1,804,316.00)
Comprehensive Services Act	(2,242,987.00)
Commonwealth Attorney (Comp. Board)	(777,075.00)
Sheriff (Comp. Board)	(2,416,570.00)
Commissioner of Revenue (Comp. Board)	(163,707.00)
Treasurer (Comp. Board)	(133,533.00)
Registrar/Electoral Board	(73,697.00)
Clerk & Employee (Comp. Board)	(477,137.00)
Transfer from Local Sales	(2,850,000.00)
Categorical Aid - Other	(139,175.00)
Payment in lieu of Taxes	(465,706.00)
Special Assessments	(4,800.00)
Transfer to Other Funds	<u>12,725,858.00</u>
Pre-Paid Taxes (Fund 002)	-
Animal License (Fund 003)	(12,500.00)

FY23/24

2023/24

EDA Funds (Fund 004)	(3,050,370.00)
Court Reimbursements to Towns (Fund 006)	(6,500.00)
County Insurance Fund (Fund 007)	-
State/Federal School Funds (Fund 009)	(54,985,071.00)
Local Funds Transfer (Fund 009)	(11,861,767.00)
State/Federal Social Service Funds (Fund 013)	(5,717,841.00)
Local Social Service Funds (Fund 013)	(1,169,091.00)
School Text Book Revenue (Fund 037)	(135,000.00)
911 Wireless Revenue (Fund 038)	(196,496.00)
E911 Misc. Revenue (Fund 039)	-
COVID Grant Money (Fund 040)	-
Revenue from Bonds (Fund 301)	-
Public Safety Comm. Bond (Fund 302)	(10,350,000.00)
CDBG Grant (Fund 303)	-
Courthouse Construction Fund (Fund 399)	(49,710.00)
Water / Sewer Revenues (Fund 501)	(3,673,458.00)
Transfer from General Fund (Fund 502)	-
Grant Revenues (Fund 502)	-
Transfer Station Construction (Fund 505)	(2,750,000.00)
Special Welfare SSI Revenues (Fund 734)	(2,500.00)
Special Welfare Collections (Fund 735)	(70,610.00)
Comm. Atty. Drug Asset (Fund 737)	(50,000.00)
Sheriff Restitution (Fund 738)	(10,000.00)
DARE Revenue (Fund 739)	(10,000.00)
DMV Highway Safety Revenue (Fund 740)	(25,000.00)
Courthouse Security (Fund 742)	(303,234.00)
Asset Forfeiture (Fund 743)	(125,000.00)
Police Activity Revenue (Fund 744)	(696,835.00)
Sheriff Federal Drug Asset Revenue (Fund 746)	(60,000.00)
Sheriff State Drug Asset Revenue (Fund 747)	(30,000.00)
Courthouse Misc. Equipment (Fund 748)	(30,000.00)
Recovery Court (Fund 749)	(173,565.00)
Commonwealth Atty Federal Funds (Fund 760)	(20,000.00)
Collections from Circuit Court (Fund 770)	(5,000.00)
CARES Act/COVID Funding (Fund 775)	-
ARPA Funding (Fund 777)	(4,350,862.00)
TOTAL - COUNTY REVENUES	(132,444,641.00)

EXPENDITURE WORKSHEET
FY23/24

Budget
2023/24

FUND 001 - General Fund

Board of Supervisors	1,492,272
County Administration	427,073
County Attorney	100,000
Commission of Revenue	428,884
Assessor	200,000
Treasurer	493,804
Accounting Department	129,776
Information Systems	972,978
Registrar	297,028
Circuit Court	258,129
General District Court	11,930
Juvenile & Domestic Relations	114,776
Clerk of the Court	792,994
Sheriff	3,914,166
Law Library	1,000
Sheriff School Resource Officer Grant	293,675
Commonwealth Attorney's Office	871,839
Victim Witness Assistance Program	113,743
Central Dispatch	4,000
Smyth County Basic 911	805,904
Volunteer Fire Departments	576,000
Ambulance & Rescue Services	494,300
Forestry (Fire Service)	8,746
Smyth Co. Fire & Rescue	1,339,469
Public Safety Communications	274,315
Southwest Virginia Regional Jail	2,219,690
Building & Zoning	468,369
Animal Control	515,335
Medical Examiner - Coroner	500
Emergency Management Coordinator	157,778
Collection & Disposal	1,854,988
Convenience Stations	496,273
Rye Valley Water Co.	25,995
Smyth County Tourism Assoc.	86,688
Courthouse Maintenance	329,320
Health Department Building Maintenance	110,842
County Office Building Maintenance	346,966
Cornerstone Building Maintenance	-
Local Health Department (Contribution)	349,703
Mental Health (Contribution)	1,395,982
Welfare & Social Services	4,200

FY23/24

2023/24

Contributions - Other	509,102
Community College	168,811
Capital Improvements	2,726,112
Debt Service	2,119,448
Recreation	90,000
Explorer's After-School Program	66,590
Library Administration	757,500
Planning Commission	3,750
Community Development	176,317
County Engineer	-
Economic Development Authority	563,442
Soil & Water Conservation	30,000
Cooperative Extension Program	116,390
Comprehensive Services Act	2,417,339
Animal Control (Fund 003)	12,500
General EDA Expenses (Fund 004)	3,050,370
Court Reimbursements to Towns (Fund 006)	6,500
County School Op's & Capital - Non-Local Funds (Fund 009)	54,985,071
County School Op's & Capital - Local Funds (Fund 009)	9,682,312
County School Debt Service - Local Funds (Fund 009)	2,179,455
Dept. of Social Services (Fund 013)	6,886,932
School Textbook Fund (Fund 037)	135,000
Emergency Dispatch Supp. (Fund 038)	196,496
COVID Grant Money (Fund 040)	-
Courthouse Maintenance Fund (Fund 301)	-
Public Safety Comm. Bond (Fund 302)	10,350,000
CDBG Grant (Fund 303)	-
Courthouse Construction Fund (Fund 399)	49,710
Water/Sewer Operational Expense (Fund 501)	1,628,278
Water/Sewer Debt Retirement (Fund 501)	940,180
County Funded Projects (Fund 501)	1,105,000
Capital Projects (Fund 502)	-
Transfer Station Construction (Fund 505)	2,750,000
Social Security Funds (Fund 734)	2,500
Social Security Funds (Fund 735)	70,610
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)	696,835
Sheriff Drug Asset Expenses (Fund 746)	60,000

FY23/24

2023/24

Sheriff Drug Asset Expenses (Fund 747)	30,000
Purchase of Equipment (Fund 748)	30,000
Recovery Court (Fund 749)	173,565
Commonwealth Atty Federal Funds (Fund 760)	20,000
Expenses Circuit Court (Fund 770)	5,000
CARES Act/COVID Funding (Fund 775)	-
ARPA Funding (Fund 777)	4,350,862
TOTAL - COUNTY OPERATING EXPENDITURES	132,444,641

- A motion was made by Park District Supervisor Kristopher Ratliff to approve the Resolution for approval of the FY23/24 Smyth County Budget as amended. Saltville District Supervisor Roscoe Call seconded the motion.

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

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

NAYS: None.

ABSTAINERS: None.

*ABSENT: Royal Oak District Supervisor Courtney Widener and
Chilhowie District Supervisor Michael Sturgill.*

6/8/2023 6:48 PM Mr. Utt presented the following resolution in support of the FY23/24 School Board budget approval:

**A RESOLUTION APPROVING THE SMYTH COUNTY SCHOOL BOARD
BUDGET FOR THE FISCAL YEAR OF JULY 1, 2023 THROUGH JUNE 30, 2024
BY EXPENDITURE CLASSIFICATION/CATEGORY**

WHEREAS, the Smyth County School Board has approved and presented to the Board of Supervisors a budget for FY 2023-24 totaling \$66,235,203; 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 (8) 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, 2023 the Smyth County School Board FY2023-24 budget is hereby approved as follows:

EXPENDITURES/EDUCATION CATEGORY	2023-24
Instruction	\$42,695,883
Administration, Attendance & Health	\$ 1,975,595
Transportation	\$ 2,924,865
Operations/ Maintenance	\$ 5,453,094
Facilities	\$ 5,093,118
Food Service	\$ 4,232,481
Technology	\$ 1,680,712
Debt and Fund Transfers	\$ 2,179,455
TOTAL FUNDS BUDGETED	\$66,235,203

THIS RESOLUTION is hereby adopted this 8th day of June, 2023, 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

- *A motion was made by Rye Valley District Supervisor Lori Deel to adopt the resolution to approve the Smyth County School Board Budget for FY 23/24. Park District Supervisor Kristopher Ratliff seconded the motion.*

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

- AYES:** Chair Atkins District Supervisor Charles Atkins,
Vice Chair Rye Valley District Supervisor Lori Deel,
North Fork District Supervisor Phil Stevenson,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.
- NAYS:** None.
- ABSTAINERS:** None.
- ABSENT:** Royal Oak District Supervisor Courtney Widener and
Chilhowie District Supervisor Michael Sturgill.

6/8/2023 6:49 PM Mr. Utt presented the following resolution in support of setting the FY23/24 tax rates:

**A RESOLUTION SETTING PROPERTY TAX RATES
FOR THE PERIOD OF JULY 1, 2023 THROUGH JUNE 30, 2024**

WHEREAS, the Smyth County Board of Supervisors hereby adopts a budget for the fiscal year ending June 30, 2024; and

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

THEREFORE, BE IT RESOLVED that the Board of Supervisors make the following property tax rates for July 1, 2023 through June 30, 2024.

- | | |
|---------------------|--------------------------------------------------|
| Real Estate | \$0.74 per hundred dollars of assessed valuation |
| Airplanes | \$1.40 per hundred dollars of assessed valuation |
| Machinery and Tools | \$1.55 per hundred dollars of assessed valuation |
| Merchants Capital | \$0.40 per hundred dollars of assessed valuation |
- Tangible Personal Property:
- a) Automobiles as described in subdivision A 3 of the Code of Virginia §58.1-3503 at a rate of \$2.22 per hundred dollars of assessed valuation; and
 - b) Trucks of less than two tons as described in subdivision A (4) and A (5) of the Code of Virginia §58.1-3503 at a rate of \$2.22 per hundred dollars of assessed valuation; and
 - c) All other Tangible Personal Property as described in the Code of Virginia §58.1-3503 at a rate of \$2.30 per hundred dollars of assessed valuation.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby sets the Personal Property Tax Relief Act (PPTRA) rate at 40% for the July 1, 2023 through June 30, 2024 tax year as recommended by the Smyth County Commissioner of Revenue.

Adopted this the 8th day of June, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

- A motion was made by Rye Valley District Supervisor Lori Deel to adopt the resolution to approve the Smyth County tax rates for FY 23/24 as amended. Park District Supervisor Kristopher Ratliff seconded the motion.

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

- AYES:** Chair Atkins District Supervisor Charles Atkins,
Vice Chair Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: North Fork District Supervisor Phil Stevenson.
ABSTAINERS: None.
*ABSENT: Royal Oak District Supervisor Courtney Widener and
Chilhowie District Supervisor Michael Sturgill.*

6/8/2023 6:51 PM Economic Development Project Manager Kendra Hayden spoke about a grant opportunity with the US Department of Transportation and Federal Highway Administration to help fund EV charge stations in the County. Mrs. Hayden shared this would be a joint application with the Town of Marion to strengthen the chances of receiving the grant. Mrs. Hayden shared she would just like approval from the Board for a letter of support. Rye Valley District Supervisor Lori Deel asked about what strain the EV stations will put on fire agencies. Emergency Services Coordinator Curtis Crawford explained the process of putting out a fire on electric vehicles and it would just have to be insured that adequate water supply be located around the EV station.

6/8/2023 6:51 PM Chilhowie District Supervisor Michael Sturgill entered the Board meeting in person.

- A Motion was made by North Fork District Supervisor Phil Stevenson to approve a letter of support to Virginia Clean Cities regarding a joint EV grant application with the Town of Marion. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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 Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*
NAYS: North Fork District Supervisor Phil Stevenson.
ABSTAINERS: None.
ABSENT: Royal Oak District Supervisor Courtney Widener.

6/8/2023 7:01 PM Mr. Utt presented the following joint resolution with the Town of Marion, Town of Chilhowie, and Town of Saltville in support of WDBJ7 to Comcast:

RESOLUTION PROTESTING THE REMOVAL OF WDBJ ROANOKE, VIRGINIA FROM COMCAST’S CABLE PACKAGE AND PETITION TO PUT IT BACK ON FROM THE TOWNS OF CHILHOWIE, MARION, SALTVILLE, AND THE COUNTY OF SMYTH

WHEREAS, WDBJ had been on the cable TV network lineup for decades for some or all of Smyth County residents including the three aforementioned Towns; and,

WHEREAS, WDBJ was a primary carrier of news and sports involving the Commonwealth of Virginia; and

WHEREAS, the removal of WDBJ has created a void in Virginia news and supports and that void has not been filled by other channels; and,

WHEREAS, the removal was done without notice or agreement of the localities that act as the franchisee of Comcast; and,

WHEREAS, the removal of WDBJ lessened the value of Comcast’s cable offerings generally and left our citizens less informed of Virginia events,

NOW THEREFORE LET IT BE RESOLVED governing bodies of Chilhowie, Marion, Saltville and Smyth have determined that the removal of WDBJ was not in our respective communities’ best interest; and,

AND THAT IT BE FURTHER RESOLVED that the four governing bodies request that WDBJ Roanoke, Virginia be putback on the Comcast Cable’s Base Package in the near future; and,

AND THAT IT BE ADDITIONALLY RESOVLED that our Federal legislators Senators Mark Warner and Tim Kaine, and Representative Morgan Griffiths offer their good offices in assistance and endorse the Smyth localities efforts in this regard.

RESOLVED BY THE TOWN COUNCILS OF CHILHOWIE, MARION, SALTVILLE, AND THE SMYTH COUNTY BOARD OF SUPERVISORS

<div></div> <div>Gary L. Heninger, Mayor of Chilhowie</div>	<div></div> <div>Date of Approval</div>
<div></div> <div>David P. Helms, Mayor of Marion</div>	<div></div> <div>Date of Approval</div>
<div></div> <div>C. Todd Young, Mayor of Saltville</div>	<div></div> <div>Date of Approval</div>
<div></div> <div>Charles E. Atkins, Chair Smyth Co Board of Supervisors</div>	<div></div> <div>Date of Approval</div>

- A motion was made by Rye Valley District Supervisor Lori Deel to adopt the joint resolutions with the towns in support of WDBJ7. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

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 Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: North Fork District Supervisor Phil Stevenson.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener.

6/8/2023 5:57 PM Smyth County School Board Superintendent Dr. Carter spoke about a request for flexibility to move funds within category due to possibilities in shifts within state budget.

- Rye Valley District Supervisor Lori Deel made a motion to allow the School Board flexibility to move funds between budget categories as long as the reallocation does not change the number in the closeout of the fiscal year of \$67,176,388.00. 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,
North Fork District Supervisor Phil Stevenson.
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: Chilhowie District Supervisor Michael Sturgill.

ABSENT: Royal Oak District Supervisor Courtney Widener.

6/8/2023 7:10 PM Assistant Count Administrator Clegg Williams read the minutes from the Ordinance Committee meeting held on June 1st, 2023 and presented the following recommendations:

- A motion was made by Atkins District Supervisor Charlie Atkins to recommend scheduling a joint public hearing with the Planning Commission regarding the*

proposed Battery Power Facility ordinance on July 27th. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.

After consideration, the Ordinance 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 Kristopher Ratliff,
Saltville District Supervisor Roscoe Call and
North Fork District Supervisor Phil Stevenson.*
- NAYS: None.*
- ABSTAINERS: None.*
- ABSENT: Royal Oak District Supervisor Courtney Widener.*

- A motion was made by Atkins District Supervisor Charles Atkins to recommend approving the Resolution in support of applying for an FDID. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

RESOLUTION IN SUPPORT OF FDID APPLICATION

WHEREAS, The Smyth County Board of Supervisors has determined that it is in the best interest of public health, safety, and welfare to employ fire and EMS personnel to provide coverage to the county and its citizens; and

WHEREAS, the Virginia Department of Fire Programs has advised that Smyth County, as the employing agency for the personnel, apply for and hold a Fire Department Identification Number (FDID) to use in employment, operations, and reporting for activity by the personnel; and

WHEREAS, Smyth County has established the Smyth County Fire/Rescue under the department of Public Safety with an appointed Chief that directs its operations and coordinates support for all agencies in the County; and

NOW, THEREFORE, BE IT RESOLVED, by the Smyth County Board of Supervisors, that it does hereby authorize the county staff to apply to the Virginia Department of Fire Programs for assignment of a countywide fire department identification number.
Adopted this the 8th day of June, 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

After consideration, the Ordinance 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 Kristopher Ratliff,
Saltville District Supervisor Roscoe Call and
North Fork District Supervisor Phil Stevenson.*

NAYS: None.
ABSTAINERS: None.
ABSENT: Royal Oak District Supervisor Courtney Widener.

6/8/2023 7:18 PM County Attorney Report:

County Attorney Scot Farthing stated he had nothing new to report at this time.

6/8/2023 7:18 PM County Administrator Report:

Mr. Utt brought the 1st Quarter Appropriation recommendation from the Budget Committee back to the Board’s attention:

- Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving the requested 1st Quarter Appropriations in the total amount of \$38,169,864 as presented. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.

General County	\$10,500,000	Fund 001
Smyth County EDA	\$762,500	Fund 004
Court Reimburse-Towns	\$6,500	Fund 006
Schools – Operating Fund	\$19,833,776	Fund 009
Schools – School Debt and Capital Fund	\$2,179,455	Fund 009
Schools – School Textbook Fund	\$130,000	Fund 037
Department of Social Services	\$1,721,733	Fund 013
Public Safety Communications Const.	\$2,587,500	Fund 302
Water/Sewer Deposit Refund	\$2,500	Fund 501
Transfer Station Const. Fund	\$350,000	Fund 505
Comm. Att’y State Drug Asset	\$12,500	Fund 737
Sheriff Fed. Drug Asset	\$15,000	Fund 746
Sheriff State Drug Asset	\$7,500	Fund 747
Sheriff’s Dept. Equip./E-summons	\$7,500	Fund 748
Recovery Court	\$43,400	Fund 749
Comm. Att’y Fed. Drug Asset	\$5,000	Fund 760
Circuit Court Holding Acct	\$5,000	Fund 770
Total:	\$38,169,864	

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

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

NAYS: None.
ABSTAINERS: None.
ABSENT: Royal Oak District Supervisor Courtney Widener.

6/8/2023 7:21 PM Supervisor Comment Time

Vice Chair, Rye Valley District Supervisor Lori Deel extended appreciation to the Staff, Board and all who worked on the Budget. Mrs. Deel shared her excitement for working with Marion on Fire and EMS to discuss what we can do to serve our citizens. Mrs. Deel also shared her appreciation for Chief Moss of Chilhowie Police Department for escorting the Chilhowie track team when they arrived back from state. Mrs. Deel then spoke on her positive experience at Wolf Stock and more upcoming events including the Konnarock Community Center breakfast

and Bingo in Adwolfe.

North Fork District Supervisor Phil Stevenson stated he appreciates the open discussion as well as the attendance of citizens. Mr. Stevenson also shared he did not believe the Board meeting was a place for political appearances.

Chilhowie District Supervisor Michael Sturgill was excited to share with 360 schools in the CIP division in academics, Smyth County Schools had more schools to meet all the 30 categories for full accreditation than any other school system in the CIP division. Mr. Sturgill congratulated Dr. Carter on all the successes of the schools and shared his gratitude for all Dr. Carter does.

Chair, Atkins District Supervisor Charles Atkins asked about the timeframe of the County audit. Mr. Atkins also requested Mr. Utt pull out the list of goals the Board developed in 2021 to see how far the County has come. Mr. Atkins thanked the staff for all they do.

Saltville District Supervisor Roscoe Call thanked the staff for a job well done, enjoys seeing everyone’s smiling faces. Mr. Call thanked Dr. Carter for his hard work as well as Mrs. Likins for all that she is putting into the County’s Libraries.

6/8/2023 7:35 PM With no other business to discuss Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

Charles E. Atkins, Chair



The Smyth County Board of Supervisors held its regular meeting on Thursday, July 13th, 2023, at 5:00 p.m. The location of the meeting was held in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

PRESENT: Vice Chair Rye Valley District Supervisor Lori Deel; Royal Oak District Supervisor Courtney Widener; North Fork District Supervisor Phil Stevenson; Saltville District Supervisor Roscoe Call; Chilhowie District Supervisor Michael Sturgill.

ABSENT: Chair Atkins District Supervisor Charles Atkins and Park District Supervisor Kristopher Ratliff

STAFF: Assistant County Administrator- Operations Lisa Richardson; Assistant County Administrator- Development Clegg Williams; County Attorney Don Martin; Economic Development Director Kendra Hayden; Executive Administrative Assistant/Deputy Clerk Auna Louthian

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

7/13/2023 5:02 PM Vice Chair, Rye Valley District Supervisor Lori Deel called the meeting to order and welcomed everyone.

7/13/2023 5:03 PM Christy Bise, Human Resources Manager/ Payroll led the Pledge of Allegiance.

7/13/2023 5:03 PM Pastor Alan Gray of Royal Oak Presbyterian Church gave the invocation.

7/13/2023 5:04 PM Vice Chair, Rye Valley District Supervisor Lori Deel entertained a motion to amend the agenda to remove the review of BOS Retreat Goals and Work Plan for 2021.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to amend the agenda as presented to remove the review of the BOS Retreat Goals and Work Plan for 2021. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill and

Saltville District Supervisor Roscoe Call.

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Chair Atkins District Supervisor Charles Atkins and
Park District Supervisor Kristopher Ratliff.*

7/13/2023 5:05 PM Vice Chair, Lori Deel read the following resolution in appreciation of John McLean.

**A RESOLUTION OF APPRECIATION FOR THE SERVICE AND
LEADERSHIP OF MR. JOHN MCLEAN TO THE
SMYTH COUNTY ECONOMIC DEVELOPMENT AUTHORITY**

WHEREAS, John McLean began his service to his adopted community in July of 2016 as the Smyth County Economic Development Authority's North Fork District representative; and,

WHEREAS, quickly after realizing his true leadership skills, John was elected to serve as the Chair of the Smyth County EDA, a title he kept until his last meeting on June 28, 2023; and,

WHEREAS, during his tenure on the Smyth County EDA, John was instrumental in many initiatives that helped move the County forward, including the development of a mission and vision statement along with a strategic plan for the Authority as well as the expansion of training, business retention and expansion outreach programs; and,

WHEREAS, as Chair of the EDA, John oversaw the several industrial expansions and the attraction of Speyside Bourbon Cooperage in Atkins, all of which culminated in nearly 400 new jobs and a net new capital investment of over \$78 million into the County's economy; and,

WHEREAS, John served as the County's representative on the Smyth-Washington Regional Industrial Facilities Authority, the Pathway Regional Industrial Facilities Authority, and the Mount Rogers Regional Partnership; and,

WHEREAS, was always willing to answer the call to service when asked, even when it dealt with areas of service beyond his knowledge, such as the Saltville EMS Task Force and others.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SMYTH COUNTY, VIRGINIA that we hereby express their sincere appreciation for the service and leadership of John McLean over the past seven years and wish him good health and much happiness in the years to come.

Adopted this the 13th day of July, 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Lori Deel, Vice Chair

- *A motion was made by North Fork District Supervisor Phil Stevenson to adopt the resolution in appreciation of John McLean. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: Chair Atkins District Supervisor Charles Atkins and
Park District Supervisor Kristopher Ratliff.

Chilhowie District Supervisor, Michael Sturgill thanked Mr. McLean for his hard work and dedication. Mr. Sturgill shared it had been an honor to serve the county alongside someone with an infinite amount of knowledge.

North Fork District Supervisor Phil Stevenson shared he had the luxury of being Mr. McLean's neighbor and appreciates all he has done.

Vice Chair, Rye Valley District Supervisor Lori Deel thanked Mr. McLean for being an asset to the County.

7/13/2023 5:10 PM Pam Heath, Assistant Residency Engineer with VDOT gave the quarterly report with updates of various projects. Royal Oak District Supervisor Courtney Widener asked Ms. Heath if the McMullin bridge project is still on track. Ms. Heath reported that the project is still on track and should be completed by spring of 2024. North Fork District Supervisor Phil Stevenson requested an update on Valley Road for guard rail installation. Ms. Heath shared that they would have to build up a shoulder, but it was on the top of their priority list.

7/13/2023 5:18 PM Amanda Livingston, Director of Tourism shared the newest tourism video. Mrs. Livingston stated the rights are owned by the Smyth County Tourism to the video and she will be able to pull snippets from the full video for anything needed.

7/13/2023 5:23 PM Minutes from the June 8th, 2023 meeting.

- *Motion was made by Saltville District Supervisor Roscoe Call to approve the minutes from the June 8th, 2023, meeting. North Fork District Supervisor Phil Stevenson seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair Rye Valley District Supervisor Lori Deel,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: Royal Oak District Supervisor Courtney Widener.

ABSENT: Chair Atkins District Supervisor Charles Atkins and
Park District Supervisor Kristopher Ratliff.

7/13/2023 5:24 PM Assistant County Administrator- Operations, Lisa Richardson presented the County's updated financial information but stated it did not include the Treasure's report due to end of fiscal year processing. Mrs. Richardson did share the current bank balance for the Boards information.

SMYTH COUNTY BOARD OF SUPERVISORS

THURSDAY, JULY 13, 2023

ACCOUNTS PAYABLE LISTING

[JUNE 2023](#)

Request approval of the following payables:

<u>General County - Regular Checks</u>	\$1,951,766.02
<u>Fund 4 EDA - Regular Checks</u>	\$257,381.24
Accounts Payable Listing 06/01/2023 - 06/30/2023	\$2,209,147.26
<u>Fund Accounts - Manual Checks</u>	
Fund 302 Public Safety Radio	
Fund 505 Transfer Station Construction	
Fund 747 Sheriff State Assets Forfeiture	
Fund 748 Sheriff Purchase of Equipment	\$7,431.69
Fund 749 Recovery Court	\$4,467.58
Fund 760 Commonwealth Attorney Federal Drug Assets	
Fund 770 Circuit Court Clerk - Holding Account	\$567.10

Total Fund Accounts	\$12,466.37
TOTAL ACCOUNTS PAYABLE - JUNE 2023	\$2,221,613.63

- *Motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: Chair Atkins District Supervisor Charles Atkins and
Park District Supervisor Kristopher Ratliff.

7/13/2023 5:26 PM Vice Chair Rye Valley District Supervisor Lori Deel opened citizens' time.

Charles Wassum of 321 Wassona Drive, Marion handed out a copy of The Bill of Rights and shared his concern with a potential ordinance change in the Town of Marion.

7/13/2023 5:30 PM Vice Chair, Rye Valley District Supervisor Lori Deel closed citizens' time.

7/13/2023 5:30 PM Chilhowie District Supervisor Michael Sturgill read the minutes of the Ordinance Committee from the July 6th, 2023, meeting and presented the following committee recommendations:

- *A motion was made Atkins District Supervisor Charlie Atkins to recommend scheduling a public hearing on July 27th at 5:00pm or shortly thereafter regarding the proposed revised Transient Occupancy Tax Ordinance. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

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

AYES: Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,

*Chilhowie District Supervisor Michael Sturgill and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Chair Atkins District Supervisor Charles Atkins and
Park District Supervisor Kristopher Ratliff.*

7/13/2023 5:39 PM Vice Chair, Rye Valley District Supervisor Lori Deel read the minutes of the Public Safety Committee from the July 6th, 2023 meeting and presented the following committee recommendations:

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend continuing to fund the budget gap for EMS operations with the Town of Marion as discussed with the following stipulations: 100% ALS coverage, out the door in 3 minutes, considering a full-time chief/supervisor and accountability on capital/budgeting expenses along with communicating between County and Town of personnel concerns. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

AYES: *None.*

NAYS: *Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill and
Saltville District Supervisor Roscoe Call.*

ABSTAINERS: *None.*

ABSENT: *Chair Atkins District Supervisor Charles Atkins and
Park District Supervisor Kristopher Ratliff.*

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend continuing to fund the budget gap for EMS operations with the Town of Marion as discussed, adding the Town of Chilhowie with the following stipulations: ALS unit staffed for first call, out the door in 3 minutes, considering a full-time chief/supervisor and accountability on capital/budgeting expenses along with communicating between County and Town of personnel concerns. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

*Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Chair Atkins District Supervisor Charles Atkins and
Park District Supervisor Kristopher Ratliff.*

7/13/2023 5:57 PM Saltville District Supervisor Roscoe Call read the minutes of the Water and Sewer Committee from the July 6th, 2023 meeting and presented the following committee recommendations:

- *A motion was made by Rye Valley District Supervisor Lori Deel to recommend accepting the funding package from Virginia Clean Water Revolving Loan Fund for the Staley Creek Sewer project and allow County Administrator to execute all related documents necessary to close on the project as well as formally decline the offer for the Groseclose Sewer Project. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

North Fork District Supervisor Phil Stevenson raised concerns on who would be responsible for the loan payments within the funding package for Staley Creek. Mr. Stevenson questioned the issues that caused the need for the repairs and questioned if regular checks are done on lines. Mr. Williams shared they do regular checks, but cameras are not routinely run down the lines.

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

AYES: *None.*

NAYS: *Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill and
Saltville District Supervisor Roscoe Call.*

ABSTAINERS: *None.*

ABSENT: *Chair Atkins District Supervisor Charles Atkins and
Park District Supervisor Kristopher Ratliff.*

- *Chilhowie District Supervisor Michael Sturgill made a motion to formally decline the offer from Virginia Clean Water Revolving Loan fund for the Groseclose Sewer Project and allow County Administrator to reapply during the next round of applications. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: Chair Atkins District Supervisor Charles Atkins and
Park District Supervisor Kristopher Ratliff.

- A motion was made by North Fork District Supervisor Phil Stevenson to send the offer from Virginia Clean Water Revolving Loan fund for the Staley Creek back to the committee for loan repayment clarification. Royal Oak District Supervisor Courtney Widener seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: Chair Atkins District Supervisor Charles Atkins and
Park District Supervisor Kristopher Ratliff.

7/13/2023 5:52 PM County Attorney Report:

County Attorney Don Martin stated he had nothing new to report at this time.

7/13/2023 5:52 PM County Administrator Report:

Mrs. Richardson shared that Kim Sturgill would like to fill the current vacancy on the Area Beautification Committee for Chilhowie District.

- Motion was made by Royal Oak District Supervisor Courtney Widener to appoint Kim Sturgill to the Area Beautification Committee for the vacant seat of the Chilhowie District. Saltville District Supervisor Roscoe Call seconded the motion.

After consideration, the motion PASSED by the following vote:

*AYES: Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: Chilhowie District Supervisor Michael Sturgill.

*ABSENT: Chair Atkins District Supervisor Charles Atkins and
Park District Supervisor Kristopher Ratliff.*

Mr. Williams gave a brief update on neighboring localities tire disposal policy as previously requested by the Board. Discussion ensued about transfer station operations.

- *A Motion was made by North Fork District Supervisor Phil Stevenson to send Convenience Station and Transfer Station hours of operation to the Solid Waste Committee for review. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: Chair Atkins District Supervisor Charles Atkins and
Park District Supervisor Kristopher Ratliff.*

Economic Development Project Manager Kendra Hayden requested the Board's consideration to apply for a planning grant to benefit the Town of Saltville with the sidewalks and awnings on West Main Street.

- *A motion was made by North Fork District Supervisor Phil Stevenson to approve the application to VA Clean Cities for a planning grant to benefit Saltville. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,*

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Chair Atkins District Supervisor Charles Atkins and
Park District Supervisor Kristopher Ratliff.*

7/13/2023 6:05 PM Supervisor Comment Time

Saltville District Supervisor Roscoe Call thanked the staff for a job well done. Mr. Call also shared his great experience with the new ice cream shop in Saltville called the Saltville Emporium and invited everyone out to try it.

Chilhowie District Supervisor Michael Sturgill shared his thoughts and prayers are with Mr. Atkins and hopes he gets back to full health quickly. Mr. Sturgill also shared information about speed cameras that will go up in school zones as well as his excitement for all the events coming up and wished everyone a safe drive home.

Vice Chair, Rye Valley District Supervisor Lori Deel extended well wishes and prayers to Mr. Atkins and thanked Dr. Wassum for being involved in the community.

Royal Oak District Supervisor Courtney Widener extended his thoughts and prayers to Mr. Atkins as well. Mr. Widener also shared his wishes to have more July 4th activities within the county and possibly look at partnering with all towns to make that happen.

North Fork District Supervisor Phil Stevenson spoke on needs from two organizations and made the following motions:

- *North Fork District Supervisor Phil Stevenson made a motion to allocate \$3,000.00 of the Board member miscellaneous line (001-01101-8888-61) to the Old Glade Antique Tractor Association. The funds are broken down as follows: \$2,000.00 from Mr. Stevenson's District and \$1,000.00 from Mr. Sturgill's Chilhowie District budget. Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

AYES: *Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristopher Ratliff and*

Atkins District Supervisor Charles Atkins.

- *Saltville District Supervisor Roscoe Call made a motion to allocate \$1,000.00 of Saltville District's Board member miscellaneous line (001-01101-8888-61) to The Old Glade Antique Tractor Association. North Fork District Supervisor Phil Stevenson seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

*AYES: Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: Park District Supervisor Kristopher Ratliff and
Atkins District Supervisor Charles Atkins.*

- *North Fork District Supervisor Phil Stevenson made a motion to allocate \$3,000.00 of the Board member miscellaneous line (001-01101-8888-61) to the Rich Valley Fair Association. Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

*AYES: Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: Park District Supervisor Kristopher Ratliff and
Atkins District Supervisor Charles Atkins.*

7/13/2023 6:15 PM

- *Royal Oak District Supervisor Courtney Widener 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 EMS Properties as well as Code of Virginia Section 2.2-3711(a)(7) Consultation with legal counsel and briefings by staff members or consultants pertaining to*

actual or probable litigation regarding Voting Rights update. North Fork District Supervisor Phil Stevenson seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff and
Atkins District Supervisor Charles Atkins.

7/13/2023 6:31 PM Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.

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: Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,

*Chilhowie District Supervisor Michael Sturgill, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: Park District Supervisor Kristopher Ratliff and
Atkins District Supervisor Charles Atkins.*

7/13/2023 6:37 PM With no other business to discuss Vice Chair, Rye Valley District Supervisor Lori Deel adjourned the meeting.



The Smyth County Board of Supervisors held its regular meeting on Thursday, July 27^h, 2023, 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 (electronically); Saltville District Supervisor Roscoe Call (electronically); Chilhowie District Supervisor Michael Sturgill; Royal Oak District Supervisor Courtney Widener; North Fork District Supervisor Phil Stevenson.

ABSENT: Park District Supervisor Kris Ratliff

STAFF: County Administrator Shawn Utt; Assistant County Administrator – Development Clegg Williams; County Attorney Scot Farthing; Executive Administrative Assistant/Deputy Clerk Auna Louthian

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

7/27/2023 5:01 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

7/27/2023 5:05 PM Utilities Manager Jessica Davidson, led the Pledge of Allegiance.

7/27/2023 5:05 PM Assistant Director of IT Heather Street gave the invocation.

7/27/2023 5:06 PM

- *A motion was made by Royal Oak District Supervisor Courtney Widener to allow Rye Valley District Supervisor Lori Deel and Saltville District Supervisor Roscoe Call to join electronically. 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, Royal Oak District Supervisor Courtney Widener, Chilhowie District Supervisor Michael Sturgill, and North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

*ABSENT: Park District Supervisor Kristopher Ratliff,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Lori Deel.*

7/27/2023 5:05 PM County Administrator Shawn Utt gave a brief description of the proposed Transient Occupancy Tax ordinance. Mr. Utt noted that the standard language was developed by the Virginia Association of Commissioners of Revenue in partnership with several other stakeholder groups. He explained that the goal of the VACoR group was for all localities to adopt similar ordinances to ensure the most efficient system for the payment of lodging taxes by large intermediaries such as AirBNB and VRBO.

7/27/2023 5:06 PM Chair, Atkins District Supervisor Charles Atkins opened the Public Hearing.

NOTICE OF PUBLIC HEARING

In compliance with the Code of Virginia of 1950, and amendments thereto, the Smyth County Board of Supervisors will conduct a public hearing to consider Repealing Chapter 23, Article VIII, entitled "Transient Occupancy Tax" of the Smyth County Code of Ordinances and Reenacting Chapter 23, Article VIII, entitled "Transient Occupancy Tax" of the Smyth County Code of Ordinances. The Board of Supervisors shall hear comments from citizens concerning the repeal of this section of the Smyth County Code of Ordinances.

The public hearing shall be held on Thursday, July 27th, 2023, beginning at 5:00 p.m., or as soon thereafter as may be heard, in the Board Room of the Smyth County Office Building, 121 Bagley Circle, Marion Virginia, to receive comments on the proposed repeal of Article VIII.

All interested persons may express their views by emailing alouthian@smythcounty.org prior to the scheduled public hearing. Written comments may also be mailed or delivered 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 2:00pm on Thursday, July 27th, 2023.

A copy of the Article being considered for repeal is on file in the County Administrator's Office located at 121 Bagley Circle, Marion Virginia or online at www.smythcounty.org for public review.

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

Smyth County fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Discrimination Complaint Form, contact (276) 783-3298 or at <https://www.smythcounty.org>.

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

Charles Wassam, 321 Wassona Drive, Marion spoke about the current paperwork not aligning with the proposed Transient Occupancy Tax Ordinance. Mr. Wassam shared he does use VRBO currently and would like clarification on changes. Mr. Utt offered to meet with Dr. Wassam and the Commissioner of Revenue next week to make sure any questions he may have would be answered. Mr. Utt also noted that he expected the paperwork currently being used by the Commissioner's office would be updated should the Board choose to move forward with the ordinance revisions.

7/27/2023 5:27 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the Public Hearing.

7/27/2023 5:27 PM

- *A motion was made by Royal Oak District Supervisor Courtney Widener to approve the minutes from the July 13th, 2023 meeting. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
North Fork District Supervisor Phil Stevenson.*

NAYS: *None.*

ABSTAINERS: *Chair, Atkins District Supervisor Charles Atkins.*

ABSENT: *Park District Supervisor Kristopher Ratliff.*

7/27/2023 5:28 PM Chair, Atkins District Supervisor Charles Atkins opened Citizen's time.

Hal Campbell, 3834 Valley Road, Saltville thanked the Board for their ongoing support of the Rich Valley Fair. Mr. Campbell spoke to the Board about air conditioning units the Fair needs for their indoor facilities. Mr. Campbell shared the quote for three units would cost around \$36,000. Mr. Campbell asked the Board to consider funding for this request in the future.

7/27/2023 5:46 PM Chair, Atkins District Supervisor Charles Atkins closed Citizens Time.

7/27/2023 5:52 PM

- *North Fork District Supervisor Phil Stevenson made a motion to allocate \$36,000 to the*

Rich Valley Fair Association to purchase three air conditioning units within the next budget amendment. Royal Oak District Supervisor Courtney Widener seconded the motion.

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

7/27/2023 6:49 PM County Administrator, Shawn Utt read the minutes from the July 20th, 2023 Water and Sewer Committee meeting and presented the following recommendations for the Boards consideration:

- A motion was made by Rye Valley District Supervisor Lori Deel to recommend accepting the funding package from Virginia Clean Water Revolving Loan Fund for the Staley Creek Sewer project and allow County Administrator to execute all related documents necessary to close on the project. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the committee recommendation PASSED by the following roll call vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

7/27/2023 5:55 PM Chilhowie District Supervisor Michael Sturgill read the minutes from the July 20th, 2023 Building and Grounds meeting. The Building and Grounds Committee meeting was informational only and included a discussion about potential Saltville Library sites and no action was taken.

7/27/2023 5:57 PM Mr. Utt reviewed the Board of Supervisors retreat goals and work plan that was developed in 2021 with updates. Mr. Utt highlighted a few major goals that have been accomplished including promoting Mrs. Kendra Hayden to Director of Economic Development as well as various other completed or in progress goals.

7/27/2023 6:08 PM County Attorney Report:

Mr. Farthing had nothing new to report at this time.

7/27/2023 6:08 PM County Administrator Report:

County Administrator Shawn Utt shared that Park District Supervisor Kris Ratliff had request Mr. Utt bring to the Board's attention Park District's appointments for both the Library Board and EDA had expired and does wish that the Board renew those in his absence.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to reappoint Tom Copenhaver to the Library Board with a four-year term expiring June 30th, 2027. North Fork District Supervisor Phil Stevenson seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
North Fork District Supervisor Phil Stevenson.

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to reappoint Julius Winebarger to the EDA with a four-year term expiring June 30th, 2027. North Fork District Supervisor Phil Stevenson seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Saltville District Supervisor Roscoe Call,

*Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
North Fork District Supervisor Phil Stevenson.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristopher Ratliff.*

Mr. Utt also shared the agreement with the Southwest Virginia Mental Health institute to provide steam services to the Morrison building has expired and presented the Board with the renewal MOU.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to accept the MOU with the Southwest Virginia Mental Health Institute to purchase steam services and allow County Administrator to execute and sign. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristopher Ratliff.*

Mr. Utt provided a copy of the Treasurer's accountability report that was unavailable at the July 13th meeting due to end of fiscal year closeout. Mr. Utt shared that the County is currently two million dollars ahead of where we were last year.

7/27/2023 6:18 PM Supervisor Comment Time

Royal Oak District Supervisor Courtney Widener stated he is thankful the Board is able to work together to help the Rich Valley Fair. Mr. Widener was also glad to have Mr. Atkins and Mr. Utt back and hopes Mr. Call feels better soon.

Rye Valley District Supervisor Lori Deel shared that Chilhowie Fire Department is selling two firetrucks and is accepting bids for them until Friday, July 28th.

- *A motion was made by Rye Valley District Supervisor Lori Deel to authorize County Administrator to bid on a firetruck purchase from the Town of Chilhowie and execute any related documents. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

Mrs. Deel then requested to add proposed bid under closed session discussion. Mrs. Deel also thanked everyone working hard on the Rich Valley Fair.

Chair, Atkins District Supervisor Charles Atkins thanked everyone for working together as well as for his cards and prayers during his sickness.

Chilhowie District Supervisor Michael Sturgill stated teachers in Smyth County would be welcomed back into school tomorrow and looks forward to that. Mr. Sturgill also shared that the school zone speed enforcement cameras would be up and operating very soon.

North Fork District Supervisor Phil Stevenson also thanked everyone for helping the Rich Valley Fair. Mr. Stevenson also provided the Board members with research he had done on the solar farm and requested everyone to read it.

Saltville District Supervisor Roscoe Call welcomed back Mr. Utt. and Mr. Atkins, He also thanked everyone for their thoughts and prayers.

7/27/2023 6:32 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)(1) Personnel Matters; Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body regarding Public Works as well as Code of Virginia Section 2.2-3711(a)(6) Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely*

affected regarding Chilhowie Fire Truck bid. Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

7/27/2023 7:00 PM *Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.*

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,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,*

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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

7/27/2023 7:00 PM Chair, Atkins District Supervisor Charles Atkins recessed the meeting until the Joint Public Hearing with the Planning Commission at 7:00pm.



The Smyth County Board of Supervisors held its regular meeting on Thursday, August 10th, 2023, at 5:00 p.m. The location of the meeting was held 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; Park District Supervisor Kristopher Ratliff; Vice Chair Rye Valley District Supervisor Lori Deel (Joined later in the meeting); Royal Oak District Supervisor Courtney Widener; North Fork District Supervisor Phil Stevenson; Saltville District Supervisor Roscoe Call; Chilhowie District Supervisor Michael Sturgill.

ABSENT: None

STAFF: County Administrator, Shawn Utt; Assistant County Administrator- Operations Lisa Richardson; Assistant County Administrator- Development Clegg Williams; County Attorney Scot Farthing; Director of Community and Economic Development Kendra Hayden; Executive Administrative Assistant/Deputy Clerk Auna Louthian.

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

8/10/2023 5:04 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

8/10/2023 5:03 PM Aaron Blevins, Deputy Chief Coordinator led the Pledge of Allegiance.

8/10/2023 5:03 PM Heather Street, Assistant Director of IT gave the invocation.

8/10/2023 5:04 PM Chair, Atkins District Supervisor Charles Atkins welcomed Soni Arpit who plans to develop a truck stop at exit 39. Mr. Arpit gave a brief update on the progress and timeline for the project with the property grading projected to start around Springtime of 2024. Mr. Arpit noted that once that is complete and construction begins, he believes they will be prepared to open for business in 12-18 months.

8/10/2023 5:22 PM Minutes from the July 27th, 2023 meeting.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to approve the minutes from the July 27th, 2023, 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,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Royal Oak District Supervisor Courtney Widener, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: Park District Supervisor Kristopher Ratliff.

ABSENT: Vice Chair Rye Valley District Supervisor Lori Deel.

8/10/2023 5:24 PM Assistant County Administrator- Operations, Lisa Richardson presented the County's updated financial information.

SMYTH COUNTY BOARD OF SUPERVISORS

THURSDAY, AUGUST 10, 2023

ACCOUNTS PAYABLE LISTING

[JULY 2023](#)

Request approval of the following payables:

<u>General County - Regular Checks</u>	\$1,499,387.51
<u>Fund 4 EDA - Regular Checks</u>	\$258,377.41
Accounts Payable Listing 07/01/2023 - 07/31/2023	\$1,757,764.92
<u>Fund Accounts - Manual Checks</u>	
Fund 302 Public Safety Radio	
Fund 505 Transfer Station Construction	
Fund 747 Sheriff State Asset Forfeiture	
Fund 748 Sheriff Purchase of Equipment	\$1,330.89
Fund 749 Recovery Court	\$1,862.21
Fund 760 Commonwealth Attorney Federal Drug Assets	
Fund 770 Circuit Court Clerk - Holding Account	

Total Fund Accounts	\$3,193.10
TOTAL ACCOUNTS PAYABLE - JULY 2023	\$1,760,958.02

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing as presented. Park District Supervisor Kristopher Ratliff 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,
Park District Supervisor Kristopher Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair Rye Valley District Supervisor Lori Deel.

8/10/2023 5:25 PM Chair Atkins District Supervisor Charles Atkins opened citizens' time.

Rose Likins, Smyth County Library Director shared updates and events for the Smyth County Libraries. Ms. Likins also shared that the tech help grant does end next week but they plan to continue to help citizens with any technology needs they may have. Ms. Likins also noted that the library staff is working towards getting all Smyth County students a universal library card.

Chilhowie District Supervisor Michael Sturgill thanked Ms. Likins for her outstanding leadership.

Chett Armstrong of 190 Perry Lane, Atkins addressed the Board with concerns of a neighboring property. Mr. Armstrong is aware that the County did declare 276 Perry Lane a public nuisance but with no work is being accomplished on the house, Mr. Armstrong requested an update of the situation.

Assistant County Administrator for Development Clegg Williams shared that the Board did give the property owner of 276 Perry Lane 120 days to clean up at the May 11th Board meeting, but the house has recently been sold. Mr. Williams plans to send a letter to the new property owner but hopefully they will file an abatement plan in the near future.

8/10/2023 5:27 PM With no one else wishing to speak, Chair, Atkins District Supervisor

Charles Atkins closed citizens' time.

8/10/2023 5:30 PM Mr. Utt stated the Board had held the public hearing for Transient Occupancy Tax at the July 27th meeting and if the Board wishes they may now consider adopting the ordinance.

- *A motion was made by Saltville District Supervisor Roscoe Call to adopt the Transient Occupancy tax Ordinance as presented with an effective date of October 1st, 2023. 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,
Park District Supervisor Kristopher Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair Rye Valley District Supervisor Lori Deel.

Chapter 23 – FINANCE AND TAXATION

Article XIII – Transient Occupancy Tax.

Sec. 23-426. Definitions.

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

Accommodations means any room or rooms, lodgings, accommodations, or space at a Lodging Facility for which tax is imposed on the retail sale of the same pursuant to this Article.

Accommodations fee means the room charge less the discount room charge, if any, provided that the accommodations fee must not be less than \$0.

Accommodations intermediary means any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including one or more payment processors, between a customer and an accommodations provider.

Accommodations intermediary does not include a person:

- (1) If the accommodations are provided by an accommodation provider operating under a trademark, trade name, or service mark belonging to that person;
- (2) Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodation provider to such person; or
- (3) Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 *et seq.*) of Chapter 21 of Title 54.1 of the Virginia Code, when acting within the scope of such license.

Accommodations provider means any person that furnishes accommodations to the general public for compensation. The term “furnishes” includes the sale of use or possession or the sale of the right to use or possess.

County means the County of Smyth, Virginia.

“*Commissioner of the Revenue*” shall mean the Commissioner of the Revenue of the County of Smyth, Virginia, or any duly authorized deputies or agents.

Discount room charge means the full amount charged by the accommodation provider to the accommodation intermediary, or an affiliate thereof, for furnishing the accommodations.

Lodging Facility means any public or private hotel, inn, apartment hotel, hostelry, tourist camp, tourist cabin, tourist home or house, camping grounds, club, motel, rooming house, any place that offers Short-Term Lodging, or other place within the County offering accommodations for one or more persons at any one time, and the owner and operator thereof, who, for compensation, furnishes accommodations to any transients as hereinafter defined.

Person means individuals, firms, partnerships, associations, corporations, persons acting in representative capacity and combinations of individuals of whatever form and character.

Room charge means the total charge made to, or total price paid by or for, a transient in a retail sale for the use or possession of accommodations at any such Lodging Facility before taxes. “Room charge” includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name.

Retail Sale means a sale to any person for any purpose other than for resale.

Transient means any person who, for any period of less than thirty consecutive days either at his own expense or at the expense of another, obtains accommodations in any Lodging Facility as hereinabove defined, for which a charge is made.

Section 23-427. Levy; amount of tax.

Pursuant to Virginia Code § 58.1-3819, in addition to all other taxes, there is hereby imposed and levied a tax equivalent to five percent (5%) of the total room charge paid by or for any such transient for the use or possession of accommodations; provided however, that the tax imposed by this subsection will not be

imposed on any transient occupancy in any Lodging Facility that is located within any town that has imposed a tax on transient occupancy.

Section 23-428. Exemptions to Tax.

No tax is payable hereunder on the total room charge paid for accommodations to any hospital, medical clinic, convalescent home, or home for the aged.

Section 23-429. Collection of tax.

- (a) For any retail sale of accommodations facilitated by an accommodation intermediary, the accommodations intermediary will be deemed a facility making a retail sale of an accommodation. The accommodations intermediary must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same.
- (b) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same.

Section 23-430. Reports required and remittance of tax.

- (a) For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary must remit the tax imposed pursuant to this Article to the Commissioner.
- (b) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider must remit the tax imposed pursuant to this Article to the Commissioner.
- (c) For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this Article prohibits such parties from making an agreement regarding which party will be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the Commissioner for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax will be the sole party liable for the tax, and the other parties to such agreement will not be liable for such tax.
- (d) The person collecting any such tax required pursuant to this Article must make out a report on such forms and setting forth such information as the Commissioner may prescribe and require, showing the amount of total room charges collected, and the tax required to be collected, and must sign and deliver the same to the Commissioner with a remittance of such tax.
- (e) Such reports and remittances must be made monthly on or before the 20th day of the month and covering the amount of tax collected during the preceding month. If the remittance is by check or money order; it must be payable to the County and all remittances received hereunder by the Commissioner must be promptly delivered to the Treasurer.
- (f) Each accommodations intermediary must submit to the Commissioner the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in Smyth County on a monthly basis.

Section 23-431. Interest and penalties upon failure or refusal to remit tax.

If any accommodations provider or accommodations intermediary fails or refuses to remit to the Commissioner, the tax required to be collected and paid under this Article within the time and in the amount specified in this Article, the Commissioner will add a penalty of ten percent (10%), and if the tax remains delinquent and unpaid for a period of one month from the date the same is due and payable, interest will be charged on the unpaid balance at the applicable interest rate. Such interest will accrue from the date on which the tax was due and payable.

Section 23-432. When the Commissioner to determine the amount of tax due.

If any person required to collect and remit the tax imposed by this Article fails to file a statement and a remittance, or if the Commissioner has reasonable cause to believe that an erroneous statement has been filed; the Commissioner may proceed to determine the amount due to the County pursuant to Va. Code § 58.1-3903.

Section 23-433. Tax immediately due and payable upon cessation of business.

Whenever any person required to collect and pay to the County a tax under Section 23-429 and/or Section 23-430 of this Article quits or otherwise disposes of the business, any tax payable under the provisions of this Article to the County becomes immediately due and payable, and such person must immediately make a report and pay the tax due.

Section 23-434. Powers and duties of Commissioner generally; rules and regulations.

The Commissioner will ascertain the name of every person operating a Lodging Facility in the County liable for the collection of the tax levied by this Article. The Commissioner or Treasurer has the power to adopt rules and regulations not inconsistent with the provisions of this Article and the Code of Virginia for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of such rules and regulations will be on file and available for public examination in the Commissioner's office during regular office hours. Failure or refusal to comply with any rules and regulations promulgated under this Section is a violation of this Article.

Section 23-435. Penalty for violation of Article.

Any person convicted of willful failure or refusal to file a tax return at the times required by this Article will be subject to criminal penalties. If the tax lawfully assessed in connection with the return that was not filed is \$1,000 or less, then such failure or refusal to file will be punishable as a Class 3 misdemeanor. If the tax lawfully assessed in connection with the return that was not filed is more than \$1,000, then such failure or refusal to file will be punishable as a Class 1 misdemeanor. In determining the penalty to be applied in the event that a person has not filed a tax return as required by this Article, the penalty will be based on the amount due to the County as determined by the Commissioner. Each such failure or refusal will constitute a separate offense. Such conviction will not relieve any such person from the payment, collection, or remittance of such tax, plus penalties and interests, as provided in this Article.

Section 23-436 - Effective Date

This ordinance was duly considered following a required public hearing held on July 27th, 2023, and was adopted by the Board of Supervisors of Smyth County, Virginia, at its regular meeting held on August 10th, 2023, to be effective October 1st, 2023. The Board of Supervisors members voting:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Charlie E. Atkins	X		
Roscoe D. Call	X		
Lori H. Deel			X
Kristopher S. Ratliff, DPh	X		
Charles P. Stevenson	X		
Michael L. Sturgill	X		
S. Courtney Widener	X		

I certify that this is a true and correct copy taken from the minutes of the Smyth County Board of Supervisors meeting of August 10th, 2023.

Shawn M. Utt, Clerk of the Board

8/10/2023 5:32 PM Chilhowie District Supervisor Michael Sturgill read the minutes of the Building and Grounds Committee Meeting held on August 3rd, 2023. Informational only, no action taken.

8/10/2023 5:39 PM Mr. Utt read the minutes of the Public Safety Committee from the August 3rd, 2023 meeting and presented the following recommendations:

- *A motion was made by Rye Valley District Supervisor Lori Deel to recommend researching the possibility of purchasing a portable Wi-Fi Colt unit to use for Countywide events. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

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

AYES: *Chair Atkins District Supervisor Charles Atkins,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Vice Chair Rye Valley District Supervisor Lori Deel.*

8/10/2023 5:54 PM Rye Valley District Supervisor Lori Deel entered the meeting.

8/10/2023 5:56 PM Mr. Utt read the minutes of the Budget Committee from the August 3rd, 2023 meeting and presented the following committee recommendations:

- *Rye Valley District Supervisor Lori Deel made a recommendation to schedule a public hearing on August 24th, 2023 in reference to budget amendment #1. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend providing an annual contribution to the PACE program for up to five years with an annual request equal to the amount of taxes paid up to an annual amount of five thousand dollars (\$5,000).*

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

AYES: None.

NAYS: Chair Atkins District Supervisor Charles Atkins,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener, and
Saltville District Supervisor Roscoe Call.

ABSTAINERS: None.

ABSENT: None.

- *Chilhowie District Supervisor Michael Sturgill made a motion to allocate \$5,000 to the PACE program with the expectation of an annual request for up to 5 years equal to the*

amount of taxes up to \$5,000. Park District Supervisor Kristopher Ratliff 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,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

- A motion was made by Chilhowie District Supervisor Michael Sturgill to pay Wythe County \$17,323.03 which is half of the tax revenue received from planes located at the Mtn. Empire Regional airport. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

- Chilhowie District Supervisor Michael Sturgill made a motion recommend allowing the County Administrator to apply for the DCJS grant with the 75/25 requirement up to \$100k. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,

*North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: Royal Oak District Supervisor Courtney Widener.

ABSENT: None.

8/10/2023 PM Mr. Williams read the minutes from the Planning Commission's July 27th. 2023, meeting. He noted the Planning Commission made the following recommendation:

Park District Representative Tony Dean made a motion to recommend approval of the Special Use Permit for the Automotive Sales and Service requested by Hobert Widener. Saltville District Representative David Spence seconded the motion, and it was unanimously approved by the Planning Commission.

- After consideration, Chilhowie District Supervisor Michael Sturgill made a motion to approve the Special Use permit for the Automotive Sales and Service requested by Hobert Widener. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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,
Park District Supervisor Kristopher Ratliff,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Mr. Williams also noted that the Planning Commission made the following recommendation:

Chilhowie District Representative Graham Davison Jr. made a motion to recommend approval of the special use permit to construct a Solar Energy Facility. Park District Representative Tony Dean seconded the motion. The following vote was recorded:

AYES: Davidson, Dean, Meadows, Shepherd, and Wagoner.

NAYS: Campbell.

ABSENT: Spence.

County Attorney, Scot Farthing stated he is unsure if the Board can grant the special use permit without a siting agreement as well as the finalized Comprehensive Plan. Mr. Farthing would like more time to research.

- *After consideration, North Fork District Supervisor Phil Stevenson made a motion to table the Special Use permit for the construction of a Solar Energy Facility until the first regular scheduled Board meeting in October. Park District Supervisor Kristopher Ratliff seconded the motion, and it was unanimously approved.*

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,
Park District Supervisor Kristopher Ratliff,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Mr. Williams also noted that the Planning Commission made the following recommendation: Saltville District Representative David Spence made a motion to recommend approval of the zoning ordinance text amendment to add Games, Arcade "Skill" Gaming, additional regulations, and definitions as presented which was seconded by Chilhowie District Representative Graham Davidson Jr. and it was approved by the following vote:

AYES: Davidson, Dean, Meadows, Shepherd, Wagoner, Campbell, and Spence.

NAYS: Meadows.

- *After consideration, Chilhowie District Supervisor Michael Sturgill made a motion to table the zoning ordinance text amendment to add Games, Arcade "Skill" Gaming, additional regulations, and definitions as presented tabled until the first regularly scheduled Board meeting in October. Park District Supervisor Kristopher Ratliff seconded the motion, and it was unanimously approved.*

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,
Park District Supervisor Kristopher Ratliff,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Mr. Williams also noted that the Planning Commission made the following recommendation: Saltville District Representative David Spence made a motion to recommend approving the text amendment to specify which districts would allow Battery Storage Facility/ Energy Storage Facility by Special Use Permit in districts A, A/R, I and C which was seconded by Park District Representative Lea Meadows and it was unanimously approved.

- A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the Zoning Ordinance text amendments related to Battery Storage Facility/Energy Storage Facility as recommended by the Planning Commission. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*

NAYS: North Fork District Supervisor Phil Stevenson

ABSTAINERS: Chair Atkins District Supervisor Charles Atkins.

ABSENT: None.

Add: 4-18 BATTERY STORAGE FACILITY/ENERGY STORAGE FACILITY

Battery Storage Facility/Energy Storage Facility

- (a) *Application.* Each application for a Special Use Permit for a battery storage facility shall include the following general information:
- (1) *Decommissioning plan.* As part of the project application, the applicant shall submit a decommissioning plan, which shall include the following:
 - a. The anticipated life of the project;
 - b. Contact information for the party responsible for site decommissioning;
 - c. Timeline for, and written description of, decommissioning procedures which shall include, but not limited to, removal of any above and below ground tanks, cables, fencing, debris, buildings, structures or equipment, to include foundations and pads, related to the facility and restoration land and related

disturbed areas to a natural condition or other approved state. At time of approval, the Board of Supervisors may approve and condition a request by an applicant to have certain items intended to be utilized to serve a permitted use on the site to remain, provided site plan approval is obtained;

- d. "Natural condition" shall be taken to mean the stabilization of soil and restoration of site vegetation and topography to its pre-existing condition to prevent erosion, provided that the exact method and final site restoration plan shall be subject to site plan review giving, among other things, consideration to impacts upon future site use, environmental and adjacent property impacts. The director of planning or their designee may approve a request by the landowner for alternatives to site restoration to allow roads, pads or other items which will serve a future permitted site use to remain. Where applicable, if the director of planning or their designee determines that a restoration plan significantly deviates from the description and conditions approved by the Board of Supervisors such plan shall require amendment of the conditions by Board of Supervisors.
- (2) *Project description.* A narrative identifying the applicant, owner, and operator, and describing the proposed battery storage facility, including an overview of the project, its location, and maintenance plan for the project; approximate rated capacity of the battery storage facility; a description of ancillary facilities, if applicable; and analysis of the beneficial and adverse impacts of the proposed project on natural and historic resource, prime agricultural soils, or forest lands.
 - (3) *Site plan.* The site plan shall conform to the preparation and submittal requirements of the County site plan review process, including supplemental plans and submissions, and shall include the following information:
 - a. Existing and proposed buildings, battery enclosures and structures, including preliminary location(s) of all proposed equipment;
 - b. Existing and proposed access roads, drives, turnout locations, and parking;
 - c. Location of any substations, electrical cabling, ancillary equipment, buildings, and structures (including those within any applicable setbacks);
 - d. Appropriate access and water supply as required by the authority having jurisdiction of the County of Smyth; and
 - e. Fencing or other methods of ensuring public safety. The project area shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate anticlimbing device such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be maintained at all times while the facility is in operation.
- (b) *Special requirements.*
- (1) Installation and maintenance of any electrical storage system (ESS) shall comply with all applicable provisions of the Virginia Building Codes and the Virginia Statewide Fire Prevention Codes.
 - (2) When the owner or other responsible party decommissions a battery storage facility, they shall handle and dispose of the equipment and other project components in conformance with federal, state, and local requirements.
 - (3) At such a time that a battery storage facility is scheduled to be abandoned, the owner or operator shall notify the Building and Zoning Department or designee.
 - (4) Within three hundred sixty-five (365) days of the date of abandonment, the owner or operator shall complete the physical removal of the battery storage facility. This period may be extended at the request of the owner or operator, upon approval of the Board of Supervisors.
 - (5) A fifty-foot setback for buildings and battery cabinet containers shall be required along all lot lines.
 - (6) An emergency action plan as required by the authority having jurisdiction of the County of Smyth; and

- (7) *Vegetative buffer.* A vegetated buffer sufficient to mitigate the visual impact of the facility is required. The buffer shall consist of a landscaped strip at least 15 feet wide, shall be located within the setbacks required under subsection (b.5), and shall run around the entire perimeter of the property. The buffer shall consist of existing vegetation and, if deemed necessary for the issuance of a special use permit, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials at least three feet tall at the time of planting and that are reasonably expected to grow to a minimum height of eight feet within three years. The planning commission or board of supervisors may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or the topography affects the visual impact of the facility. Non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers or any reasonable alternatives proposed by the owner and approved by the County must be used in the vegetative buffer. Fencing must be installed on the interior of the buffer. Until such time as the vegetative buffer completely screens the battery energy storage facility from the view of adjacent property owners, the owner and/or operator shall use green privacy slats in the required fencing. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the planning commission when the applicant proposes to use existing wetlands or woodlands, as long as the wetlands or woodlands are permanently protected for use as a buffer. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable. If existing trees and vegetation are disturbed, new plantings shall be provided for the buffer. The buffer shall be maintained for the life of the facility.
- (c) *Factors relating to approval.* Before issuing any Special Use Permit for a battery storage facility, the Board of Supervisors shall give due consideration to the following factors, among others:
- (1) The visual impact of the project, in conjunction with landscaping and screening plans;
 - (2) Impacts to protected environmental features; and
 - (3) An onsite fire monitoring system or fire watch prevention plan as required by the authority having jurisdiction of the County of Smyth.
- (d) *Bonding requirements.* The Board of Supervisors may require a bond or letter of credit in an amount and with surety satisfactory to the Building and Zoning Department, securing the County of Smyth compliance with the conditions and limitations set forth in the Special Use Permit.

Add to Article X:

Decommissioning: The removal and proper disposal of equipment, facilities, or devices on real property, including restoration of the real property upon which equipment, facilities, or devices are located. Restoration of the real property shall include soil stabilization, and revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

SUP in the A, AR, I and C District(s)

Mr. Williams also noted that the Planning Commission made the following recommendation: Saltville District Representative David Spence made a motion to approve adding Wind Energy Facility by Special Use Permit in the Districts A, A/R, I and C which was seconded by Royal Oak District Representative Paul Shepherd, and it was unanimously approved.

- A motion was made by North Fork District Supervisor to approve the Zoning Ordinance text amendments related to Wind Energy Facility as recommended by the Planning Commission. Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.

NAYS: Chair Atkins District Supervisor Charles Atkins.

ABSTAINERS: None.

ABSENT: None.

Add: 4-19 WIND ENERGY FACILITY

Wind Energy Facility:

(a) SETBACKS.

- (1) The following dimensional requirements shall apply to the installation of wind turbines and/or wind energy facilities:

Wind Energy Facility Type	Minimum Lot Size	Minimum Setback Requirements 1					Maximum Height from Grade
		Occupied Buildings (Subject Property) ²	Occupied Buildings (Adjacent Property) ^{2, 3}	Property Lines ²	Public/Private Right-of-Way ²	Hwy 11, 16, 42, & 91 Interstate 81 ²	
Small System	NA	0.0	1.0	1.0	1.0	1.5	120 ft.
Large System	5 Acres	0.5	1.5	1.0	1.5	2.0	250 ft.
Utility Scale	25 Acres	1.5	2.0	1.5	1.5	2.0	500 ft.

¹;hg;Measured from the center of wind turbine base to the property line, right-of-way, or nearest point on the foundation of an occupied building.

²;hg;Calculated by multiplying the required setback number by the wind turbine height.

³;hg;This setback proposes to reduce noise and shadow flicker impacts to any existing occupied buildings on adjacent properties.

- (2) As part of the Special Use Permit or Zoning Permit approval process, the property owner(s) may waive the setback requirements for occupied buildings on the subject property and adjacent property by signing a waiver that sets forth the applicable setback provisions and proposed changes. The written waiver shall describe how the proposed wind turbine and/or wind energy facility is not in compliance, and state that consent is granted for the wind turbine and/or wind energy facility to not be setback as required by this Ordinance. Any such waiver shall be signed by all affected property owners and be recorded. The waiver shall advise all subsequent purchasers of any burdened property that waiver of setback shall run with the land and may forever burden the subject property.

(b) INSTALLATION AND DESIGN.

- (1) The installation and design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).
- (2) All electrical and mechanical components of the wind energy facility shall conform to relevant and applicable local, state, and national codes.

- (3) Any on-site transmission or power lines shall, to the maximum extent possible, be placed underground.
- (4) The visual appearance of wind energy facilities shall at a minimum:
 - A. Maintain a galvanized finish and be a non-obtrusive color such as white, off-white, or gray.
 - B. Not display advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer, facility owner and operator.
- (c) **DECOMMISSIONING OR ABANDONMENT.**
 - (1) The wind energy facility owner, and/or operator and/or property owner shall have three (3) months to complete decommissioning of the facility if no electricity is generated for a continuous period of twenty-four (24) months.
 - (2) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities.
 - (3) Disturbed earth shall be graded and re-seeded unless the landowner requests in writing that the access roads or other land surface areas not be restored.
 - (4) A performance surety, in a form approved by the County Attorney, shall be submitted by the applicant prior to the issuance of a building permit to ensure removal of the wind energy facility when it is no longer to be used for wind generation.

ADD TO ARTICLE X:

WIND ENERGY FACILITY: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND ENERGY FACILITY, LARGE SYSTEM: A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of not more than 999 kW.

WIND ENERGY FACILITY, SMALL SYSTEM: A single system design to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for onsite consumption. A small wind energy conversion system consisting of a single wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 25kW.

WIND ENERGY FACILITY, UTILITY SCALE: A wind energy conversion system consisting of more than one wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of more than 1 MW or greater.

WIND FARM: See "Wind Energy Facility, Utility Scale."

WIND TURBINE: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower and pad transformer.

WIND TURBINE HEIGHT: The distance measured from grade to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

WINDMILL: A machine designed to convert the energy of the wind into more useful forms using rotating blades to turn mechanical machinery to do physical work, such as crushing grain or pumping water.

SUP in A, A/R, I and C District(s)

8/10/2023 6:46 PM County Attorney Report:

County Attorney Scot Farthing stated he had nothing new to report at this time.

8/10/2023 6:48 PM County Administrator Report:

Mr. Utt stated he had nothing to report at this time.

8/10/2023 6:48 PM Supervisor Comment Time

Vice Chair, Rye Valley District Supervisor Lori Deel extended her appreciation for the Board working together with the best intentions of the County.

Chilhowie District Supervisor Michael Sturgill shared his excitement for the Lab school starting in spring with Emory and Henry starting will give great benefits to students. Mr. Sturgill also shared the beginning of school has gone well but did ask Mr. Utt for clarification on where revenue from School Zone speed cameras would go. Mr. Utt clarified that the funds will be deposited into the 744 fund following the same practice as the radar program. With that, the County receives 20% of the revenues for the general fund and the remaining 80% goes into the 744 Fund to be used by the Sheriff's office for school safety and other programs.

Park District Supervisor Kristopher Ratliff stated he is glad to be back after vacation season and is excited to get back into the swing of things.

Saltville District Supervisor Roscoe Call thanked the staff for a job well done.

Royal Oak District Supervisor Courtney Widener shared he had a wonderful first day of school and all the children loved it as well. Mr. Widener thanked everyone who works on National Night out and appreciates the relationships it creates between officers and children.

Chair, Atkins District Supervisor Charles Atkins noted he hopes the Board is making decisions that are best for the County and hopes everyone knows that they are all doing their best to take care of all citizens.

North Fork District Supervisor Phil Stevenson thanked Mr. Arpit for coming and sharing his progress report, he believes Soni is working hard to do all the work on his business correctly. Mr. Stevenson also shared a complaint with photographs he had gotten from a concerned citizen about 1013 Ridge Rd. Saltville with driveway issues, he shared VDOT has already addressed the issue with the property owner, but the stop work order from the County has not stopped the work being done on the property. Mr. Williams stated that he had spoken to the property owner, and he did advise the Board that he will update progress at the next meeting, and they could take further action if progress is not far enough along.

8/10/2023 7:28 PM

- *Royal Oak District Supervisor Courtney Widener 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 Project Bowtie as well as Code of Virginia Section 2.2-3711(a) (8) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding solar energy ordinance. 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,
Park District Supervisor Kristopher Ratliff,
Royal Oak District Supervisor Courtney Widener,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

8/10/2023 8:40 PM *Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.*

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.

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

8/10/2023 8:45 PM Chair, Atkins District Supervisor Charles Atkins adjourned the Board of Supervisors meeting.



The Smyth County Board of Supervisors held its regular meeting on Thursday, August 24th, 2023, at 5:00 p.m. The location of the meeting was held 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; Park District Supervisor Kristopher Ratliff; Royal Oak District Supervisor Courtney Widener; North Fork District Supervisor Phil Stevenson; Saltville District Supervisor Roscoe Call; Chilhowie District Supervisor Michael Sturgill.

ABSENT: Vice Chair Rye Valley District Supervisor Lori Deel.

STAFF: County Administrator Shawn Utt; Assistant County Administrator- Operations Lisa Richardson; Assistant County Administrator- Development Clegg Williams; County Attorney Scot Farthing; Executive Administrative Assistant/Deputy Clerk Auna Louthian

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

8/24/2023 5:03 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

8/24/2023 5:03 PM Dennis Greer, Building and Grounds Superintendent led the Pledge of Allegiance.

8/24/2023 5:05 PM Auna Louthian, Executive Administrative Assistant gave the invocation.

8/24/2023 5:05 PM Chair, Atkins District Supervisor Charles Atkins entertained a motion to amend the agenda to add a presentation from Scott Simpson on Solar Facilities in Halifax County.

- *A motion was made by Saltville District Supervisor Roscoe Call to amend the agenda as presented to add a presentation from Scott Simpson on Solar Facilities in Halifax 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
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Vice Chair, Rye Valley District Supervisor Lori Deel.*

8/24/2023 5:06 PM Chair, Atkins District Supervisor Charles Atkins introduced Halifax County Administrator Scott Simpson.

Mr. Simpson discussed his experiences in Solar Facilities and the changes Halifax County has made to their Solar ordinance throughout the past few years. He noted Halifax County has processed 18 different Solar Facility applications and learned something new from each application. Mr. Simpson noted a need for a great deal of oversight from staff to ensure the project adheres to conditions of their county ordinance (he also provided a list of the 40+ requirements laid out for each permit approval). Mr. Simpson commented that his Board of Supervisors has the option with each project to make site fieldtrips and a pre-groundbreaking meeting to go over the site development plan with public safety agencies as well as a tour after the facility is up and running to allow the agencies to navigate the property in case of an emergency. Mr. Simpson shared that a great benefit to their county is the significant tax revenue that would have a long-lasting impact on their citizens. Mr. Simpson offered to help Smyth County in any way possible.

8/24/2023 6:15 PM County Administrator Shawn Utt requested while on the subject matter, the Board discuss 8)b regarding Solar Special Use Permit under Old Business. Chair, Atkins District Supervisor Charles Atkins moved to 8)b regarding Solar Special Use Permit under old business per Mr. Utt's suggestion.

8/24/2023 6:15 PM Assistant County Administrator – Development Clegg Williams discussed the current Special Use permit request. Mr. Williams suggested the Board continue to table the permit until the Comprehensive Plan is completed as well as a public hearing for the required Siting Agreement.

- *A motion was made by North Fork District Supervisor Phil Stevenson to continue to table the Solar Special Use Permit. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,*

*Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Vice Chair, Rye Valley District Supervisor Lori Deel.*

8/24/2023 6:23 PM County Administrator Shawn Utt read the public hearing notice in relation to Budget Amendment #1 for FY23/24

NOTICE OF PUBLIC HEARING

Pursuant to Section 15.2-2507 of the Code of Virginia, notice is hereby given that the Board of Supervisors of Smyth County, Virginia, will hold a public hearing in the Boardroom of the Smyth County Administration Building at 121 Bagley Circle, Marion, Virginia, on Thursday, August 24, 2023, at 5:00 p.m. or soon thereafter, to receive comments on the proposed amendments of the budget for fiscal year 2023-2024.

This amendment will increase the Fiscal Year 2023-2024 adopted budget by \$3,474,379.00 for additional School Board related expenditures/funding, various capital improvement projects and overall operational costs. The new total budget amount will be \$135,919,020.00.

All interested persons may express their views by emailing alouthian@smythcounty.org prior to the meeting. Written comments may also be mailed to the County Administrator Shawn Utt, 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, May 25, 2023. A copy of the proposed budget amendment is available for public review by contacting the County Administrator's Office. Anyone having questions regarding the above may contact the County Administrator's Office at 276-783-3298, Monday through Friday from 8:00 AM to 5:00 PM.

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

**BY ORDER OF THE BOARD OF SUPERVISORS
SMYTH COUNTY, VIRGINIA**

Shawn Utt, County Administrator

8/24/2023 6:24 PM Chair, Atkins District Supervisor Charles Atkins Opened the public hearing.

8/24/2023 6:24 PM With no citizens signed up to speak, Chair, Atkins District Supervisor

Charles Atkins closed the public hearing.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to waive the rules of the public hearing. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, 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 adopt Budget Amendment #1 in the amount of \$3,091,379 as presented. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair, Rye Valley District Supervisor Lori Deel.

RESOLUTION

SMYTH COUNTY BUDGET FISCAL YEAR 2023/24 – AMENDMENT #1

WHEREAS, the Smyth County Board of Supervisors, on June 8th, 2023 adopted the Fiscal Year 2023/24 Budget in the original amount of \$132,444,641; and

WHEREAS, the aggregate amount of budget amendment #1 is \$3,091,379 which would increase the Fiscal Year 2023/24 budget to a total of \$135,531,020 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 2023/24 in the amount of \$135,536,020.

BE IT FURTHER RESOLVED, the approval of this budget amendment #1 shall indeed constitute an appropriation of the same funds.

Adopted this the 24th day of August, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

Exhibit A
P/2023/24

Budget Amendment #1 (August 24, 2023)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	Miscellaneous	001-01900-0011	Opoid Settlement Funds	\$	(36,059) \$	(36,059) \$	Budget carry-over from FY23
Fund 001	State Grant Money	001-02100-0042	Nestle Mills R/P Planning Grant	\$	-	(35,000) \$	(35,000) New grant funding
Fund 001	State Grant Money	001-02100-0043	Scene COP	\$	-	(600,000) \$	(600,000) COP Funding for expansion
Fund 001	Sheriff	001-01900-0006	DOCS SRD Grant	\$	(260,339) \$	(137,391) \$	(396,239) Supplemental grant funding for MSMS & LMS
Fund 001	Payment in lieu of Taxes	001-01900-0002	Rural Crime Reduction Grant	\$	-	(70,185) \$	(70,185) Grant funding carry-over from FY23
Fund 001	Local Funds Transfer	001-04000-0002	PLT Subsidy Funding	\$	(242,900) \$	(178,674) \$	(421,574) Budget carry-over from FY23
Fund 001	Local Funds Transfer	001-04000-0005	Smith County School Board	\$	11,556,767 \$	1,001,228 \$	12,657,995
Fund 001	Local Funds Transfer	001-04000-0005	Smith County School Board	\$	(300,000) \$	(1,583,911) \$	(1,883,911)
Fund 001	EDL Revenues	001-01000-0013	Local Funds Transfer-Use of Fund Balance	\$	(781,370) \$	(306,323) \$	(1,089,693) Schedule 2 Private Contribution
Fund 001	Local Funds Transfer	001-01000-0013	Rail Industrial Access Grant (Senoile)	\$	(9,882,312) \$	(1,001,228) \$	(10,883,540)
Fund 001	Water Payments	001-01500-0001	Transfer from General Fund	\$	(1,674,058) \$	(25,000) \$	(1,699,058)
Fund 501	Water Payments	501-01500-0001	Water Payments	\$	-	-	
Total Revenues With Amendment				\$	(132,444,641) \$	(3,091,379) \$	(135,536,020)

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	Board of Supervisors	001-01100-8888-001	PLT Subsidy Funding	\$	242,900 \$	178,674 \$	421,574 Budget carry-over from FY23
Fund 001	Sheriff	001-01100-8888	Hospital/Medical Pans	\$	151,559 \$	543,869 \$	695,402 Budget development error correction
Fund 001	Volunteer Fire Departments	001-03200-5904-40	Bural Crime Reduction Grant	\$	-	70,185 \$	70,185 Budget carry-over from FY23
Fund 001	Volunteer Fire Departments	001-03200-5904-41	Adverse VPD	\$	45,024 \$	27,000 \$	72,024 Supplemental funding for Capital Needs
Fund 001	Volunteer Fire Departments	001-03200-5904-43	Adverse VPD	\$	42,455 \$	9,000 \$	51,845 Supplemental funding for Capital Needs
Fund 001	Contributions/Other Community Expenses	001-05900-6640	Scipr Crime VPD	\$	-	14,000 \$	56,453 Supplemental funding for Capital Needs
Fund 001	Contributions/Other Community Expenses	001-05900-6640	Octagon House	\$	-	50,000 \$	50,000 Budget carry-over from FY23
Fund 001	Contributions/Other Community Expenses	001-05900-7001	Opoid Settlement Funds	\$	36,059 \$	152,395 \$	189,290 Budget carry-over from FY23
Fund 001	Capital Improvements	001-05900-8888-001	Nestle Mills R/P Planning Grant	\$	-	36,000 \$	36,000 Initial 3 new A/C units in community building
Fund 001	Capital Improvements	001-05900-8888-001	Nestle Mills R/P Planning Grant	\$	-	25,000 \$	25,000 Budget carry-over from FY23
Fund 001	Capital Improvements	001-05900-8888-001	Nestle Mills R/P Planning Grant	\$	-	15,775 \$	15,775 Budget carry-over from FY23
Fund 001	Capital Improvements	001-05900-8888-001	Nestle Mills R/P Planning Grant	\$	-	600,000 \$	1,100,000 COP Funding for expansion
Fund 001	Capital Improvements	001-05900-8888-001	Nestle Mills R/P Planning Grant	\$	-	35,000 \$	35,000 New grant funding
Fund 001	Capital Improvements	001-05900-8888-001	Nestle Mills R/P Planning Grant	\$	-	308,323 \$	1,089,693 Schedule 2 Private Contribution
Fund 009	Smith County Schools	009-09990-5802	Administration/Attendance	\$	1,993,696 \$	15,824 \$	2,009,520 Nursing Grant Proceeds carry-over request
Fund 009	Smith County Schools	009-09990-5803	Transportation	\$	2,944,609 \$	110,000 \$	3,054,609 School bus order carry-over request
Fund 009	Smith County Schools	009-09990-5804	Operations & Maintenance	\$	5,480,077 \$	852,391 \$	6,330,468 Carry-over request for FY24 revenues received in FY23
Fund 009	Smith County Schools	009-09990-5806	Technology	\$	1,890,975 \$	23,013 \$	1,713,988 Carry-over request for FY24 revenues received in FY23
Fund 501	Water/Sewer Operational Expense	501-05010-5413	Replacement meters & old	\$	30,000 \$	25,000 \$	55,000 Carry-over from FY23 (ordered & 23 delivery set for Sept/Oct)
Total Expenditures With Amendment				\$	132,444,641 \$	3,091,379 \$	135,536,020

Revenues	\$	(132,444,641) \$	(3,091,379) \$	(135,536,020)
Expenditures	\$	132,444,641 \$	3,091,379 \$	135,536,020
Difference	\$	-	-	-

Mr. Utt also presented a letter from School Superintendent Dennis Carter asking for a supplemental appropriation of funds related to the Technology fund.

- *Saltville District Supervisor Roscoe Call made a motion to appropriate \$388,000.00 for the Smyth County Schools Operating fund. Royal Oak District Supervisor Courtney Widener 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,
Park District Supervisor Kristopher Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: Chilhowie District Supervisor Michael Sturgill.

ABSENT: Vice Chair Rye Valley District Supervisor Lori Deel.

8/24/2023 6:26 PM Minutes from the August 10th, 2023 meeting.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to approve the minutes from the August 10th, 2023, meeting. 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
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair, Rye Valley District Supervisor Lori Deel.

8/24/2023 6:27 PM Chair, Atkins District Supervisor Charles Atkins opened citizens' time.

Charles Wassum of 321 Wassona Drive, Marion shared a song recommendation and advised the Board to always read the Constitution and keep it in mind when making decisions for the County.

8/24/2023 6:28 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizens' time.

8/24/2023 6:29 PM Mr. Utt provided information on the currently proposed Skilled Gaming Ordinance after speaking to the owner of VENCO, a local skilled gaming company. Mr. Utt shared that General Assembly's lawsuit that is scheduled for early December and the State should provide guidance in the near future if the Board so wishes to table the ordinance until then.

- *A motion was made by North Fork District Supervisor Phil Stevenson to table the Skill Gaming ordinance until the statewide lawsuit is finalized or settled. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair, Rye Valley District Supervisor Lori Deel.

8/24/2023 6:39 PM Assistant County Administrator- Operations, Clegg Williams gave a progress report as previously requested by the Board regarding 1013 Ridge Road in Saltville. Mr. Williams shared updated pictures and the plan he was provided by the property owner. North Fork District Supervisor Phil Stevenson shared he was happy with the progress so far and would like continued updates.

8/24/2023 6:37 PM County Attorney Report:

County Attorney Scot Farthing shared that he met with Jessica Davidson, County Utility Clerk and a few other Water Department Staff earlier today concerning past due flat rate accounts and was extremely impressed with Mrs. Davidson and all she is accomplishing.

8/24/2023 6:37 PM County Administrator Report:

Mr. Utt stated he had nothing new to report at this time.

8/24/2023 6:37 PM Supervisor Comment Time

North Fork District Supervisor Phil Stevenson shared his appreciation for Mr. Simpson coming to share his experiences related to solar facilities.

Saltville District Supervisor Roscoe Call thanked Mr. Simpson and appreciated learning from him. Mr. Call wished everyone safe travels home.

Chilhowie District Supervisor Michael Sturgill shared that he had a meeting earlier in the day with the company that is putting the new bleachers in at the schools and the site pads should be poured by the end of the year.

Royal Oak District Supervisor Courtney Widener extended appreciation to Mr. Simpson for sharing his knowledge about Solar Farms located in Halifax County. Mr. Widener also made the following motion:

- *Royal Oak District Supervisor made a motion to create a Parks and Recreation Committee with 3 members of the Board of Supervisors appointed by the Chairman. 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
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Vice Chair, Rye Valley District Supervisor Lori Deel.*

Park District Supervisor Kristopher Ratliff shared his attendance at a recent conference had sparked a passion in Narcan training kits and encouraged anyone who might be interested to be trained. Mr. Ratliff also made the following motion:

- *Park District Supervisor Kristopher Ratliff made a motion to appoint Dana Gilley to the Social Services Board as a representative of the Park District to a term expiring 10/31/2027. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins
Royal Oak District Supervisor Courtney Widener,*

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Vice Chair, Rye Valley District Supervisor Lori Deel.*

Chair, Atkins District Supervisor Charles Atkins thanked everyone in attendance, especially Mr. Simpson who is an asset with a wealth of knowledge.

8/24/2023 6:50 PM Chair, Atkins District Supervisor Charles Atkins recessed the meeting until the joint meeting with the Planning Commission at 7pm.

8/24/2023 7:04 PM Charles Atkins, Chairman of the Board of Supervisors, and Hazel Wagoner, Chair of the Planning Commission, called the joint public hearing to order.

8/24/2023 7:05 PM Roscoe Call made a motion to forgo reading the rules of procedure for public hearings which was seconded by Mike Sturgill and unanimously carried.

8/24/2023 7:06 PM Clegg Williams read the legal ad.

**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, August 24, 2023, at 7:00 P.M. or as soon after 7:00 P.M. as the following application(s) may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application(s) to the Zoning Ordinance of Smyth County, Virginia:

A special use permit application from Robert de Camara and Sharon Hayden to expand an airport by constructing an airplane hangar at 592 South Fork Road in Marion, Virginia, further identified as Tax Map No. 67-A-45 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 and may be seen upon request. Copies are also maintained by the County Zoning Administrator at the address given above and may be viewed upon request 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.

Smyth County fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Discrimination Complaint Form, contact (276) 783-3298 or at <https://www.smythcounty.org>.

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

Shawn M. Utt, County Administrator
Hazel Wagoner, Chairperson of the Planning Commission

8/24/2023 7:05 PM Mr. Williams presented an application from Robert de Camara and Sharon Hayden to expand their airport by constructing an airplane hangar. He stated it would be located on a tract of land formerly addressed as 592 South Fork Road; it is zoned agricultural/rural and is further identified as tax map number 67-A-45. He stated, in accordance with State Code 15.2-2204, notice of this hearing was advertised in the Smyth County News on August 12 and 19. In addition, notification was sent to each of the adjoining property owners by first class mail. He indicated he did not receive any comments or questions regarding the application. He pointed out Section 3-2.2 (fff) which allows *airports* in the Agricultural/Rural district by issuance of a special use permit and Article 6 which contains the provisions for Special Use Permits. He directed particular attention to Section 6-2.3 which contains provisions that must be met prior to any SUP being approved. He also noted the 2013 Comprehensive Plan identifies this property as Rural Residential on the Future Land Use Map.

8/24/2023 7:07 PM Both Robert de Camara and Sharon Hayden were present to address comments or questions. Mr. de Camara said they would like to build the hangar so the airplane would be closer to their home and protected from the weather. He explained he moved the building site from its originally proposed location since they are limited to where they can build due to the conservation easement and to move it further away from neighboring properties.

8/24/2023 7:10 PM Several Commissioners asked questions about the plans and future use of the hangar: Mr. de Camara stated they will not store a large amount of fuel in the hangar, this is only a hobby and they do not intend to start a business of flying individuals to the property to stay overnight in the hangar.

8/24/2023 7:13 PM Discussion between the applicants, Board members and Commissioners ensued about the location and building plans. Mr. de Camara explained the opening of the hangar would be facing south, location of the utilities, and septic system of the demolished house. Ms. Hayden spoke up to further explain the location of the driveway to the demolished house and to state that they have not hired anyone to build or grade the site.

8/24/2023 7:20 PM Mr. Willimas discussed the setback requirements that would be required if the application is approved.

8/24/2023 7:22 PM Lea Meadows inquired as to whether the applicants plan to use the residential section of the building as an Air B&B and if other pilots will be able to come there to stay. Mr. de Camara said there are no plans for it to be used as an Air B&B and thought it would be nice to have a restroom and area to rest while on the property.

8/24/2023 7:23 PM Because the residential and agriculture portions of the building are allowed "by-right", Ms. Hayden stated the hangar should be the only thing being considered during the public hearing. She restated The Virginia Outdoor Foundation has restrictions on this property due to the conservation easement and they are limited to locations.

8/24/2023 7:25 PM Mike Sturgill asked why they chose this location. Mr. de Camara stated they wanted the view of its location and explained moving it West would be towards the runway and moving it North would be closer to Ms. Odle's property line.

8/24/2023 7:30 PM Ms. Hayden stated the VDOF could approve any site between Ms. Odle's boundary and the site of the recently demolished dwelling.

8/24/2023 7:32 PM Veda Odle signed up to speak. After reiterating Mr. de Camara's comments on his desire to locate the hangar on the site of his property with the best view, she asked how that would affect her view of the area. She continued by asking why she should have to give up her view. She reminded the attendees of statements and information from the original public hearing for the Airport. She asked that the Board require the applicants move the hangar closer to the utilities if they are inclined to approve their request. She pointed out the Comprehensive Plan discusses the Rye Valley District as prime agricultural land, and they should protect it from conflicting and high intensity land uses. She feels the applicants have deteriorated the farmland, she does not think it is safe for her and she read into record Va. Code Section 15.2-4301 (Declaration of policy findings and purpose).

8/24/2023 7:44 PM Sharon Hayden approached the podium, responding to Ms. Odle's comments stating Ms. Odle is not looking at the hangar. She restated that this hearing is not to relitigate the SUP for the airport. The hangar will be approximately 150' from Ms. Odle's fence for her pasture, not her house.

8/24/2023 7:46 PM Tony Dean asked what type of construction they are proposing. Ms. Hayden said the building will be a nice metal barn.

8/24/2023 7:47 PM Lea Meadows asked for clarification on the distance from the old home site to the proposed hangar location. The applicants stated about 130-170 feet.

8/24/2023 7:52 PM Kris Ratliff asked for clarification about the buildings shown on the (2019) aerial maps. The applicants indicated the buildings have been demolished and removed.

8/24/2023 7:56 PM With no additional comments or questions, Mr. Atkins and Mrs. Wagoner closed the joint public hearing. Mr. Atkins recessed the Board's meeting to be reconvened in the School Board room on the third floor for the closed session portion of the meeting.

8/24/2023 8:05 PM

- *Royal Oak District Supervisor Courtney Widener 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 Project Bowtie update. Satlville District Representative Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins*

*Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Vice Chair, Rye Valley District Supervisor Lori Deel.*

8/24/2023 8:25 PM *Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.*

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
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Vice Chair, Rye Valley District Supervisor Lori Deel.*

8/24/2023 8:28 PM With no other business to discuss Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

 The Smyth County Board of Supervisors held its regular meeting on Thursday, September 14th, 2023, at 5:00 p.m. The location of the meeting was held 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; Park District Supervisor Kristopher Ratliff; Vice Chair Rye Valley District Supervisor Lori Deel; Royal Oak District Supervisor Courtney Widener; Chilhowie District Supervisor Michael Sturgill.

ABSENT: North Fork District Supervisor Phil Stevenson; Saltville District Supervisor Roscoe Call

STAFF: County Administrator, Shawn Utt; Assistant County Administrator- Development Clegg Williams; County Attorney Scot Farthing; Director of Community and Economic Development Kendra Hayden; Executive Administrative Assistant/Deputy Clerk Auna Louthian.

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

9/14/2023 5:02 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

9/14/2023 5:03 PM Kenneth Pennington, County Building Inspector led the Pledge of Allegiance.

9/14/2023 5:03 PM Kendra Hayden, Director of Community and Economic Development, led the invocation.

9/14/2023 5:04 PM Chair, Atkins District Supervisor Charles Atkins entertained a motion to waive the reading of the rules for the Public Hearing regarding the Staley Creek Sewer project Bond.

- *A motion was made by Rye Valley District Supervisor Lori Deel to waive the reading of the rules for the public hearing. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,

*Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Saltville District Supervisor Roscoe Call and
North Fork District Supervisor Phil Stevenson.*

9/14/2023 5:06 PM County Administrator Shawn Utt read the following public hearing notice:

***NOTICE OF PUBLIC HEARING
OF PROPOSED BOND ISSUE
BY SMYTH COUNTY, VIRGINIA***

The Board of Supervisors of Smyth County, Virginia (the "Board of Supervisors") will hold a public hearing on the proposed issuance of bonds by Smyth County (the "County"). The estimated maximum amount of such bonds is \$300,360. The proposed uses of the bond proceeds are (a) to pay costs of financing the County's Staley Creek Sewer Rehabilitation project improving the County's sewer system, for which more than 10 percent of the total bond proceeds is expected to be used, and (b) to pay the costs of issuing the bonds. The public hearing which may be continued or adjourned, and at which persons may appear and present their views on the proposed issuance will be held at 5:00 p.m., or shortly thereafter as may be heard on September 14, 2023, before the Board of Supervisors in the Board of Supervisors Meeting Room at 121 Bagley Circle, Suite 100, Marion, Virginia.

9/14/2023 5:06 PM Chair, Atkins District Supervisor opened the public hearing.

Charles Wassum, 321 Wassona Drive, Marion shared his thoughts on paying cash whenever possible and being out of debt as the best policy.

9/14/2023 5:07 PM Hearing no additional comments, Chair, Atkins District Supervisor closed the public hearing.

9/14/2023 5:06 PM Minutes from the August 31st, 2023 meeting.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to approve the minutes from the July 27th, 2023, meeting. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: None.
ABSTAINERS: Vice Chair Rye Valley District Supervisor Lori Deel.
ABSENT: Saltville District Supervisor Roscoe Call and
North Fork District Supervisor Phil Stevenson.

8/10/2023 5:24 PM Mr. Utt presented the County's updated financial information.

**SMYTH COUNTY BOARD OF SUPERVISORS
THURSDAY, SEPTEMBER 7, 2023**

ACCOUNTS PAYABLE LISTING
August 2023

Request approval of the following payables:

<u>General County</u>	
Accounts Payable Listing 8/1/2023 - 8/31/2023	\$1,608,540.24
Total General County	\$1,608,540.24
<u>Fund Accounts</u>	
Fund 302 Public Safety Radio	\$0.00
Fund 4 EDA	\$28,988.74
Fund 505 Transfer Station Construction	\$4,600.00
Fund 746 Sheriff	\$0.00
Fund 747 Sheriff Asset Forfeiture	\$0.00
Fund 748 Sheriff	\$0.00
Recovery Court Fund 749	\$0.00
Fund 760 Commonwealth Attorney Federal Drug Asset	\$0.00
Fund 770 Circuit Court Clerk - Holding Account	\$0.00
Total Fund Accounts	\$33,588.74
TOTAL ACCOUNTS PAYABLE - AUGUST 2023	\$1,642,128.98

- A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the accounts payable listing as presented. 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,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: Saltville District Supervisor Roscoe Call and
North Fork District Supervisor Phil Stevenson.

9/14/2023 5:13 PM Chair Atkins District Supervisor Charles Atkins opened citizens' time.

Bradley Powers, 1245 South Main Street, Marion presented the Board with a proposal he would make if elected as Commissioner of Revenue. Mr. Powers expressed his wishes to make exemptions from annual license tax to all first responders, including EMS, Fire, Law Enforcement, and Dispatchers as well as citizens who qualify for senior citizen and disabled tax relief program. Additionally, Mr. Powers suggested full exemption from Real Estate Taxes for Spouses of First Responders whose spouses have lost their lives in the line of duty while serving our citizens.

Anna Lee Deboard, 343 Hollock Street, Marion thanked the Board for their support in the Constitution Proclamation. Mrs. Deboard shared it has been 236 years since the Constitution had been signed. Mrs. Deboard also shared her appreciation again for their support with the Civil War uniform restoration.

Charles Wassum, 321 Wassona Drive, Marion shared his belief that it is more important now than ever to be reading the Constitution. Mr. Wassam also shared his gratitude to live in such a beautiful place as Smyth County.

9/14/2023 5:30 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizens' time.

9/14/2023 5:32 PM County Administrator Shawn Utt read the minutes of the Budget Committee Meeting held on September 7th, 2023 and presented the following recommendations:

Item #1 – request to serve as fiscal agent for the Southwest Virginia Legal Aid for Opioid Funding request:

- *Chilhowie District Supervisor Michael Sturgill made a recommendation to serve as the fiscal agent for Southwest Virginia Legal Aid to apply to OAA in order to help fund Project Pathfinder. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.

Item #2 – budget amendment #2:

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend approving budget amendment #2 for FY23/24 as presented. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

RESOLUTION
SMYTH COUNTY BUDGET FISCAL YEAR 2023/24 – AMENDMENT #2

WHEREAS, the Smyth County Board of Supervisors, on June 8th, 2023 adopted the Fiscal Year 2023/24 Budget in the original amount of \$132,444,641; and

WHEREAS, in the meeting of August 24th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #1) for Fiscal Year 2023/24 in the amount of \$135,531,020; and

WHEREAS, the aggregate amount of budget amendment #2 is \$99,916 which would decrease the Fiscal Year 2023/24 budget to a total of \$135,436,104 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 2023/24 in the amount of \$135,436,104.

BE IT FURTHER RESOLVED, the approval of this budget amendment #2 shall indeed constitute an appropriation of the same funds.

Adopted this the 14th day of August, 2023

ATTEST:

SMYTH COUNTY
BOARD OF SUPERVISORS

Shawn M. Utt, Clerk

Charles Atkins, Chair

Exhibit A
FY2023/24
Budget Amendment #2 (9/14/2023)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	Interest on Investments	001-015010-0002	Interest on Investments	\$ (590,000)	\$ (294,000)	\$ (884,000)	Increased interest from use of bond proceeds
Fund 001	State Grant Money	001-021100-0035	Marion Int. School Brownfield Grant	\$ -	\$ (122,719)	\$ (122,719)	Add'l Brownfield Grant for Asbestos Remediation
Fund 001	Expenditure Refunds	001-018030-0000	Saville Library Grant	\$ -	\$ (80,000)	\$ (80,000)	Grant project rollover
Fund 004	EDA	004-010000-0001	EDA Funds	\$ (10,000)	\$ (15,000)	\$ (25,000)	Grant project rollover
Fund 009	State School Funds	009-021010-0006	Basic Aid	\$ (34,996,511)	\$ 611,635	\$ (34,384,876)	Budget Correction (House version vs. Shiny Version)

Total Revenues With Amendment \$ (135,536,020) \$ 99,916 \$ (135,436,104)

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget	Notes
Fund 001	Capital Improvements	001-070000-8888	Marion Intermediate Demo/Renov.	\$ 300,000	\$ 122,719	\$ 422,719	Add'l Brownfield Grant for Asbestos Remediation
Fund 001	Capital Improvements	001-070000-8888-88	Saville Library Project - ABC Grant	\$ -	\$ 80,000	\$ 80,000	Grant project rollover
Fund 001	Debt Service	001-070400-_____	Public Safety Radio System Debt Service	\$ -	\$ 294,000	\$ 294,000	Use interest from bond proceeds for initial debt service paym
Fund 004	Smyth County EDA	004-012010-5507	Worldwide/WCC WEST Maintenance	\$ -	\$ -	\$ 5,000	Misc. maintenance costs
Fund 004	Smyth County EDA	004-012010-5508	Teleperformance Maintenance	\$ -	\$ 5,000	\$ 5,000	Misc. maintenance costs
Fund 004	Smyth County EDA	004-012010-5509	WellFargo Maintenance	\$ -	\$ 5,000	\$ 5,000	Misc. maintenance costs
Fund 009	Smyth County Schools	009-099990-5001	Instruction	\$ 43,200,661	\$ (504,778)	\$ 42,695,883	Budget Correction (House version vs. Shiny Version)
Fund 009	Smyth County Schools	009-099990-5002	Administration/Attendance	\$ 1,993,696	\$ (18,101)	\$ 1,975,595	Budget Correction (House version vs. Shiny Version)
Fund 009	Smyth County Schools	009-099990-5003	Transportation	\$ 2,944,803	\$ (19,738)	\$ 2,924,865	Budget Correction (House version vs. Shiny Version)
Fund 009	Smyth County Schools	009-099990-5004	Operations & Maintenance	\$ 5,488,072	\$ (34,978)	\$ 5,453,094	Budget Correction (House version vs. Shiny Version)
Fund 009	Smyth County Schools	009-099990-5005	Food Service	\$ 4,256,258	\$ (23,777)	\$ 4,232,481	Budget Correction (House version vs. Shiny Version)
Fund 009	Smyth County Schools	009-099990-5006	Technology	\$ 1,690,975	\$ (10,263)	\$ 1,680,712	Budget Correction (House version vs. Shiny Version)

Total Expenditures With Amendment \$ 135,536,020 \$ (99,916) \$ 135,436,104

Revenues	\$ (135,536,020)	\$ 99,916	\$ (135,436,104)
Expenditures	\$ 135,536,020	\$ (99,916)	\$ 135,436,104
Difference	\$ -	\$ -	\$ -

9/14/2023 5:35 PM Mr. Williams read the minutes of the Water and Sewer Committee from the September 7th, 2023 meeting and presented the following recommendations:

Item #1 – past due collection notices for “sewer only accounts”:

- *A motion was made by Rye Valley District Supervisor Lori Deel to recommend approving the recommendation from staff as noted in each of the 5 letters to the past due account holders. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.

9/14/2023 5:40 PM Mr. Williams read the minutes of the Solid Waste Committee from the September 7th, 2023 meeting and presented the following committee recommendations:

Item #1 – regional incinerator white paper proposal:

- *A motion was made by Saltville District Supervisor Roscoe Call to recommend approving funding for the white paper study prepared by AECOM, with a partnership with Wythe, Bland, and Washington Counties. Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson and

Saltville District Supervisor Roscoe Call.

9/14/2023 5:40 PM Mr. Williams read the minutes of the Appointment Committee from the September 7th, 2023 meeting and presented the following committee recommendations:

Item #1 – CPMT parent representative appointment:

- *A motion was made by Atkins District Supervisor Charles Atkins to recommend appointing Dianne Charapich as a parent representative to the Community Policy Management Team. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.

Item #2 – re-appointment of Smyth-Wythe Airport Commission representatives:

- *A motion was made by Atkins District Supervisor Charles Atkins to recommend reappointment of Billy Dungan to the Smyth-Wythe Airport Commission with a 4-year term expiring 9-14-2027. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*
- *A motion was made by Atkins District Supervisor Charles Atkins to recommend reappointment of Curtis Pennington to the Smyth-Wythe Airport Commission with a 4-year term expiring 9-14-2027. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

After consideration both Committee recommendations FAILED by the following vote:

AYES: None.

NAYS: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and

Royal Oak District Supervisor Courtney Widener.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.*

- A motion was made by Rye Valley District Supervisor Lori Deel to reappoint Billy Dungan to the Smyth- Wythe Airport Commission with a term expiring 1-31-2024. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.*

- A motion was made by Rye Valley District Supervisor Lori Deel to reappoint Curtis Pennington to the Smyth- Wythe Airport Commission with a term expiring 1-31-2024. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.*

Item #4 – appointment of Smyth County Building Official:

- A motion was made by Atkins District Supervisor Charles Atkins to recommend appointment of Danny Wilson as the Smyth County Building Official. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.

Item #5:

- A motion was made by Atkins District Supervisor Charles Atkins to recommend appointment of Manuel Street to the Upper TN River Roundtable. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.

9/14/2023 5:40 PM Rye Valley District Supervisor Lori Deel read the minutes of the Public Safety Committee from the September 7th, 2023 meeting and presented the following committee recommendations:

Item #1 – EMS Agreement with Towns of Marion and Chilhowie:

- Royal Oak District Supervisor Courtney Widener made a motion to approve the EMS Agreement between the County of Smyth, The Town of Marion, and the Town of Chilhowie for the provision of emergency medical services. Chilhowie District Supervisor Mike Sturgill seconded the motion, and it was unanimously approved.

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.

Item #2 – letter to Brightspeed regarding issues at the 911/Dispatch Center:

- *Chilhowie District Supervisor Mike Sturgill made a motion to recommend approving the letter to Brightspeed regarding the recent PSAP outage. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.

Item #3 – formation of the Smyth County Public Safety Advisory Committee charter and by-laws:

- *Chilhowie District Supervisor Mike Sturgill made a motion to recommend moving forward with the approval of the Smyth County Public Safety Advisory Committee Charter and Bylaws. Royal Oak District Courtney Widener seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: None.

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.*

9/14/2023 6:16 PM Mrs. Deel also shared that she received a phone call from the Town Manager of Saltville, Brian Martin, about the recent severe flooding in the Town of Saltville. Mrs. Deel shared that County Administrator, Shawn Utt arrived and went into action, he reached out to other localities and agencies asking for assistance and helped vacuum up water within buildings. Mrs. Deel thanked Mr. Utt for his upstanding leadership and willingness to serve his community.

9/14/2023 6:16 PM Mr. Williams read the minutes from the Planning Commission's August 24th, 2023, meeting. He noted the Planning Commission made the following recommendation:

After reviewing the request and taking into consideration all comments, Royal Oak District Representative Tony Dean felt the application met the standards set out in Article 6-2.3 and made a motion to recommend approval of the special use permit to expand the applicants' Airport which was seconded by Park District Representative Lea Meadows, and it was approved by the Planning Commission.

- Following the Planning Commission's recommendation, Rye Valley District Supervisor Lori Deel made a motion to approve Robert de Camera's Special Use permit to expand his airport. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

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 Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.*

9/14/2023 6:34 PM Mr. Williams explained the next three items which include the Solar Special Use Permit, Arcade "Skill" Gaming, and 1013 Ridge, will remain on the agenda under Old Business until those items have been resolved but no update on either item at this time.

9/14/2023 6:36 PM Mr. Utt shared that after Board member concerns, VDOT has been invited to the next meeting and requested a list of any road issues be provided prior to the meeting.

After discussion, Rye Valley District Supervisor Lori Deel made a motion to request a speed and traffic study done on Route 603, Laurel Valley Rd. Royal Oak District Supervisor seconded the motion, and it was unanimously approved.

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.

9/14/2023 6:52 PM Director of Community and Economic Development, Kendra Hayden requested the approval on presented three memos for Local Enterprise Zone Incentive Approvals for the Boards consideration.

- Rye Valley District Supervisor Lori Deel made a motion to approve the Local Enterprise Zone Incentives and authorize any payment and tax exemption associated 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,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.

9/14/2023 6:52 PM Mrs. Hayden also requested the Board's review and consideration of the Scholle Performance Agreement for the Commonwealth's Development Opportunity Fund.

- Rye Valley District Supervisor Lori Deel made a motion to approve the Performance Agreement with Scholle IPN for the Commonwealth's Development Opportunity Fund. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was

unanimously approved.

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.

9/14/2023 6:54 PM County Attorney Report:

County Attorney Scot Farthing stated he had nothing new to report at this time.

9/14/2023 6:55 PM County Administrator Report:

Mr. Utt stated he had nothing additional to report at this time.

9/14/2023 6:55 PM Supervisor Comment Time

Royal Oak District Supervisor Courtney Widener thanked everyone in attendance. Mr. Widener shared frustration of the flat rate water accounts and would like to make sure any issue is resolved in a timely manner. Mr. Widener also stated EMS staff did a great job at the Labor Day celebration in Saltville. Finally, Mr. Widener also shared his appreciation for an upstanding County Administrator who was willing to serve the community of Saltville during the flooding.

Chilhowie District Supervisor Michael Sturgill shared his excitement for the upcoming Apple Festival in Chilhowie. Mr. Sturgill thanked Dr. Carter for his leadership and well as Mr. Utt in the outstanding jobs that they do. Mr. Sturgill was proud to share that Smyth County Schools ranked 3rd in state scores out of 133 schools in the division.

Rye Valley District Supervisor Lori Deel shared it was a pleasure to watch Mr. Utt play Donkey Basketball recently at the Rich Valley Fair as it is important to see a leader participating in the community events. Mrs. Deel shared her love for Smyth County and her appreciation for those who take leadership roles to make it such a wonderful place to live. Mrs. Deel shared she is praying for Mr. Call and his family during this time.

Park District Supervisor Kristopher Ratliff shared his appreciation for Mr. Utt but stated it did not shock him due to Mr. Utt's character. Mr. Ratliff shared with sickness ramping up they do have an RSV vaccine and the new COVID vaccine should be out soon as well. Mr. Ratliff shared

his appreciation for the staff and putting things together well but would like to see a continued project listing, so they are able to keep up with anything that isn't mentioned and the progress. In closing, Mr. Ratliff shared he is so thankful he was able to raise children in a place as beautiful as Smyth County.

Chair, Atkins District Supervisor Charles Atkins noted he is thankful for a Board who takes the time to look at things and consider them in depth. Mr. Atkins thanked everyone for coming to the meeting.

9/14/2023 7:09 PM

- *Royal Oak District Supervisor Courtney Widener 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 Project Bowtie and invite Jason Parris to join during closed session. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.

9/14/2023 7:34 PM *Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Rye Valley District Supervisor Lori Deel seconded the motion.*

**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,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson and
Saltville District Supervisor Roscoe Call.*

9/14/2023 7:35 PM Chair, Atkins District Supervisor Charles Atkins adjourned the Board of Supervisors meeting.

 The Smyth County Board of Supervisors held its regular meeting on Thursday, September 28th, 2023, at 5:00 p.m. The location of the meeting was held 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; Park District Supervisor Kristopher Ratliff; Royal Oak District Supervisor Courtney Widener; North Fork District Supervisor Phil Stevenson; Saltville District Supervisor Roscoe Call; Chilhowie District Supervisor Michael Sturgill.

ABSENT: None.

STAFF: County Administrator Shawn Utt; Assistant County Administrator- Operations Lisa Richardson; Assistant County Administrator- Development Clegg Williams; Executive Assistant/Deputy Clerk Auna Louthian

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

9/28/2023 5:02 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

9/28/2023 5:02 PM Chair, Atkins District Supervisor Charles Atkins led the Pledge of Allegiance.

9/28/2023 5:03 PM Auna Louthian, Executive Assistant gave the invocation.

9/28/2023 5:05 PM Chair, Atkins District Supervisor Charles Atkins entertained a motion to amend the agenda to reschedule the Stork Award Presentation to October 12th, 2023.

- *A motion was made by Saltville District Supervisor Roscoe Call to amend the agenda as presented to reschedule the Stork Award presentation the October 12th, 2023 Board Meeting. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,

*Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

9/28/2023 5:04 PM Paige Wright, Director of the Smyth County Explorers Program gave an update on the afterschool program. Mrs. Wright shared the positive feedback and support she has received as well as continued growth within the program. Chair, Atkins District Supervisor Charles Atkins shared he has heard many positive reviews as well and thanked Mrs. Wright for all she does.

9/28/2023 5:06 PM Patty Youngman, Treasurer for the Rich Valley Fair Association provided information on the recent Rich Valley Fair's successes and pitfalls. Mrs. Youngman shared that color coded tickets were utilized with sponsorship pictures to account for all entrances each night as well as a source of revenue. Mrs. Youngman stated that the Horse Show was a loss, but they have identified the issue and have plans to fix that in the future. Mrs. Youngman finally shared that they profited \$2,000.00 more at the gate this year than last as well as deposited around \$48,000.00 in the bank. Chair, Atkins District Supervisor Charles Atkins thanked Mrs. Youngman for all of her efforts and investing her time in the community.

9/28/2023 5:18 PM Minutes from the August 10th, 2023 meeting.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the minutes from the September 14th, 2023, meeting as amended with document insertions that went with motions and grammatical errors corrected. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *North Fork District Supervisor Phil Stevenson.*

ABSENT: *None.*

9/28/2023 6:27 PM Chair, Atkins District Supervisor Charles Atkins opened citizens' time.

Charles Wassum of 321 Wassona Drive, Marion shared his appreciation for the Rich Valley Fair as it was a staple for him growing up. Mr. Wassum also requested the Board continue to read

their Constitution.

9/28/2023 5:19 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizens' time.

9/28/2023 5:19 PM Saltville District Supervisor Roscoe Call read the minutes from the Water and Sewer Committee meeting September 21st, 2023 and presented the following recommendations:

Item 1: VDH Lead-Pipe Grant Funding

- A motion was made by Rye Valley District Supervisor Lori Deel to recommend approving the VA Drinking Water Grant acceptance and allow County Administrator to sign all agreements. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the recommendation from the Water and Sewer Committee PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Item 2: Rye Valley Water Authority Joint meeting

- A motion was made by Rye Valley District Supervisor Lori Deel to recommend inviting the appointed members of the Rye Valley Water Authority Board to the next Water and Sewer Committee to discuss their current issues and ways we may be able to partner. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the recommendation from the Water and Sewer Committee PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Phil Stevenson,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.
ABSTAINERS: None.
ABSENT: None.

9/28/2023 5:22 PM Park District Supervisor Kristopher Ratliff read the minutes from the Recreation Committee meeting on September 21st, 2023 and shared it was a collaborative meeting with a focus of programs for youth and adults alike. Committee members plan to invite town recreation staff and coaches within the school system. Informational only, no action taken at this time.

9/28/2023 5:22 PM Mr. Utt presented the following Resolution to the Board for consideration:

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A
GENERAL OBLIGATION AND WATER AND SEWER REVENUE BOND OF SMYTH
COUNTY IN AN AMOUNT NOT TO EXCEED \$300,360 AND PROVIDING FOR THE FORM,
DETAILS AND PAYMENT OF THE BOND**

Smyth County, a political subdivision of the Commonwealth of Virginia (the "County"), has elected to be treated as a city for the purpose of issuing its bonds, pursuant to Section 10(b) of Article VII of the Constitution of Virginia.

Pursuant to the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (the "Act"), the Board of Supervisors of the County (the "Board of Supervisors") is authorized to contract debts on behalf of the County and to issue, as evidence of the debts, bonds, notes or other obligations payable from a pledge of the County's full faith and credit.

The Board of Supervisors has determined it necessary and expedient to authorize the issuance of a general obligation bond of the County to finance the costs of improvements to the County's wastewater system as part of the County's Staley Creek Sewer Rehabilitation project (the "Project").

On September 14, 2023, the Board of Supervisors held a public hearing on the proposed issuance of the bond, in accordance with Section 15.2-2606 of the Act.

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

ARTICLE I

RECITALS; DEFINITIONS

Section 1.1. Recitals. The above recitals are made a substantive part of this Resolution.

Section 1.2. Definitions. Whenever used in this resolution, unless a different meaning clearly appears from the context:

"Act" means the Public Finance Act of 1991 (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended).

“Authorized Officer” means each of the Chairman and Vice Chairman of the Board of Supervisors and the County Administrator, any one of whom may act.

“Bond” means the County’s general obligation and water and sewer revenue bond issued pursuant to this resolution.

“Financing Agreement” means the Financing Agreement authorized and executed by the County in accordance with Section 2.8 of this Resolution.

“Funding Agreement” means the Funding Agreement authorized and executed by the County in accordance with Section 2.8 of this Resolution.

“Fund” means the Virginia Water Facilities Revolving Fund, its successors and assigns.

“Maximum Amount” means \$300,360.

“System” shall mean all plants, systems, facilities, equipment or property, including but not limited to the Project, owned, operated or maintained by the County and used in connection with the collection, storage, treatment or distribution of water or the collection and treatment of wastewater.

“VRA” means Virginia Resources Authority, as Administrator of the Fund.

ARTICLE II

AUTHORIZATION, FORM, EXECUTION, DELIVERY, REGISTRATION AND REDEMPTION OF BOND

Section 2.1. Authorization of the Project and the Bond.

(a) The Board of Supervisors determines that it is necessary and expedient for the County to undertake the Project and to borrow money for such purposes and to issue its general obligation and water and sewer revenue bond therefor.

(b) It is advisable, necessary and expedient for the County to borrow an amount not to exceed the Maximum Amount, to provide funds, together with other funds that may be available, to finance the costs of improvements to the Project, and to pay the costs of issuing the Bond. Pursuant to the Act, there is authorized to be issued and sold to VRA a general obligation and water and sewer revenue bond of the County in the principal amount not to exceed the Maximum Amount. The Bond will provide for principal advances to be made and noted on the Bond from time to time as funds are advanced by VRA under the Bond.

Section 2.2. Details of the Bond.

(a) The Bond shall be issued as a single, fully registered bond without coupons, shall be numbered R-1, and shall bear no interest. The principal of the Bond shall be payable semi-annually in the amounts and on the dates established in accordance with subsection (b) below.

(b) Each Authorized Officer is authorized to determine and approve all of the other final details of the Bond, including, but not limited to, its designation, including a series designation, its original principal amount, the payment dates of principal, the amount of each principal payment or installment of principal, and the provisions for prepayment or redemption. However, (i) the original principal amount of the Bond shall not exceed the Maximum Amount, and (ii) the due date of the last installment of principal of the Bond shall not be later than 35 years after the date of the Bond. The execution and delivery of the Bond as described in Section 2.3 and Section 2.7 of this resolution shall conclusively evidence such details as having been so determined and approved as authorized by this Resolution. Principal of on the Bond shall be payable in lawful money of the United States of America.

Section 2.3. Execution of Bond. The Bond shall bear the manual signature of an Authorized Officer and shall bear a manually impressed or imprinted facsimile of the seal of the County attested by the manual signature of the Clerk of the Board of Supervisors. In case any officer whose signature shall appear on the Bond shall cease to be such officer before the delivery of the Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The Bond may be signed by such persons as at the actual time of the execution of the Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

Section 2.4. Form of Bond. The Bond shall be in substantially the form set forth below, with such variations, insertions and omissions as shall be consistent herewith, the execution and delivery of the Bond constituting conclusive evidence that any variations, insertions and omissions are consistent with this resolution:

No. R-1

FORM OF BOND

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA

\$[AMOUNT] SMYTH COUNTY [DATE]

GENERAL OBLIGATION AND WATER AND SEWER REVENUE BOND
SERIES 202_

Smyth County, a political subdivision of the Commonwealth of Virginia (the "County"), acknowledges itself indebted and for value received promises to pay to the order of the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund, Richmond, Virginia (the "VRA") or its legal representative or registered assigns, the principal sum equal to the aggregate amount of principal advances made and noted on the Schedule of Principal Advances below, but not to exceed \$[AMOUNT], without interest, as follows:

On [DATE] and continuing semiannually thereafter on [MONTH] 1 and [MONTH] 1 in each year, principal of on this Bond shall be due and payable in equal installments of \$[AMOUNT], with a final installment of \$[AMOUNT] due and payable on [DATE]; however, if principal advances up to the maximum authorized amount are not made, the principal amount due on this Bond shall not include such undisbursed amount. However, unless the County and VRA agree otherwise in writing, until all payments due under this Bond shall have been paid in full, less than full disbursement of the maximum authorized amount of this Bond shall not postpone the due date of any semi-annual installment due under this Bond or change the amount of such installment unless the principal amount due under this Bond is less than the amount of such installment. If not sooner paid, all amounts under this Bond shall be due and payable in full on [DATE].

In addition, if any installment of principal is not received by the registered owner of this Bond within ten (10) days from its due date, the County shall pay to the registered owner of this Bond a late payment charge in an amount equal to five percent (5.00%) of such overdue installment. All sums under this Bond are payable in lawful money of the United States.

No notation is required to be made on this Bond of the payment of any principal on normal installment payment dates or of any prepayments of principal. HENCE, THE FACE AMOUNT OF THIS BOND MAY EXCEED THE PRINCIPAL SUM REMAINING OUTSTANDING AND DUE UNDER THIS BOND.

As used in this Bond, "Financing Agreement" means the Financing Agreement dated as of [DATE], between the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund ("VRA"), and the County, and any amendments to it.

Capitalized terms used in this Bond and not otherwise defined have the meanings given them in the Financing Agreement.

This Bond is issued pursuant to the Public Finance Act of 1991 and a resolution duly adopted by the Board of Supervisors of Smyth County on [date], under the Constitution and the statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, and pursuant to the terms of the Financing Agreement to evidence a loan by VRA to the County to finance the Project Costs. The obligations of the County under this Bond shall terminate when all amounts due and to become due pursuant to this Bond and the Financing Agreement have been paid in full.

The full faith and credit of the County are irrevocably pledged for the payment of principal of and Cost of Funds on this Bond. The resolution adopted by the Board of Supervisors of the County authorizing the issuance of this Bond provides, and Section 15.2-2624 of the Code of Virginia of 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of and Cost of Funds on this Bond as the same shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County, to the extent other funds of the County are not lawfully available and appropriated for such purpose.

In addition, revenues of the County's water and sewer system are pledged to the payment of the principal of this Bond, to the extent provided in the Financing Agreement. Such pledge is on parity with the pledge of such revenues, if any, to the payment of the principal of and interest (or Cost of Funds, as the case may be) on the Existing Parity Bonds.

Transfer of this Bond may be registered upon the registration books of the Bond Registrar. Prior to due presentment for registration of transfer of this Bond, the Bond Registrar shall treat the registered owner as the person exclusively entitled to payment of principal of and Cost of Funds on this Bond and the exercise of all other rights and powers of the owner.

This Bond is subject to optional prepayment to the extent and on the terms set forth in the Financing Agreement.

If an Event of Default occurs, the principal of this Bond may be declared immediately due and payable by the holder by written notice to the County.

Notwithstanding anything in this Bond to the contrary, in addition to the payments of the principal provided for by this Bond, the County shall also pay such additional amounts, if any, which may be necessary to provide for payment in full of all amounts due under the Financing Agreement.

All acts, conditions and things required to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, manner and form as required.

IN WITNESS WHEREOF the County has caused this Bond to be signed by the Chairman or Vice Chairman of the Board of Supervisors of the County or the County Administrator of the County and its seal to be impressed on this Bond and attested by the Clerk of the Board of Supervisors of the County.

Smyth County

[FORM OF BOND-NOT FOR SIGNATURE]

By: _____
Chairman, Board of Supervisors of Smyth County

(SEAL)

ATTEST:

[FORM OF BOND-NOT FOR SIGNATURE]

Clerk, Board of Supervisors of Smyth
County

SCHEDULE OF PRINCIPAL ADVANCES

The amount and date of principal advances not to exceed the face amount of the foregoing Bond shall be entered below by an authorized representative of VRA when the proceeds of each such advance are delivered to the County.

AMOUNT

DATE

AUTHORIZED SIGNATURE

END OF FORM OF BOND

Upon request of VRA, the County shall arrange to have prepared, executed, authenticated and delivered in exchange as soon as practicable bonds in printed form in an aggregate principal amount equal to the unpaid principal of the Bond in typewritten form, in denominations of \$5,000 and multiples of that amount, except for one bond which may be issued in an odd denomination of not less than \$5,000, of the same form and maturity and registered in such names as requested by VRA or its duly authorized attorney or legal representative. The typewritten bond surrendered in any such exchange shall be canceled.

Section 2.5. Bond Registrar. The County Administrator of the County is appointed Bond Registrar for the Bond.

Section 2.6. Registration, Transfer and Exchange. The County shall cause books for the registration and transfer of the Bond (and any printed bond or bonds issued in substitution for it in accordance with Section 2.4 above) to be kept at the office of the Bond Registrar, and the County hereby instructs the Bond Registrar to keep such books and to make such registrations and transfers under such reasonable regulations as the County or the Bond Registrar may prescribe. Transfer of the Bond or any printed bond issued in substitution for it may be registered upon books maintained for that purpose at the office of the Bond Registrar. Prior to due presentment for registration of transfer, the Bond Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and the exercise of all other rights and powers of the owner.

Section 2.7. Preparation and Award of Bond. After consideration of the methods of sale of the Bond and the current state of the municipal bond market, the Board of Supervisors determines that it will be in the best interests of the County to accept the offer of VRA to purchase the Bond, and the Bond is awarded to VRA in accordance with the Financing Agreement described in Section 2.8 of this resolution. Each Authorized Officer is authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver the Bond to VRA in accordance with the terms of the Financing Agreement.

Section 2.8. Authorization of Financing Agreement, Funding Agreement, and Other Matters. The Financing Agreement between VRA and the County and the Funding Agreement between VRA and the County, the forms of which have been presented to the Board of Supervisors at this meeting and filed with the records of the Board of Supervisors, are approved (collectively the "Financing Documents"). Each Authorized Officer is authorized to execute and deliver on behalf of the County the Financing Documents in substantially the form submitted to the Board of Supervisors, with such changes, insertions or omissions as may be approved by the Authorized Officer, whose approval shall be evidenced conclusively by the execution and delivery of the Financing Documents. The acceptance by the County of grants from governmental agencies in furtherance of the improvements is approved and authorized. Each Authorized Officer and any other officer of the County is authorized to execute and deliver on behalf of the County grant agreements and such other instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the

transactions authorized by this resolution or contemplated by the Bond or the Financing Documents, and all of the foregoing, previously done or performed by such officers of the County, are in all respects approved, ratified and confirmed.

Section 2.9. Constitutional Authority. The Bond shall be issued under the provisions of Article VII, Section 10(a) of the Constitution of Virginia (other than Subsection (2) of that Section). The principal of and Cost of Funds on the Bond shall be payable from ad valorem taxes to be levied without limitation as to rate or amount on all property in the County subject to taxation, to the extent other funds of the County are not lawfully available and appropriated for such purpose.

Section 2.10. Election of Applicable Law. To the extent permitted by Section 15.2-2601 of the Act, the Board of Supervisors elects that the Bond will be issued under the provisions of the Act without regard to the requirements, restrictions or provisions contained in any charter or local or special act applicable to the County.

Section 2.11. Mutilated, Lost, Stolen or Destroyed Bond. If the Bond has been mutilated, lost, stolen, or destroyed, the County shall execute and deliver a new Bond of like date and tenor in exchange and substitution for, and upon delivery to the Bond Registrar and cancellation of, such mutilated Bond, or in lieu of and in substitution for such lost, stolen, or destroyed Bond; provided, however, that the County shall execute, authenticate, and deliver a new Bond only if its registered owner has paid the reasonable expenses and charges of the County in connection therewith and, in the case of a lost, stolen, or destroyed Bond (i) has filed with the Bond Registrar evidence satisfactory to him or her that such Bond was lost, stolen, or destroyed and that the holder of the Bond was its registered owner and (ii) has furnished to the County indemnity satisfactory to the Registrar. If the Bond has matured, instead of issuing a new Bond, the County may pay the Bond without surrender upon receipt of the aforesaid evidence and indemnity.

ARTICLE III

PARTICULAR COVENANTS

Section 3.1. Payment of the Bond. The County shall pay promptly the principal of and Cost of Funds on the Bond. Nothing in the Bond or in this resolution shall be deemed to create or constitute an indebtedness of the Commonwealth of Virginia or any of its political subdivisions other than the County, or a pledge of the full faith and credit of the Commonwealth of Virginia or of any of its political subdivisions other than the County.

Section 3.2. Tax Levy and Collection. The Board of Supervisors covenants and agrees that so long as the Bond is outstanding, unless other funds are lawfully available and appropriated for timely payment of the Bond, the Board of Supervisors will levy and collect annually, at the same time and in the same manner as other taxes of the County are assessed, levied and collected, over and above all other taxes authorized or limited by law, an ad valorem tax, without limitation as to rate or amount, on all the taxable property in the County in an amount sufficient to pay principal of the Bond as the same becomes due and payable.

Section 3.3. Pledge of Revenues. To the extent provided in the Financing Agreement, revenues derived from the System shall be pledged to the payment of the Bond. Such pledge shall be on parity with any pledge of revenues of the System to the payment of the principal of or interest on the Existing Parity Bonds, as defined in the Financing Agreement.

ARTICLE IV

MISCELLANEOUS

Section 4.1. Contract with Bondholder. The provisions of this resolution shall constitute a contract between the County and the registered owner of the Bond for so long as the Bond is outstanding.

Section 4.2. Authority of Officers and Agents. The officers and agents of the County shall do all acts and things required of them by this resolution and the Bond for the complete and punctual performance of all the terms, covenants and agreements contained therein. The appropriate officers of the County are further authorized and empowered to take such other action as they may consider necessary or desirable to carry out the intent and purpose of this resolution, and the issuance of the Bond.

Section 4.3. Limitation of Liability of Officials of County. No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of an officer, employee, member of the Board of Supervisors, or agent of the County in his or her individual capacity, and no officer of the County or member of the Board of Supervisors executing the Bond shall be liable personally on the Bond or be subject to any personal liability or accountability by reason of the issuance of the Bond. No officer, employee or agent of the County shall incur any personal liability with respect to any other action taken by him or her pursuant to this resolution, provided he or she acts in good faith.

Section 4.4. Conditions Precedent. Upon the issuance of the Bond, all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia or this resolution to have happened, exist and to have been performed precedent to or in the issuance of the Bond shall have happened, exist and have been performed.

Section 4.5. Headings. Any headings in this resolution are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

Section 4.6. Severability. If any court of competent jurisdiction shall hold any provision of this resolution to be invalid and unenforceable, such holding shall not invalidate any other provision of this resolution.

Section 4.7. Effective Date. This resolution shall take effect immediately. All ordinances, resolutions or parts thereof in conflict with this resolution are repealed by this resolution.

Section 4.8. Filing of Resolution. The Clerk is authorized and directed to see to the prompt filing of a certified copy of this resolution with the Circuit Court of Smyth County.

The undersigned Clerk of the Board of Supervisors of Smyth County, Virginia, certifies that:

(a) the foregoing constitutes a true, complete and correct copy of a resolution adopted on September 28, 2023 by the Board of Supervisors at a meeting of the Board of Supervisors,

(b) such meeting was a regularly scheduled meeting,

(c) during the consideration of the foregoing resolution, a quorum was present, and

(c) the name of each member of the Board of Supervisors voting on the adoption of the foregoing resolution and his vote were recorded at the meeting as follows:

Member	Attendance	Vote
Roscoe D. Call		
Charles P. Stevenson		
Mike Sturgill		
Kristopher S. Ratliff, DPh		
Charles E. Atkins		
Courtney Widener		
Lori H. Deel		

WITNESS MY HAND and the seal of the Board of Supervisors of Smyth County, Virginia, this ____ day of _____, 2023.

(SEAL)

Clerk of the Board of Supervisors
of Smyth County, Virginia

- *North Fork District Supervisor Phil Stevenson made a motion to adopt the Bond Resolution for the Staley Creek Project. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.
ABSTAINERS: None.
ABSENT: None.

- North Fork District Supervisor Phil Stevenson made a motion to authorize the financing and funding of the Staley Creek Project and allow County Administrator to sign all necessary documents, to include but not be limited to the Financing Agreement and Funding Agreement. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.

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

AYES: Chair Atkins District Supervisor Charles Atkins
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
North Fork District Supervisor Phil Stevenson,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.
ABSTAINERS: None.
ABSENT: None.

9/28/2023 5:33 PM Pam Heath, VDOT Assistant Residency Engineer – Abingdon Residency was in attendance to address concerns with a list that was previously provided to Mrs. Heath as well as some new concerns.

- Stormwater issue in Saltville with recent flooding. Mrs. Heath stated it would be the Town of Saltville's responsibility to maintain the roads due to Saltville receiving funding to cover their projects.
- Slurry Sealing- Mrs. Heath explained that slurry sealing does prolong the life of pavement around 4-7 years and the cost per mile is \$50k opposed to the asphalts cost at \$100k. Chilhowie District Supervisor Michael Sturgill shared that he isn't as concerned with the slurry as he is the quality of work.
- Park District Supervisor Kristopher Ratliff shared an email he received from a concerned citizen about tar and chip treatment, culvert and ditch-line issues on Hungry Mother Drive. Mrs. Heath took note and promised to report back on this issue.
- Chilhowie District Supervisor Michael Sturgill shared his concerns for citizens being told by VDOT to contact their Board Member if they had a complaint rather than VDOT personnel taking said complaints directly. Mrs. Heath stated that should not be the case and asked for specific information as to who was giving citizens this information or at least which maintenance office and she would correct it. She also shared that one option for citizens to provide complaints or concerns was to call 1-800-FOR-ROADS and that would put VDOT on notice and a resolution should be provided within 2 weeks.
- Royal Oak District Supervisor Courtney Widener shared his frustration with Flint Lane not being maintained by VDOT any longer. Mrs. Heath stated it is a VDOT owned road as

a right of way but not maintained. She stated that the property should have been conveyed back to the property owners in the 80s but only a resolution was signed and no deed work was followed through from VDOT's personnel. Mrs. Heath shared VDOT is unable to deny private entrance permits so the citizens are still able to use the road to access their homes. Mrs. Heath stated the only way to accomplish VDOT maintaining the road would be for the County to apply for a Revenue Sharing project on Flint Lane. Mrs. Heath offered to follow back up with the estimated cost to bring the road up to standard before the County contacts the citizens, noting it shouldn't take her more than within a week or so.

- Mrs. Heath addressed concerns with Nicks Creek Road accidents. Mrs. Heath stated she had sent this concern to the district traffic engineers and they will perform a safety study on the problem areas.
- Chair, Atkins District Supervisor Charles Atkins expressed concern with the intersection of Atkins Tank Road and US Route 11 with trees blocking views to oncoming traffic. Mrs. Heath shared that the trees were cut back this morning.
- Mrs. Heath stated the signs off exit 44 that were knocked down as a result of an auto accident some time ago have been removed by the company that maintains the interstate signs (DSP) and should be replaced soon.
- Mrs. Heath then addressed the passing zone being removed on 1800 block on Riverside Route 660. She stated the road no longer has a passing zone but can be addressed when it is painted in the future.
- Mr. Utt expressed concern about Route 107 and Route 91 needing to be re-ditched. Mrs. Heath stated she would look into that issue.
- Chilhowie District Supervisor Michael Sturgill asked about speed warning signs near the school zone bring more attention if someone is going too fast throughout the areas. Mrs. Heath stated that this was against the state code. Mr. Sturgill shared that many other schools have these signs and would like clarification on why it is okay for them but not in Smyth County. Mrs. Heath assured the Board she would report back.
- Rye Valley District Supervisor Courtney Widener stated in the three large VDOT projects going on near the McMullin area of the County, he assumed the bridge at the Hall Addition would be first because it is the biggest issue instead of the roundabouts. Mrs. Heath shared this is due to the bridge replacement issues with Norfolk Southern and the time necessary to secure a permit from the railroad.

9/28/2023 6:21 PM Assistant County Administrator- Operations, Clegg Williams requested the Board to schedule a Public Hearing for the siting agreement for the proposed Spence/Clean Footprint LLC solar project. Mr. Stevenson noted he didn't believe he was going to be available for the Board meetings in October due to travel requirements and suggested scheduling the hearing for the November 9th meeting. No other Board member objected.

- *North Fork District Supervisor Phil Stevenson made a motion to schedule a public hearing for the Spence/Clean Footprint LLC Siting Agreement on November 9th, 2023. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
North Fork District Supervisor Phil Stevenson,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

9/28/2023 6:25 PM Assistant County Administrator- Operations, Clegg Williams gave a progress report as previously requested by the Board regarding 1013 Ridge Road in Saltville. Mr. Williams stated moves were being made in a positive direction and he will update the Board at the next meeting if a permit has been issued to resolve the issues.

9/28/2023 6:29 PM Mr. Utt spoke about the proposal from AECOM that was provided in the packet for the dispatch center design work. Mr. Utt requested authorization to execute the agreement with AECOM in the amount of \$134,985 for the related services.

- North Fork District Supervisor Phil Stevenson made a motion to authorize the County Administrator to execute the AECOM proposal for the design on the dispatch center. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.

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

AYES: Chair Atkins District Supervisor Charles Atkins
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
North Fork District Supervisor Phil Stevenson,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

9/28/2023 6:32 PM County Administrator Report:

Mr. Utt shared dates on a few upcoming events as well as a request for VACO Voting representative.

- North Fork District Supervisor Phil Stevenson made a motion to appoint Chair, Atkins

District Supervisor Charles Atkins as VACO Voting Representative. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.

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

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

NAYS: None.

ABSTAINERS: None.

Mr. Utt also shared the revenue sharing project of Evergreen Court/ Green Acres requires a public hearing for the abstract assessments and suggested that be scheduled for the October 26th, 2023 meeting at 5:00p or shortly thereafter.

- *North Fork District Supervisor Phil Stevenson made a motion to schedule a public hearing for October 26th, 2023 at 5:00p or shortly thereafter for the abstract assessments on Evergreen Court and Green Acres Drive. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

9/28/2023 6:36 PM Supervisor Comment Time

Park District Supervisor Kristopher Ratliff did not have anything to report at this time.

North Fork District Supervisor Phil Stevenson shared his frustration concerning cell phone service on Walkers Mountain where previously they did have service. Mr. Utt noted it was his understanding that with the upgrade of the Walker's Mountain cell tower to 5G service, it lessened the overall coverage area that the tower can serve.

- *North Fork District Supervisor Phil Stevenson made a motion to request the County Administrator to draft a letter to Verizon Wireless requesting a response for changed coverage areas and a request for additional cellular coverage towers. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

Rye Valley District Supervisor Lori Deel expressed her excitement that after 46 months Auto Aid for Fire Departments between the towns and county departments is in place and the first call where it was utilized happened today. Mrs. Deel also inquired about the possibility of changing the due dates for Real Estate and/or Personal Property as she has always worried about having that due date at the same time and so close to Christmas. She suggested a Budget Committee meeting be set up and invite the Treasurer and Commissioner of Revenue to discuss tax due date issue and see what options there may be for remedies.

- *Rye Valley District Supervisor Lori Deel made a motion to invite the Commissioner of Revenue and Treasurer to the next Budget Committee meeting to discuss tax due dates. North Fork District Supervisor Phil Stevenson seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.


Saltville District Supervisor Roscoe Call thanked the Board members and staff for the prayers after the loss of his wife. Mr. Call thanked the Rich Valley Fair staff for all they do.

Chair, Atkins District Supervisor Charles Atkins expressed his sympathy to Mr. Call and thanked everyone in attendance.

Chilhowie District Supervisor Michael Sturgill thanked everyone who worked on the Apple Festival and shared his prayers are still with Mr. Call and his family.

Royal Oak District Supervisor Courtney Widener confirmed his stance on Flint Lane is that the property is owned by VDOT and should be maintained by them. Mr. Widener thanked everyone for all they do for the County.

9/28/2023 6:50 PM Chair, Atkins District Supervisor Charles Atkins recessed the meeting until the joint meeting with the Planning Commission at 7pm.

 The Smyth County Board of Supervisors held its regular meeting on Thursday, October 12th, 2023, at 5:00 p.m. The location of the meeting was held 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; Park District Supervisor Kristopher Ratliff; Vice Chair Rye Valley District Supervisor Lori Deel (electronically); Royal Oak District Supervisor Courtney Widener; Chilhowie District Supervisor Michael Sturgill; Saltville District Supervisor Roscoe Call.

ABSENT: North Fork District Supervisor Phil Stevenson.

STAFF: County Administrator, Shawn Utt; Assistant County Administrator- Development Clegg Williams; County Attorney Scot Farthing; Director of Community and Economic Development Kendra Hayden; Executive Administrative Assistant/Deputy Clerk Auna Louthian.

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

10/12/2023 4:00 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order.

Chair Atkins District Supervisor Charles Atkins, Royal Oak District Supervisor Courtney Widener, Chilhowie District Supervisor Michael Sturgill, and Saltville District Supervisor Roscoe Call toured the future home for the Appalachian Center for Hope along with members of the press and several staff members.

10/12/2023 5:00 PM Chair, Atkins District Supervisor Charles Atkins reconvened the meeting in the Board room and welcomed everyone present.

10/12/2023 5:03 PM Chair, Atkins District Supervisor Charles Atkins entertained a motion to allow Rye Valley District Supervisor Lori Deel to join electronically.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to allow Rye Valley District Supervisor Lori Deel to join the meeting electronically. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.


NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair Rye Valley District Supervisor Lori Deel and
North Fork District Supervisor Phil Stevenson.

10/12/2023 5:03 PM Assistant County Administrator, Clegg Williams introduced Kelsey Marchant and congratulated her on completing her Permit Technician Certification though ICC. Mrs. Marchant then led the pledge of allegiance.

10/12/2023 5:03 PM Reverend Dr. Charles Stewart of Marion Baptist Church, led the

 The Smyth County Board of Supervisors held its regular meeting on Thursday, October 26th, 2023, at 5:00 p.m. The location of the meeting was held 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; Park District Supervisor Kristopher Ratliff; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call; Chilhowie District Supervisor Michael Sturgill.

ABSENT: North Fork District Supervisor Phil Stevenson.

STAFF: County Administrator Shawn Utt; Assistant County Administrator- Development Clegg Williams; Administrative Assistant Becca Creasy

OTHERS: Smyth County News and Messenger, Sheriff’s Office, and Citizens

10/26/2023 5:02 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

10/26/2023 5:02 PM Public Safety Executive Assistant Paula Harvey led the Pledge of Allegiance.

10/26/2023 5:03 PM Assistant Director of IT Heather Street provided the invocation.

10/26/2023 5:05 PM Chair, Atkins District Supervisor Charles Atkins entertained a motion to amend the agenda to add a closed session item under A.8 regarding ECOs and TDOs.

- *A motion was made by Saltville District Supervisor Roscoe Call to amend the agenda as presented to add a closed session item under A.8 regarding ECOs and TDOs. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

10/26/2023 5:09 PM Dale Clark, CEO of Smyth County Community Hospital provided the Board with an update on hospital operations, challenges, staffing levels, census numbers and ER wait times as well as quality measures and accolades.

10/26/2023 5:18 PM Public Hearing for siting agreement for Laurel Creek Energy’s proposed battery storage facility. Chair, Atkins District Supervisor Charles Atkins opened the Public Hearing for the Laurel Creek siting agreement.

- *A motion was made by Park District Supervisor Kristopher Ratliff to waive the reading of the Public Hearing rules as well as the reading of the advertisement. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

- AYES:** Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.
- NAYS:** None.
- ABSTAINERS:** None.
- ABSENT:** North Fork District Supervisor Phil Stevenson.

10/26/2023 5:38 PM Mr. Williams gave a synopsis of the siting agreement. General discussion ensued about the proposed fee structures; however, Mr. Williams stated he was continuing to negotiate with the company and all parties expected to have a final proposal to present to the Board at the November 9th meeting. With no citizens wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the Public Hearing for the Laurel Creek siting agreement.

10/26/2023 5:39 PM Public Hearing for Green Acres Drive and Evergreen Court VDOT Revenue Sharing project's abstract assessment. Chair, Atkins District Supervisor Charles Atkins opened the Public Hearing for the Green Acres Drive and Evergreen Court VDOT Revenue Sharing project's abstract assessment.

- *A motion was made by Park District Supervisor Kristopher Ratliff to waive the reading of the Public Hearing rules as well as the reading of the advertisement. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

- AYES:** Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.
- NAYS:** None.
- ABSTAINERS:** None.
- ABSENT:** North Fork District Supervisor Phil Stevenson.

10/26/2023 5:42 PM With no citizens wishing to speak Chair, Atkins District Supervisor Charles Atkins closed the Public Hearing for Green Acres Drive and Evergreen Court VDOT Revenue Sharing project's abstract assessment.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to waive the rules of the Green Acres Drive and Evergreen Court public hearing. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

- AYES:** Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.
- NAYS:** None.
- ABSTAINERS:** None.
- ABSENT:** North Fork District Supervisor Phil Stevenson.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the Abstract of Assessments for Green Acres Drive and Evergreen Court and authorize the County Administrator to execute all related documents for recordation. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES:

*Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS:

None.

ABSTAINERS:

None.

ABSENT:

North Fork District Supervisor Phil Stevenson.

ABSTRACT OF ASSESSMENTS

GREEN ACRES DRIVE AND EVERGREEN COURT

ADOPTED ON OCTOBER 26, 2023

BY THE BOARD OF SUPERVISORS OF SMYTH COUNTY, VIRGINIA

121 BAGLEY CIRCLE, SUITE 100, MARION, VIRGINIA, 24354

The Board of Supervisors of Smyth County has received written declarations from owners of more than seventy-five (75%) of the platted lots or parcels of land fronting on Green Acres Drive and Evergreen Court which subdivision is located in Smyth County, Virginia in the Chilhowie Magisterial District, requesting that special assessments be made against each property owner owning a parcel of land fronting on the public streets, in a portion of the subdivision. All these owners hold property that abuts on the streets and roads on Green Acres Drive and Evergreen Circle.

The written petitions of the individual landowners show that more than seventy-five (75%) of the owners have agreed to an equal assessment of \$4,770.38, as permitted by §33.2-335 of the Code of Virginia. The procedure for the making of such an assessment is set forth in §15.2-2404, et seq, of the Code of Virginia. Heretofore, notices were made to all landowners along Green Acres Drive and Evergreen Court and thereafter, at least seventy-five percent (75%) have consented to this special assessment in writing.

At the meeting held by the Smyth County Board on October 26, 2023, this special assessment was adopted by the Board by a vote of AYE 6, NAY 0, Absent 1, and be it resolved that the following list of lot owners to be affected by this special assessment, together with the amount of the assessment against each lot and owner, is hereby imposed on a per property basis for all lots abutting Green Valley Acres and Evergreen Court. This assessment has an effective date of **October 26, 2023**, against each lot and landowner of the lots in the amount set out hereafter:

NAME & ADDRESS	LOT DESCRIPTION	AMOUNT
Priscilla Y. Hubble 138 Evergreen Court Chilhowie, VA 24319	Tax Map No. 64-A-1-32 Deed Book 531, Page 287	\$4,770.38
Erin Brice Hayden 218 Green Acres Dr Chilhowie, VA 24319	Tax Map No. 64A-1-3 Deed Book 1087, Page 1	\$4,770.38
Mary Etta S. Barker 262 Green Acres Dr P O Box 581 Chilhowie, VA 24319	Tax Map No. 64A-1-7 & 64A-1-8 Deed Book 227, Page 16	\$4,770.38
NAME & ADDRESS	LOT DESCRIPTION	AMOUNT
James Anthony & Judy Craver 110 Evergreen Court Chilhowie, VA 24319	Tap Map No. 64A-1-28 Deed Book 1053, Page 829	\$4,770.38
Paul H.E. & Gloria S Sauls 133 Evergreen Court P O Box 651	Tax Map No. 64A-1-15 Deed Book 262, Page 596	\$4,770.38

Chilhowie, VA 24319

Joshua Allen & Hannah Williams 248 Green Acres Dr Chilhowie, VA 24319	Tax Map No. 64A-1-6 Deed Book 1013, Page 291	\$4,770.38
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Keisha L. Pendry 228 Green Acres Dr Chilhowie, VA 24319	Tax Map No. 64A-1-4 Deed Book 1027, Page 920	\$4,770.38
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William J & Lillian Thompson 214 Green Acres Dr P O Box 88 Chilhowie, VA 24319	Tax Map No. 64A-1-2 Deed Book 319, Page 452	\$4,770.38
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Michelle Gilbert 203 Green Acres Dr Chilhowie, VA 24319	Tax Map No. 64A-1-9 Deed Book 1089, Page 949	\$4,770.38
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David S. Henderson, Sr. 148 Evergreen Court Chilhowie, VA 24319	Tax Map No. 64A-1-33 Deed Book 1100, Page 616	\$4,770.38
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John Larry & Barbara Owens 164 Evergreen Court P O Box 554 Chilhowie, VA 24319	Tax Map No. 64A-1-31 Deed Book 230, Page 476	\$4,770.38
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Norman Blake & Wanda M. Echols 184 Evergreen Court P O Box 773 Chilhowie, VA 24319	Tax Map No. 64A-1-27 Deed Book 833, Page 841	\$4,770.38
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Charles E. & Norma J Hawkins 129 Evergreen Court Chilhowie, VA 24319	Tax Map No. 64A-1-14 Deed Book 409, Page 98	\$4,770.38
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Joseph C. Owens 141 Evergreen Court P O Box 804 Chilhowie, VA 24319	Tax Map No. 64A-1-17 Deed Book 871, Page 590	\$4,770.38
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Carrie N. Hartzog & Billy J Frye 172 Evergreen Court Chilhowie, VA 24319	Tax Map No. 64A-1-29 Deed Book 1063, Page 432	\$4,770.38
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Max R. McClure 105 Evergreen Court Chilhowie, VA 24319	Tax Map No. 64A-1-11 Deed Book 463, Page 680	\$4,770.38
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Robert C & Lois P. Mason 113 Evergreen Court Chilhowie, VA 24319	Tax Map No. 64A-1-2 Deed Book No. 253, Page 632	\$4,770.38
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David H. & Kathy S. Spencer 236 Green Acres Dr Chilhowie, VA 24319	Tax Map No. 64A-1-5 Deed Book 408, Page 439	\$4,770.38
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H.D. & Virginia Farris 106 Evergreen Court Chilhowie, VA 24319	Tax Map No. 64A-1-26 Deed Book 215, Page 281	\$4,770.38
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Joyce D Smith 183 Evergreen Court P O Box 478 Chilhowie, VA 24319	Tax Map No. 64A-1-24 & 64A-1-25 Deed Book 235, Page 26	\$4,770.38
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Timothy D Goodpasture 171 Evergreen Court	Tax Map No. 64A-1-22 Deed Book 1048, Page 777	\$4,770.38
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Chilhowie, VA 24319

Staley C & Alma J Pennington** 139 Evergreen Court Chilhowie, VA 24319	Tax Map No. 64A-1-16 Deed Book 257, Page 629	\$4,770.38
Wayne L III & Morgan Stumbo** 121 Evergreen Court Chilhowie, VA 24319	Tax Map No. 64A-1-13 Deed Book 109, Page 314	\$4,770.38
Johnny A Overbay** 204 Green Acres Dr Chilhowie, VA 24319	Tax Map No. 64A-1-1 Deed Book 619, Page 700	\$4,770.38
Nancy O Blevins** 211 Green Acres Dr Chilhowie, VA 24319	Tax Map No. 64A-1-10 Deed Book 367, Page 138	\$4,770.38
Lisa D Keen** 120 Evergreen Court P O Box 658 Chilhowie, VA 24319	Tax Map No. 64A-1-30 Deed Book 818, Page 202	\$4,770.38

*Written agreements for the assessment have been filed by a majority of the landowners. Those who are listed above with ** have chosen not to sign the agreement.*

On **October 26, 2023**, at 5:00 pm or soon thereafter, following written notice and an advertised public hearing on this matter, the above landowners were afforded an opportunity to show cause, in any they could, as to why the proposed assessment set out herein should not be made against their property in the same manner as the real property of those who had consented in writing. The Board did not find sufficient cause to fail to make the assessments to all parcels equally, and it is therefore ordered, by a recorded vote of the members of the Board of Supervisors of Smyth County, Virginia, that the assessments be made.

As permitted by §15.2-2413 of the Code of Virginia, the assessments herein are to be paid over a ten (10) year period in equal annual installments of one tenth (1/10th) of the total assessment against each owner. If the landowners choose to pay the assessments in installments, the installment amounts shall be due and payable each year by December 5th. The amount of the assessment in each year shall be shown on a bill mailed to the landowner not later than 14 days prior to the installment due date in each year. If not paid by the due date, the installment shall be assessed as a penalty as if the payment was for real estate taxes and shall bear interest as if it were for real estate taxes.

As provided by the statue, §15.2-2412, it is ordered this abstract of the assessment herein be recorded in the current deed book in the Clerk’s Office of the Circuit Court of Smyth County, Virginia, and the Clerk of the Board of Supervisors shall further report this action and these assessments to the collector of taxes of Smyth County, Virginia and to the Commissioner of Revenue of Smyth County.

Done by order of the Smyth County Board of Supervisors on **October 26, 2023**.

Shawn M. Utt, Clerk

Smyth County Board of Supervisors

This ____ day of _____, 2023, this document was subscribed to and sworn before me in Smyth County, Virginia, by Shawn M. Utt, Clerk of the Smyth County Board of Supervisors.

Notary Public

Commission Expiration Date

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the minutes from the October 12th, 2023, meeting as amended with grammatical errors corrected. Park District Supervisor Kristopher Ratliff seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

10/26/2023 5:44 PM Chair, Atkins District Supervisor Charles Atkins opened citizens' time.

Gary Brockmiller of 840 East Hungry Mother Drive, Marion, expressed concern due to the \$25.00 registration fee on his personal property tax bill. Mr. Brockmiller asked the Board to consider the registration fee be eliminated.

10/26/2023 5:47 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizens' time.

- *Rye Valley District Supervisor Lori Deel made a motion to place the \$25.00 registration fee on the Budget Committee agenda to consider during the FY24/25 budget process. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: Chair, Atkins District Supervisor Charles Atkins.

ABSENT: North Fork District Supervisor Phil Stevenson.

10/26/2023 5:48 PM Saltville District Supervisor Roscoe Call read the minutes from the October 19th, 2023 Water and Sewer Committee meeting and presented the following committee recommendation:

- *A motion was made by Rye Valley District Supervisor Lori Deel to recommend accepting the TRC design services proposal for the Staley Creek project sewer improvements in conjunction with the grant/loan project and authorize the County Administrator to execute all related documents. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the recommendation from the Water and Sewer Committee PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and

Saltville District Supervisor Roscoe Call.
NAYS: *None.*
ABSTAINERS: *None.*
ABSENT: *North Fork District Supervisor Phil Stevenson.*

10/26/2023 5:50 PM Royal Oak District Supervisor Courtney Widener read the minutes from the Animal Control Committee meeting on October 19th, 2023 and presented the following committee recommendation:

Richard Dollinger, 133 Lancaster Lane, Marion, VA 24354– 3 Poultry and 1 sheep – After review and discussion:

- *Saltville District Supervisor Roscoe Call made a motion to recommend approval of the Smyth County Damage Claim form in the amount of \$265.00. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

After consideration, the recommendation from the Animal Control Committee PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*
NAYS: *None.*
ABSTAINERS: *None.*
ABSENT: *North Fork District Supervisor Phil Stevenson.*

10/26/2023 5:53 PM Park District Supervisor Kristopher Ratliff read the minutes from the Parks and Recreation Committee meeting on October 19, 2023 and shared it was a collaborative meeting with staff from each town and Athletic Directors from the Smyth County Schools. The Committee tasked staff to create a survey to gauge public interest in youth sports as a first step. The Committee report was presented for informational purposes.

After further discussion and consideration, the following motion was made:

- A motion was made by Royal Oak District Supervisor Courtney Widener to schedule a public input meeting for Parks and Recreation within the County on November 27th. 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,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*
NAYS: *None.*
ABSTAINERS: *None.*
ABSENT: *North Fork District Supervisor Phil Stevenson.*

10/26/2023 6:03 PM Rye Valley District Supervisor Lori Deel read the minutes from the Public Safety Committee’s meetings on October 19, 2023 as well as October 23rd, 2023 and presented the following committee recommendations:

- *Royal Oak District Supervisor Courtney Widener made a recommendation to approve the EMS Patient Satisfaction Survey to be included with all transported-call billings. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- *Royal Oak District Supervisor Courtney Widener made a recommendation to approve the Service Level Agreement with MCA and to authorize the notice to Professional Communications Systems, LLC (ProComm) to end services at the end of the contract on October 31, 2023. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- *Royal Oak District Supervisor Courtney Widener made a recommendation to approve the Smyth County Public Safety Advisory Committee by-laws change to split District 5 into two voting representatives, one for Fire and one for EMS. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- *Royal Oak District Supervisor Courtney Widener made a recommendation to approve being in-network for insurance for Smyth County Fire/Rescue for all providers in the response area. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

After consideration, the recommendation from the Public Safety Committee PASSED by the

following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

Royal Oak District Supervisor Courtney Widener made a recommendation to release and write-off the balances for AMB account numbers: 143597918 for \$200, 144071380 for \$1,346.80 and 144004905 for \$800 as the patients referenced are deceased. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend a 50%/50% salary split with the Town of Marion and allowing the advertisement of the position with the amended job description as previously approved for the Town of Marion for the full-time Fire/EMS Chief. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was approved unanimously.*

After consideration, the recommendation from the Public Safety Committee FAILED by the following vote:

AYES: None.

NAYS: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

Rye Valley District Supervisor Lori Deel explained her desire to return this to the Public Safety Committee to allow them the opportunity to meet with the Town of Marion’s Police/Fire Committee to discuss necessary amendments to the proposed job description for the Fire/EMS Chief. Mr. Utt noted that a Public Safety Committee was already scheduled for Thursday, November 2nd and he would invite the Town of Marion to that meeting to discuss the concerns with a goal of having a revised recommendation ready for the Board’s November 9th meeting.

10/26/2023 6:34 PM Mr. Utt explained that Budget Amendment #2 had corrected the FY24 Budget for the School Board but had also caused their appropriations to be reduced. To correct this Mr. Utt requested the Board consider a supplemental appropriation of \$611,635 in School Board funds.

- *Rye Valley District Supervisor Lori Deel made a motion to appropriate \$611,635 in School Board Funds as requested. Park District Supervisor Kristopher Ratliff seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *Chilhowie District Supervisor Michael Sturgill.*

ABSENT: *North Fork District Supervisor Phil Stevenson.*

10/26/2023 6:36 PM Assistant County Administrator Clegg Williams presented the following recommendation from the Planning Commission on September 28, 2023, that was previously tabled by the Board of Supervisors to be reviewed at the October 26, 2023 meeting:

Laurel Creek Energy Storage LLC. Mr. Williams noted that the Planning Commission made the following recommendation:

After reviewing the request and taking into consideration all comments, Saltville District Representative David Spence felt the application met the standards mentioned by

Mr. Williams and set out in the Ordinance with the condition that the emergency plan be finalized and approved, in addition, he recommended allowing it to be valid for five years with the condition the applicant submit six-month updates and made a motion to recommend approval of the special use permit which was seconded by Chilhowie District Representative Mr. Davidson, and it was approved by the Planning Commission.

- *A Motion was made by Chilhowie District Supervisor Michael Sturgill to approve the Special Use Permit for Laurel Creek Energy Storage LLC's Battery Storage Facility valid for five years including the following 30 conditions. Rye Valley District Supervisor Lori Deel seconded the motion.*

1. The Special Use Permit shall be issued to Laurel Creek Energy Storage LLC to construct, maintain, and operate a battery storage facility at the site. These conditions shall apply to any person or entity that owns or operates the facility at the site pursuant to this Permit. The current facility owner and operator shall provide the Zoning Administrator with written notice of any change in the owner or operator of the facility.
2. The facility, including the project area, battery storage enclosures, buildings, accessory structures, entrances, fencing, vegetative buffers, and rated capacity, shall be sited, developed, constructed, installed, operated, and maintained in substantial conformance with the site plan and project narrative presented by the applicant, except to the extent such plan or narrative is inconsistent with the Ordinance or any condition in this Special Use Permit. The Zoning Administrator shall determine "substantial conformity".
3. Laurel Creek or any other owner or operator, shall comply with all requirements of Article 10, Section 4-18, of the Smyth County Code ("Battery Storage Facility" or "Ordinance") that apply to battery storage facilities.
4. The owner, operator, and facility shall always comply with all applicable federal, state, and local laws, rules, regulations, codes, ordinances, and other requirements. The owner, operator, and facility shall obtain and, as necessary, maintain all applicable federal, state, and local permits.
5. The facility owner and operator shall provide additional information regarding the facility's permitting and operations when requested by county officials regarding the facility, respond to additional inquiries by county officials, and allow designated county officials to have access to the facility for inspections in accordance with applicable safety and operational constraints, with prior notice to the facility owner, unless an emergency.
6. Any proposed expansion of the facility beyond the megawatts approved herein as described in the Application and as depicted on the approved site plan, change of activities conducted at the facility from those permitted herein, or additional facilities or activities beyond those permitted herein shall be submitted to the Zoning Administrator for review. If the Zoning Administrator deems such proposed changes to be material modifications, they will be subject to Permit amendment procedures, including Public Hearings. As described in the Application and as depicted on the approved site plan, the facility owner will likely need to install future capacity maintenance units in the future. It is understood that these installations are ongoing maintenance and not a material modification and, therefore, will require building and electrical permits only. Pursuant to condition 5, the facility owner and operator shall provide additional information regarding the facility's operating capacity when requested by county officials.
7. All entrances to the site shall be constructed and maintained in good condition as authorized and approved by the

Virginia Department of Transportation, as applicable.

8. Security fencing around the project area shall be maintained in good condition until the facility has been decommissioned and removed. It shall be the responsibility of the facility owner and/or operator to repair fencing promptly upon learning of any disrepair.
9. Disturbed areas within the project area, disturbed areas within the setback, and installed vegetative buffers shall be planted with appropriate native plants, shrubs, and trees, as stated in the landscaping and screening plan, unless the Zoning Administrator determines the disturbed area is not appropriate for such the vegetative buffer shall promptly following completion of construction in such a manner as to reduce invasive weed growth and sediment run-off.
10. Trees planted in the vegetative buffer shall be at least (3) three feet tall at time of planting and expected to grow to a minimum of eight (8) feet within (3) years.
11. The applicant shall install chain-link fencing on the interior of the buffer. Until such time as the vegetative buffer completely screens the battery energy storage facility from the view of adjacent property owners, the owner and/or operator shall use green privacy slats in the required fencing. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the planning commission when the applicant proposes to use existing wetlands or woodlands, as long as the wetlands or woodlands are permanently protected for use as a buffer. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable. If existing trees and vegetation are disturbed, new plantings shall be provided for the buffer. The buffer shall be maintained for the life of the facility.
12. Any existing vegetative buffering used for screening of the facility shall remain in place and undisturbed until the facility has been decommissioned and removed.
13. The vegetative buffer shall be maintained in good condition until the facility has been decommissioned and removed.
14. Lighting shall be limited to the minimum necessary for security purposes and shall be designed, installed, and operated to minimize off-site effects as much as reasonably practicable.
15. Adequate space for parking shall be provided on-site to accommodate all employees and visitors as shown on the site plan included with the Special Use Permit application. It shall be the responsibility of the owner and operator to ensure employees and visitors park only on-site and not on VDOT's right-of-way or on adjacent parcels unless the owner(s) thereof provides written consent.
16. The owner and/or operator is responsible for maintaining the appearance of the site in good condition, including picking up litter from the site as needed on at least a bi-monthly schedule.
17. The owner and operator shall obtain and maintain an adequate amount of liability insurance to cover operations of the battery storage facility until the facility has been decommissioned and removed. Nothing herein shall prevent the owner and operator from obtaining additional liability insurance as they deem appropriate.
18. The applicant shall submit a final decommissioning plan, which shall include the following:
 - a. The anticipated life of the project;
 - b. Contact information for the party responsible for site decommissioning;
 - c. Timeline for, and written description of, decommissioning procedures which shall include, but not limited to, removal of any above and below ground tanks, cables, fencing, debris, buildings, structures, or equipment, to include foundations and pads, related to the facility and restoration land and related disturbed areas to a natural condition or other approved state. At time of approval, the Board of Supervisors may approve and condition a request by an applicant to have certain items intended to be utilized to serve a permitted use on the site to remain, provided site plan approval is obtained;
 - d. "Natural condition" shall be taken to mean the stabilization of soil and restoration of site vegetation and topography to its pre-existing condition to prevent erosion, provided that the exact method and final site restoration plan shall be subject to site plan review giving, among other things, consideration to impacts upon future site use, environmental and adjacent property impacts. The Zoning Administrator or their designee may approve a request by the landowner for alternatives to site restoration to allow roads, pads or other items which will serve a future permitted site use to remain. Where applicable, if the Zoning Administrator or their designee determines that a restoration plan significantly deviates from the description and conditions approved by the Board of Supervisors such plan shall require amendment of the conditions by the Board of Supervisors
 - e. The initial decommissioning security required pursuant to Section 4-18(d) of the Ordinance shall equal not less 100% of the estimated total cost to disassemble and dispose of the battery energy facility and restore the site, unless a revised decommissioning cost estimate provided by third party Professional Engineer and based on engineering drawings issued for building permit demonstrate a reduction in cost is warranted in the Zoning Administrator's discretion. This security shall be in place prior to obtaining building permits or engaging in any land disturbance activity and shall remain in effect until decommissioning has been completed. The failure by the facility owner and/or operator

to decommission the facility in accordance with this condition, the decommissioning plan procedure, and the Ordinance shall constitute a zoning violation and may be enforced as such. The security may be called on by the county to remedy the zoning violation and to pay all costs related to decommissioning the facility, including administrative and enforcement costs. The decommissioning plan and decommissioning cost estimate shall be provided to the Zoning Administrator every five years. Each decommissioning plan and cost estimate shall: (i) be sealed by a third party Professional Engineer; (ii) meet the requirements of Section 4-18(a)(1) of the Ordinance; (iii) be in form and substance acceptable to the Zoning Administrator; and (iv) require, among other things, that all salvageable materials be removed and sold or disposed of in accordance with all applicable federal, state, and local regulations. The amount of the required security shall be adjusted based on the updated decommissioning cost estimate, but it shall not be less than 100% of the total estimated decommissioning cost.

19. To ensure compliance with the conditions of this Special Use Permit, prior to the beginning of land disturbance activities, the applicant/owner shall provide the County with a performance bond in the amount of \$500,000. This bond will be released upon satisfactory compliance with the site plan and screening-related conditions of the SUP, to be confirmed by the Smyth County Zoning Administrator.
20. The applicant shall provide an erosion and sediment control plan approved by Smyth County Building and Zoning Department. The facility owner and operator shall construct, maintain, and operate the facility in compliance with the approved erosion and sediment control plan.
21. The applicant shall provide a stormwater management plan approved by a third-party inspector or the Smyth County Building and Zoning Department. The facility owner and operator shall construct, maintain, and operate the facility in compliance with the approved stormwater management plan.
22. The applicant shall provide a detailed site plan that identifies all areas within the project area and setback where land will be disturbed and the location of vegetative buffers (whether utilizing existing or installed vegetation).
23. The applicant shall provide a construction plan 30 days prior to commencing construction, including a proposed construction schedule, anticipated start date, and hours of operation. The construction plan shall require, among other things, that construction activities, including but not limited to grading, clearing of land, and pile driving, shall be limited to hours between sunrise and sunset Monday through Saturday, during construction, unless it obtains prior permission from the Smyth County Zoning Administrator to exceed those hours for emergency purposes.
24. Dust containment measures shall be utilized at all times, as necessary, to contain dust to the greatest extent possible from constituting a nuisance to nearby residents.
25. Prior to start of construction, the owner/operator will complete a pre-construction evaluation of the condition of the roads along the delivery routes to the Zoning Administrator for review. Upon completion of the construction, the owner/operator must submit a post-construction evaluation of the condition of the roads along the delivery routes to the Zoning Administrator for review. The post-construction evaluation shall include a plan for repairing any damage directly caused by the owner/operator to the public roads along the delivery route directly attributable to the project's construction, reasonable wear and tear excepted. Owner/operator will cold patch any damaged roads. The owner/operator shall be responsible for causing such repairs to be completed and shall be responsible for coordination of the repairs with VDOT. All roadway repairs along the delivery routes shall be made at owner/operator expense.
26. The applicant shall provide a report by the Virginia Department of Historic Resources Virginia Cultural Resource Information System identifying historical, architectural, archeological, or other cultural resources on or near the proposed facility.
27. The owner/operator, before commercial operation, shall facilitate a meeting with Fire department representatives and emergency service department personnel who are first responders to this project. The meeting shall consist of a tour of the facility, emergency contact numbers for the facility, grid switch cut-offs, and any other relative information that is critical to the safety of emergency personnel. At regular intervals thereafter, the owner/operator will facilitate additional meetings or training requested by fire department representatives and emergency service department.
28. The applicant and Smyth County shall enter into a Siting Agreement pursuant to VA § 15.2-2316.7, prior to the issuance of any county issued permits, including but not limited to building permits and erosion and sediment control permits.
29. This Permit is non-transferable, except and unless the Permittee provides written notice regarding the transfer, the proposed new Permittee provides a signed statement agreeing to comply with all terms and Conditions imposed on the original Permit, and the proposed new Permittee provides substitute decommissioning security in the amount specified herein, and the proposed new Permittee pays all applicable County fees. There shall be a transfer fee of \$1,000 paid to the County. If the new Permittee desires to amend the original permit conditions, amendments must be sent to the Zoning Administrator for review. If the Zoning Administrator deems such proposed changes to be material modifications, they will be subject to Permit amendment procedures, including public hearings.

30. The applicant must commence construction within this Special Use Permit’s five (5) year term on or before October 26, 2028. If the applicant does not commence construction before this date, it may seek one-year extensions from the Board of Supervisors, which the Board may grant if the applicant shows progress on proceeding with the project. In conjunction with the 5-year approval period, the Applicant shall be required to submit written project updates to the Smyth County Zoning Administrator every six months after the initial approval by the Board of Supervisors. Updates provided via email shall be an acceptable form of submission. If the applicant commences construction on or before October 26, 2028, the special use permit does NOT need to be renewed in order for the battery storage facility to operate, be maintained or upgraded.

Failure of Permittee, owner, or operator to fully conform to all terms and conditions of this Permit may result in revocation of this Special Use Permit.

Defined terms used in these conditions shall have the meanings assigned to them in the Ordinance.

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson.*

10/26/2023 6:48 PM Solar Special Use Permit, no action taken at this time. Special Use Permit will be reviewed at the November 9th Board of Supervisors meeting.

10/26/2023 6:50 PM Mr. Williams provided information on the Arcade “Skill” Gaming. Mr. Williams shared that pending state legislation decision and the lawsuit is anticipated to be held in December.

10/26/2023 6:50 PM 1013 Ridge Road: Mr. Williams shared the ESC and SWM permits have been issued and the required bonds are now in place. Chair, Atkins District Supervisor Charles Atkins asked that Mr. Williams continue to update as changes happen.

10/26/2023 6:51 PM Mr. Utt shared the Solid Waste Department replaced one of their roll-off vehicles and requested to surplus the old vehicle a 2007 Volvo to avoid paying a storage fee. Mr. Utt shared the vehicle is inoperable.

- *A Motion was made by Chilhowie District Supervisor Michael Sturgill to surplus the 2007 Volvo with VIN number 4V5KC9GF27N448350 and authorize the County Administrator to dispose of it as necessary. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson.*

10/26/2023 6:53 PM County Attorney Report:

Mr. Farthing stated he had nothing to report at this time.

9/28/2023 6:53 PM County Administrator Report:

Mr. Utt provided a copy of a proposal from AECOM for design concepts for the proposed renovations to the Teleperformance Building and asked for the Board's consideration.

- *Chilhowie District Supervisor Michael Sturgill made a motion to accept the design proposal from AECOM as presented for the proposed renovations to the Teleperformance Building and allow the County Administrator authorization to execute the proposal. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

Mr. Utt also shared dates provided by VDOT to start project bids within the County.

10/26/2023 6:59 PM Supervisor Comment Time

Rye Valley District Supervisor Lori Deel thanked everyone for their conversations on hard topics and allowing her to display her compassion for children and sports. Mrs. Deel also discussed that a member of LEAD VA is going to advocate for Smyth County to address Storm Water Management concerns.

Park District Supervisor Kristopher Ratliff thanked all employees for their hard work.

Saltville District Supervisor Roscoe Call thanked the staff for all they do and appreciates everyone coming together to work for the same goals.

Royal Oak District Supervisor Courtney Widener echoed comments of a job well done to staff as well as EMS and Fire for everything they have done for the Craig family and Abingdon Fire Department during the loss of one of their own.

Chair, Atkins District Supervisor Charles Atkins expressed appreciation for the headway being made for Parks and Recreation and thanked the visitors in attendance.

Chilhowie District Supervisor Michael Sturgill shared he believes what we do for one, we should do for all.

10/26/2023 7:07 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia, Section 2.2-3711 (a)8 Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding TDOs and ECOs. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.
ABSTAINERS: None.
ABSENT: North Fork District Supervisor Phil Stevenson.

10/26/2023 7:37 PM

- Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution certifying the business conducted in closed session as follows. Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion.

**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,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.
ABSTAINERS: None.
ABSENT: North Fork District Supervisor Phil Stevenson.

10/26/2023 7:37 PM With no other business to discuss Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

Charles E. Atkins, Chair

invocation.

10/12/2023 5:04 PM E-911 Dispatch Coordinator, Gabe Johnson recognized Dispatcher Kari Bogle who answered a call when a local “mother-to-be” could not make it to the hospital in time to deliver her baby. Ms. Bogle successfully worked with the woman who gave birth to a healthy baby girl. Mr. Johnson presented Ms. Bogle with the Stork Award as well as the following resolution for the Boards consideration:

RESOLUTION TO RECOGNIZE DISPATCHER BOGLE FOR HER ACT OF HEROISM

WHEREAS, it is fitting that we honor those individuals who, during the course of their duties, endeavor to protect the lives of their fellow citizens, through both dangerous and life-threatening situations; and

WHEREAS, Dispatcher Kari Bogle of the Smyth County Sheriff’s Office was truly heroic in her response to an emergency situation on July 30, 2023; and

WHEREAS, that morning at 4:44 AM, a 911 call concerning a female who was in active labor was received. After being certified as an Emergency Medical Dispatcher (EMD), Dispatcher Bogle successfully and appropriately obtained information to determine childbirth was imminent and offered detailed instructions to the caller to aid in the delivery of a baby girl; and

WHEREAS, after the successful delivery of the baby, Dispatcher Bogle repeatedly ensured the safety and health of both the infant and the mother, keeping the responding EMS unit updated of their well-being until their arrival on-scene; and

WHEREAS, Dispatcher Bogle’s extraordinary efforts and selflessness in a time of crisis are a tremendous source of pride for Smyth County and it is wholly fitting that we recognize Dispatcher Kari Bogle for her exceptional act of service.

NOW, THEREFORE, BE IT RESOLVED, by the Smyth County Board of Supervisors, that we commend Dispatcher Kari Bogle for her act of heroism on July 30, 2023, recognizing her service to the citizens of Smyth County, Virginia and extending the “Stork Certified” honor for her assistance in the successful delivery of a healthy baby girl.

Adopted this the 28th day of September 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to adopt the Resolution to Recognize Dispatcher Kari Bogle for her act of heroism. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair Rye Valley District Supervisor Lori Deel,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson.*

10/12/2023 5:07 PM Todd Clingenpeel, Accreditation Center Manager for the Virginia Department of Criminal Justice Services, presented Sheriff Shuler with a Certificate of Accreditation for the Smyth County Sheriff’s Office. Mr. Clingenpeel shared that the department received a perfect score and commended them on every aspect of their inspections. Sheriff Shuler thanked Mr. Clingenpeel as well as his departmental staff for their hard work and

dedication in receiving a perfect score.

10/12/2023 5:14 PM Assistant County Administrator, Lisa Richardson read the following Resolution for the Boards consideration:

RESOLUTION IN SUPPORT OF OPERATION GREENLIGHT FOR VETERANS

WHEREAS, the residents of Smyth County have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, Smyth County seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm’s way for the good of all; and

WHEREAS, Veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans; and

WHEREAS, Smyth County appreciates the sacrifices of our United States Military Personnel and believes specific recognition should be granted.

NOW THEREFORE BE IT RESOLVED, with designation as a Green Light for Veterans County, Smyth County hereby declares from October through Veterans Day, November 11th, 2023, a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service; and,

BE IT FURTHER RESOLVED, that in observance of Operation Green Light, Smyth County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business or residence from November 6th through the 12th, 2023.

ADOPTED this 12th day of October, 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

- *A motion was made by Chair, Atkins District Supervisor Charles Atkins to approve the Resolution in support of Operation Greenlight for Veterans. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair Rye Valley District Supervisor Lori Deel,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson.*

10/12/2023 5:17 PM Mr. Utt read the following resolution for the Boards consideration:

RESOLUTION IN SUPPORT OF FIRE PREVENTION WEEK 2023

WHEREAS, Smyth County is committed to ensuring the safety and security of all those living in and visiting our beautiful County; and fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,800 people in the United States in 2021, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 338,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States and fire departments responded to more than 166,400 annually between 2016 and 2020; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and working smoke alarms cut the risk of dying in reported home fires almost in half; and

WHEREAS, Smyth County’s first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and the Smyth County Board of Supervisors along with the Town Councils’ of Chilhowie, Marion, and Saltville, have established the Automatic Aid Program throughout the County to provide improved services and numbers to mitigate the effects of a conflagration; and

WHEREAS the Smyth County Board of Supervisors supports and gives gratitude to the responders of Smyth County that provide the services necessary to continue to keep the public safe; and the Smyth County Board of Supervisors recognizes the families of our responders that support their loved ones in their service.

WHEREAS, the 2023 Fire Prevention Week theme, “Cooking safety starts with YOU. Pay attention to fire prevention,” effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires; and

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Smyth County, Virginia do hereby proclaim October 8-14, 2023, as Fire Prevention Week. We urge all Smyth County citizens to practice safe cooking methods as well as educate your children during Fire Prevention Week 2023 and to support the many public safety activities and efforts of our Smyth County fire and emergency services.
ADOPTED this 12th day of October, 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the Resolution in support of Fire Prevention Week. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair Rye Valley District Supervisor Lori Deel,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson.*

10/12/2023 5:22 PM Assistant Commonwealth’s Attorney Phillip Blevins gave a presentation of a proposed program he would like feedback on called “Smyth County Works”. He shared the program would allow an alternative sentencing program for non-violent offenders that would otherwise be incarcerated. He stated the program would require 40

hours of work per week, at a work site that will be assigned to the offender, of which 20 hours would serve as punitive work with the remaining 20 given to community service credit towards court fines/costs. Mr. Blevins spoke about requirements and cost and offered any feedback on questions the Board may have.

10/12/2023 5:22 PM Matthew Lane, President of the Lane Group, gave a presentation on the County Wide water study the Lane Group had been contracted to complete. Mr. Lane gave highlights of findings as well as a recommendation to form a Public Service Authority with some pushback but shared it would be the most cost-effective path going forward as well as a stronger system with greater possibility of disaster funding, if necessary. Mr. Lane thanked the Board and shared it had been a pleasure working with Mr. Utt and Mr. Williams and offered to join any meetings going forward that he would be able to assist in.

10/12/2023 6:15 PM Chair, Atkins District Supervisor Charles Atkins called a 10-minute recess.

10/12/2023 6:26 PM Chair, Atkins District Supervisor Charles Atkins called the meeting back to order and opened Citizens Time.

Rose Likins, Smyth County Library Director provided an update on the library events and successes in school collaboration. Chilhowie District Supervisor Michael Sturgill thanked Ms. Likins for all she does and commended her for her professionalism with concerned citizens.

10/12/2023 6:34 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizens' time.

10/12/2023 6:34 PM Planning Commission Recommendation:
Mr. Williams spoke on the proposed Battery Storage Facility Special Use permit submitted by Laurel Creek Energy. Mr. Williams noted that the Planning Commission made the following recommendation:

After reviewing the request and taking into consideration all comments, Saltville District Representative David Spence felt the application met the standards mentioned by Mr. Williams and set out in the Ordinance with the condition that the emergency plan be finalized and approved, in addition, he recommended allowing it to be valid for five years with the condition the applicant submit six-month updates and made a motion to recommend approval of the special use permit which was seconded by Chilhowie District Representative Mr. Davidson, and it was approved by the Planning Commission.

Mr. Williams noted that he would advise the Board to look over any proposed conditions placed on the Solar Energy Special Use permit and determine if any of those conditions would be applicable to the Battery Storage Facility special use permit before approval. After discussion with the Laurel Creek representatives and their willingness to work with the Board on anything that would apply, the following motion was made:

- *A motion was made by Royal Oak District Supervisor Courtney Widener to table the Special Use application for a Battery Storage Facility from Laurel Creek Energy until the October 26th, 2023 Board meeting. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

NAYS: Saltville District Supervisor Roscoe Call.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

10/12/2023 7:02 PM Minutes from the September 28th, 2023 meeting.

- A motion was made by Royal Oak District Supervisor Courtney Widener to approve the minutes from the September 28th, 2023, meeting. Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair Rye Valley District Supervisor Lori Deel,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

10/12/2023 5:24 PM Assistant County Administrator Lisa Richardson presented the County’s updated financial information:

SMYTH COUNTY BOARD OF SUPERVISORS
THURSDAY, SEPTEMBER 7, 2023

ACCOUNTS PAYABLE LISTING
August 2023

Request approval of the following payables:

<u>General County</u>	
Accounts Payable Listing 8/1/2023 - 8/31/2023	\$1,608,540.24
Total General County	\$1,608,540.24
<u>Fund Accounts</u>	
Fund 302 Public Safety Radio	\$0.00
Fund 4 EDA	\$28,988.74
Fund 505 Transfer Station Construction	\$4,600.00
Fund 746 Sheriff	\$0.00
Fund 747 Sheriff Asset Forfeiture	\$0.00
Fund 748 Sheriff	\$0.00
Recovery Court Fund 749	\$0.00
Fund 760 Commonwealth Attorney Federal Drug Asset	\$0.00
Fund 770 Circuit Court Clerk - Holding Account	\$0.00
Total Fund Accounts	\$33,588.74
TOTAL ACCOUNTS PAYABLE - AUGUST 2023	\$1,642,128.98

- A motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing 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,
Chilhowie District Supervisor Michael Sturgill,

*Vice Chair Rye Valley District Supervisor Lori Deel,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

*NAYS: None.
ABSTAINERS: None.
ABSENT: North Fork District Supervisor Phil Stevenson.*

10/12/2023 7:04 PM County Administrator Shawn Utt read the minutes of the Budget Committee Meeting held on October 5th, 2023 and presented the following recommendations:

Item #1 – second quarter appropriations:

– General County	\$ 10,500,000	Fund 001
– Smyth County EDA	\$ 762,500	Fund 004
– Schools – Operating Fund	\$ 14,490,657	Fund 009
– Schools – School Textbook Fund	\$ 5,000	Fund 037
– Department of Social Services	\$ 1,871,733	Fund 013
– Recovery Court	\$ 43,400	Fund 749
Total for 2nd Qtr. – FY23/24	\$ 27,673,290	

- Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving the requested 2nd Quarter Appropriations in the total amount of \$27,673,290 as presented. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

*AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair Rye Valley District Supervisor Lori Deel,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.
NAYS: None.
ABSTAINERS: None.
ABSENT: North Fork District Supervisor Phil Stevenson.*

Item #2 – COF Grant Interest Request #2:

- Motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving the check to the EDA from line item 001-081030-8888-1 in the amount of \$27,080 to be used for Economic Development purposes. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

*AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair Rye Valley District Supervisor Lori Deel,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.
NAYS: None.
ABSTAINERS: None.
ABSENT: North Fork District Supervisor Phil Stevenson.*

10/12/2023 7:06 PM Chilhowie District Supervisor Michael Sturgill read the minutes of the Building and Grounds Committee from the October 5th, 2023 meeting. Informational only, no

action taken.

10/12/2023 7:07 PM Chair, Atkins District Supervisor Charles Atkins went back on the agenda to schedule a public hearing for the proposed Battery Storage Facility’s siting plan.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to schedule a public hearing for the proposed siting agreement from Laurel Creek Energy storage pertaining to their Special Use Permit application for October 26th at 5:00pm or shortly thereafter.*

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff,
Vice Chair Rye Valley District Supervisor Lori Deel, and
Royal Oak District Supervisor Courtney Widener.

NAYS: Saltville District Supervisor Roscoe Call.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

10/12/2023 7:13 PM Mr. Williams stated he would give a final update once the permits had been issued on 1013 Ridge Rd.

10/12/2023 7:13 PM Mr. Utt shared the final agreements to transfer the ownership of the former Rehab Building to the County from the Commonwealth of Virginia are being finalized. This building will be the future home of the Appalachian Center for Hope. Mr. Utt presented the following Resolution for the Board’s consideration to accept ownership:

**RESOLUTION OF THE SMYTH COUNTY BOARD OF SUPERVISORS
TO ACCEPT REHABILITATION BUILDING AND REAL ESTATE**

WHEREAS, the Commonwealth of Virginia, Department of Behavioral Health and Developmental Services has offered to convey approximately 2.91 acres of real estate (a portion of Tax Map Number 211-130-1), with its improvements, the multistory brick building known as the Rehabilitation Building, with an address of 281 Bagley Circle, Marion Virginia, hereinafter the “Property,” to Smyth County Virginia;

WHEREAS, Chapter 448 of the Virginia Acts of Assembly of 2022, approved on April 11, 2022, (the “Legislation”), authorized the Commonwealth, with the approval of the Governor pursuant to § 2.2-1150 of the Code of Virginia and in a form approved by the Attorney General, to convey the Property to Smyth County, Virginia;

WHEREAS, the Legislation authorizes the appropriate officials of the Commonwealth to execute the deed and other documents necessary to accomplish the conveyance of the Property to Smyth County, Virginia;

WHEREAS, the Virginia Department of Behavioral Health and Developmental Services and Smyth County, Virginia, have agreed to the conveyance authorized by the Legislation for the transfer of the Property to Smyth County, Virginia with the necessary easements and agreements, including but not limited to, easements for waterlines, access for ingress and egress, utility easements, for the quiet enjoyment and use of the Property by Smyth County, Virginia, as well as, the necessary easements and agreements reserved and/or granted to the Virginia Department of Behavioral Health and Developmental Services to its remaining real estate for its continued quiet enjoyment and use; and,

WHEREAS, the Smyth County Board of Supervisors finds it is in the best interest of the citizens of Smyth County, Virginia, and the Property will improve the welfare, convenience and prosperity of the citizens of Smyth County, Virginia.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Smyth County resolves to accept the conveyance of the Property and any easements from the Commonwealth of Virginia, Department of Behavioral Health and Developmental Services, and to grant any easements and enter into agreements to the Commonwealth of Virginia, Department of Behavioral Health and Developmental Services, associated with the Property that may be required for the transfer of the Property.

BE IT FURTHER RESOLVED that the County Administrator, Shawn Utt, be authorized to act on behalf of the Board of Supervisors of Smyth County, and/or Smyth County, Virginia, to execute ALL documents necessary and required to consummate the transfer of the Property from the Commonwealth of Virginia, Department of Behavioral Health and

Developmental Services, including but not limited to, executing deeds, easements, agreements, settlement statements, certificates of acceptance, etc.

BE IT FURTHER RESOLVED THAT this resolution shall be effective immediately upon its adoption.

Date of Adoption: October 12, 2023.

The Members of the Smyth County Board of Supervisors voted as follows:

NAME	AYE	NAY	ABSENT
Charles E. Atkins	_____	_____	_____
Roscoe D. Call	_____	_____	_____
Lori H. Deel	_____	_____	_____
Kristopher S. Ratliff, DPh	_____	_____	_____
Charles P. Stevenson	_____	_____	_____
Mike Sturgill	_____	_____	_____
Courtney Widener	_____	_____	_____

CERTIFICATE

The undersigned Clerk of the Board of Supervisors of Smyth County, Virginia, certifies that the foregoing is a true, correct, and complete copy of a Resolution adopted by the Affirmative vote of a majority of the Board of Supervisors present at a public meeting duly held on October 12, 2023, at which meeting a quorum was present and acting throughout.

Dated: October 12, 2023.

Shawn M. Utt, Clerk

Board of Supervisors of Smyth County, Virginia

- *Motion was made by Chilhowie District Supervisor Michael Sturgill to adopt the resolution and accept ownership transfer of the Rehab building by donation of the Commonwealth of Virginia. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

After consideration, the recommendation PASSED by the following vote:

AYES:

Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair Rye Valley District Supervisor Lori Deel,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

NAYS:

None.

ABSTAINERS:

None.

ABSENT:

North Fork District Supervisor Phil Stevenson.

10/12/2023 7:15 PM County Attorney Report:

County Attorney Scot Farthing stated he had nothing new to report at this time.

10/12/2023 7:16 PM County Administrator Report:

Mr. Utt stated shared that Smyth Grow has its first completed contract and is looking forward to housing growth within the County.

10/12/2023 7:18 PM Supervisor Comment Time

Chilhowie District Supervisor Michael Sturgill shared last Friday, 13 students with the Healthcare Excellence program visited with the Smyth County Community Hospital and visits would continue for the next 5 Fridays to various health-related locations. Mr. Sturgill gave a special “thank you” to Mr. Widener and Mr. Atkins for their service to our Country and the sacrifices they made.

Royal Oak District Supervisor Courtney Widener shared his excitement for the Sheriff's office accreditation as it is a monumental accomplishment. Mr. Widener stated not many know the dedication that goes into that process as it takes the entire department working together. Mr. Widener also shared his appreciation for Ms. Bogle and how important the EMD program into the 911 system really is. Mr. Widener thanked other veterans who might not be with us here today and those serving overseas.

Park District Supervisor Kristopher Ratliff requested the staff look into a "children at play" sign on Mitchell Valley Road as well as the erosion issues on 329 Myers Street, Marion. Mr. Ratliff thanked veterans for their sacrifices.

Rye Valley District Supervisor Lori Deel shared her appreciation for Ms. Bogle and the EMD program system. Having experienced having children of her own, she shared that the mother would always remember Ms. Bogle's voice and how she brought her through that situation. Mrs. Deel thanked Mr. Widener and Mr. Atkins for their service along with all other veterans. Mrs. Deel also thanked Mrs. Likins for her dedication and her continued impact on the community.

Saltville District Supervisor Roscoe Call thanked the staff for all they do as well as Mrs. Likins for a job well done.

Chair, Atkins District Supervisor Charles Atkins noted it is National Farmers Day and asked everyone to remember troops in the Middle East and Israel.

10/12/2023 7:33 PM

- Royal Oak District Supervisor Courtney Widener 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 Project Bowtie and invite Jason Parris to join during closed session. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair Rye Valley District Supervisor Lori Deel,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Phil Stevenson.*

10/12/2023 7:45 PM *Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Rye Valley District Supervisor Lori Deel seconded the motion.*

**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,
 Chilhowie District Supervisor Michael Sturgill,
 Vice Chair Rye Valley District Supervisor Lori Deel,
 Saltville District Supervisor Roscoe Call,
 Royal Oak District Supervisor Courtney Widener, and
 Park District Supervisor Kristopher Ratliff.
- NAYS: None.
- ABSTAINERS: None.
- ABSENT: North Fork District Supervisor Phil Stevenson.

Following closed session, the following motion was made:


- *Royal Oak District Supervisor Courtney Widener made a motion to authorize the transfer of ownership of 819 Matson Drive, Marion to the Smyth County EDA for economic development purposes and authorize the Chair, County Administrator and County Attorney to execute all necessary documents to finalize the transfer on behalf of the County. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

- AYES: Chair Atkins District Supervisor Charles Atkins,
 Chilhowie District Supervisor Michael Sturgill,
 Vice Chair Rye Valley District Supervisor Lori Deel,
 Saltville District Supervisor Roscoe Call,
 Royal Oak District Supervisor Courtney Widener, and
 Park District Supervisor Kristopher Ratliff.
- NAYS: None.
- ABSTAINERS: None.
- ABSENT: North Fork District Supervisor Phil Stevenson.

10/12/2023 8:00 PM Chair, Atkins District Supervisor Charles Atkins adjourned the Board of Supervisors meeting.

Charles E. Atkins, Chair

 The Smyth County Board of Supervisors held its regular meeting on Thursday, November 9th, 2023, at 5:00 p.m. The location of the meeting was held 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; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call; Chilhowie District Supervisor Michael Sturgill; North Fork District Supervisor Phil Stevenson.

ABSENT: Park District Supervisor Kristopher Ratliff.

STAFF: County Administrator Shawn Utt; Assistant County Administrator- Development Clegg Williams; Assistant County Administrator- Operations Lisa Richardson Executive Assistant Auna Louthian

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

11/9/2023 5:06 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

11/9/2023 5:02 PM Executive Assistant Auna Louthian led the Pledge of Allegiance.

11/9/2023 5:03 PM Pastor Alan Gray provided the invocation.

11/9/2023 5:05 PM Chair, Atkins District Supervisor Charles Atkins introduced Gil Entzminger with Enteros Design. Mr. Entzminger gave a presentation on options for the potential Saltville Library Designs.

11/9/2023 5:41 PM Emergency Services Coordinator Curtis Crawford present the following resolution and declaration for the Boards consideration:

A Resolution Declaring Local Emergency

Smyth County Burn Ban

WHEREAS, the Director of Emergency Management of Smyth County does hereby find:

1. That due to drought conditions and abnormally dry conditions, which create a high risk of wildfires, Pulaski County is facing dangerous conditions.
2. Due to these drought and dry conditions creates an extreme peril to life and property and necessities

WHEREAS, Smyth County is authorized by § 15.2-922.1 sets forth the procedure to regulate the making of fires on private property and public places when a declared emergency exists; and,

WHEREAS, also in accordance with § 44-146.21 sets forth the procedure to declare a local emergency when the governing body protects the health and safety of person and property, and,

WHEREAS, also in accordance with § 44-146.21, the governing body, when in its judgment, all emergency actions have been taken, shall take appropriate action to end the declared emergency.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Smyth County Board of Supervisors hereby declares by the way of resolution, confirmation of the declaration by the Director of Emergency Management of a local emergency for Smyth County for November 9, 2023, a 10:00 a.m. and authorizes the County Administrator to file with the Governor of Virginia, a notification of the County of Smyth is in a state of Local Emergency; and,

BE IT FURTHER RESOLVED, that any individual or party found acting without regard to this resolution, in unlawfully burning, burning without proper supervision, burning that is unattended within 150 feet of woodland, brushland, or fields containing dry grass, or burning without due regard of environmental conditions, will be fined in the amount of \$250.00, to be enforced by the Smyth County Sheriff's Office, as well as damages and other fines that may be occurred by other infractions by Smyth County or other enforcement agencies; and,

BE IT FURTHER RESOLVED, that at the time of the adoption of this resolution, the County of Smyth will remain under a local emergency and an additional resolution will be needed to certify the end of the declared emergency.

Adopted this the 9th day of November, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

DECLARATION OF LOCAL EMERGENCY

WHEREAS, the Director of Emergency Management of Smyth County does hereby find:

1. That due to drought conditions and abnormally dry conditions, which create a high risk of wildfires, Smyth County is facing dangerous conditions;
2. That due to these drought and dry conditions creates an extreme peril to life and property and necessitates a proclamation of the existence of a local emergency;

WHEREAS, on November 7, 2023, Governor Glenn Youngkin declared a state of emergency for the Commonwealth of Virginia due to these statewide conditions; and,

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that an emergency does exist throughout Smyth County.

BE IT FURTHER PROCLAIMED AND ORDERED that during the existence of said state of emergency, the powers, functions, and duties of the Smyth County Emergency Management shall be all those prescribed by State law and the Ordinances, Resolutions, and approved plans of Smyth County, in order to mitigate, respond or further prevent the effects of said local emergency.

Date

Shawn M. Utt
County Administrator/Director of Emergency Management
Smyth County
Commonwealth of Virginia

Attest:_____
Curtis Crawford
Emergency Management Coordinator
Smyth County
Commonwealth of Virginia

- *A motion was made by Rye Valley District Supervisor Lori Deel to approve the Resolution of Local Emergency in support of a local burn ban. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

11/9/2023 5:46 PM Public Hearing for Clean Footprint Siting Agreement. Chair, Atkins District Supervisor Charles Atkins opened the Public Hearing for Clean Footprint Solar Siting Agreement.

- *A Motion was made by Saltville District Supervisor Roscoe Call to waive the reading of the*

rules of the public hearing as well as the reading of the advertisement. 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,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
North Fork District Supervisor Phil Stevenson, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

11/9/2023 5:46 PM Mr. Williams gave a synopsis of the siting agreement. General Discussion ensued; however, Mr. Williams stated he was continuing to negotiate with the company and all parties expected to have a final proposal to present to the Board at the December 14th meeting. With no citizens wishing to speak, Chair, Atkins District Supervisor Charles Atkins Closed the public hearing.

11/9/2023 5:52 PM Minutes from the October 26th, 2023 meeting.

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the minutes from the October 26th, 2023, meeting as amended with grammatical errors corrected. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: North Fork District Supervisor Phil Stevenson.

ABSENT: Park District Supervisor Kristopher Ratliff.

11/9/2023 5:53 PM Assistant County Administrator Lisa Richardson presented the County's updated financial information:

SMYTH COUNTY BOARD OF SUPERVISORS
THURSDAY, NOVEMBER 9, 2023

ACCOUNTS PAYABLE LISTING
October 2023

Request approval of the following payables:

<u>General County - Regular Checks</u>	\$2,575,332.90
<u>Fund 4 EDA - Regular Checks</u>	\$43,117.85
Fund 505 Transfer Station-Regular Checks	\$15,097.22
Accounts Payable Listing 10/01/2023-10/31/2023	\$2,633,547.97
<u>Fund Accounts - Manual Checks</u>	
Fund 302 Public Safety Radio	
Fund 501 Water Deposit Refunds	\$100.00
Fund 747 Sheriff State Asset Forfeiture	
Fund 748 Sheriff Purchase of Equipment	\$1,331.15
Fund 749 Recovery Court	\$5,121.98
Fund 760 Commonwealth Attorney Federal Drug Asset	
Fund 770 Circuit Court Clerk - Holding Account	
Total Fund Accounts	\$6,553.13
TOTAL ACCOUNTS PAYABLE - <u>October 2023</u>	\$2,640,101.10

11/9/2023 5:55 PM Chair, Atkins District Supervisor Charles Atkins opened citizens' time.

Charles Wassum, 321 Wassona Drive, Marion, thanked the Board members and staff for all the time that is put into what they do. Mr. Wassum shared that as a citizen it is very appreciated.

11/9/2023 5:56 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizens' time.

10/26/2023 5:56 PM Saltville District Supervisor Roscoe Call read the minutes from the November 11th, 2023 Surplus Committee meeting and presented the following committee recommendation:

- *Park District Representative Kristopher Ratliff made a motion to recommend declaring all vehicles and equipment as presented surplus property and to authorize the County Administrator to dispose of them as required. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the recommendation from the Surplus Committee PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristopher Ratliff.*

11/9/2023 5:56 PM Saltville District Supervisor Roscoe Call read the minutes from the Water and Sewer Committee meeting on November 2nd, 2023 and presented the following committee recommendations:

Item 1: Konnarock Well

- *A motion was made by Rye Valley District Supervisor Lori Deel to recommend authorizing staff to move forward with VDH and retain engineering services to design a water line from the Blue Ridge Discovery Center's well to the Konnarock Community Center, for the project as well as negotiate an agreement with the Blue Ridge Discovery Center. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the recommendation from the Water and Sewer Committee PASSED by the following vote:

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

NAYS: None.
ABSTAINERS: None.
ABSENT: Park District Supervisor Kristopher Ratliff.

Item 2: Formally Decline FY23 Groseclose Sewer Offer

- *A motion was made by Rye Valley District Supervisor Lori Deel to recommend authorizing staff to formally decline the FY23 funding offer for the Groseclose Sewer project from the Virginia Department of Equality. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the recommendation from the Water and Sewer Committee PASSED by the following vote:

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

NAYS: None.
ABSTAINERS: None.
ABSENT: Park District Supervisor Kristopher Ratliff.

Item 3: Flat Rate Wright off for Galliher

- *A motion was made by Rye Valley District Supervisor Lori Deel to recommend writing off a flatrate sewer balance of \$30,220.70 for Mr. and Mrs. Galliher, account number 7762 with a service address of 1914 Ashton Lane, Marion, VA 24354. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the recommendation from the Water and Sewer Committee PASSED by the following vote:

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

NAYS: None.
ABSTAINERS: None.
ABSENT: Park District Supervisor Kristopher Ratliff.

11/9/2023 6:34 PM Mr. Utt read the minutes from the Budget Committee meeting on November 2nd, 2023 and presented the following committee recommendations:

Item #1: Budget Amendment #3

- Chilhowie District Supervisor Michael Sturgill made a motion to recommend approving budget amendment #3 for FY23/24 as presented. Rye Valley District Supervisor Lori Deel seconded the motion and it was unanimously approved.

RESOLUTION

SMYTH COUNTY BUDGET FISCAL YEAR 2023/24 – AMENDMENT #3

WHEREAS, the Smyth County Board of Supervisors, on June 8th, 2023 adopted the Fiscal Year 2023/24 Budget in the original amount of \$132,444,641; and

WHEREAS, in the meeting of August 24th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #1) for Fiscal Year 2023/24 in the amount of \$135,536,020; and

WHEREAS, in the meeting of September 14th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #2) for Fiscal Year 2023/24 in the amount of \$135,436,104; and

WHEREAS, the aggregate amount of budget amendment #3 is \$403,802 which would increase the Fiscal Year 2023/24 budget to a total of \$135,839,906 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 2023/24 in the amount of \$135,839,906.

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

Adopted this the 9th day of November, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

Board of Supervisors Meeting Minutes
November 9th, 2023
Page 9

Exhibit A
FY2023/24
Budget Amendment #3 (11-9-23)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	State Grant Money	001-021100-0023	PSAP PEP Grant	\$ -	\$ (4,000)	\$ -	(4,000) New grant funding
Fund 001	Compensation Board	001-023010-0001	Commonwealth Attorney	\$ (655,910)	\$ (73,298)	\$ (729,208)	State budget amendment - add'l comp board funding
Fund 001	Compensation Board	001-023020-0001	Sheriff Department Expenses	\$ (2,149,731)	\$ (117,294)	\$ (2,267,025)	State budget amendment - add'l comp board funding
Fund 001	Compensation Board	001-023030-0001	Commissioner	\$ (163,707)	\$ (84,875)	\$ (248,582)	State budget amendment - add'l comp board funding
Fund 001	Compensation Board	001-023040-0001	Treasurer	\$ (133,533)	\$ (90,427)	\$ (223,960)	State budget amendment - add'l comp board funding
Fund 001	Compensation Board	001-023080-0001	Clerk & Employee Salaries	\$ (411,445)	\$ (33,908)	\$ (445,353)	State budget amendment - add'l comp board funding
Total Revenues With Amendment				\$ (135,436,104)	\$ (403,802)	\$ (135,839,906)	

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget Amount	Notes
Fund 001	Board of Supervisors	001-011010-8888	Supplemental Appropriations	\$ 204,531	\$ 121,629	\$ 326,160	2% increase in line with Comp Board/State funding
Fund 001	County Administration	001-012010-1001	Salaries & Wages	\$ 303,772	\$ 6,075	\$ 309,847	2% increase in line with Comp Board/State funding
Fund 001	Commissioner of Revenue	001-012090-1001	Salaries & Wages	\$ 269,144	\$ 5,383	\$ 274,527	State budget amendment - add'l comp board funding
Fund 001	Treasurer	001-012130-1001	Salaries & Wages	\$ 260,358	\$ 5,207	\$ 265,565	State budget amendment - add'l comp board funding
Fund 001	Accounting & Finance	001-012150-1001	Salaries & Wages	\$ 95,550	\$ 1,911	\$ 97,461	2% increase in line with Comp Board/State funding
Fund 001	Information Systems	001-012200-1001	Salaries & Wages	\$ 305,464	\$ 6,109	\$ 311,573	2% increase in line with Comp Board/State funding
Fund 001	Registrar	001-013020-1001	Salaries & Wages	\$ 130,442	\$ 2,609	\$ 133,051	2% increase in line with Comp Board/State funding
Fund 001	Circuit Court	001-021010-1001	Salaries & Wages	\$ 148,994	\$ 2,980	\$ 151,974	2% increase in line with Comp Board/State funding
Fund 001	Clerk of the Circuit Court	001-021060-1001	Salaries & Wages	\$ 417,782	\$ 11,890	\$ 429,672	State budget amendment - add'l comp board funding
Fund 001	Sheriff	001-021070-1001	Salaries & Wages	\$ 1,984,924	\$ 117,294	\$ 2,102,218	State budget amendment - add'l comp board funding
Fund 001	Sheriff - SRO Grant	001-021090-1001	Salaries & Wages	\$ 185,220	\$ 3,704	\$ 188,924	2% increase in line with Comp Board/State funding
Fund 001	Commonwealth Attorney	001-022010-1001	Salaries & Wages	\$ 626,332	\$ 53,700	\$ 680,032	State budget amendment - add'l comp board funding
Fund 001	Victim Witness	001-022011-1001	Salaries & Wages	\$ 70,387	\$ 1,408	\$ 71,795	2% increase in line with Comp Board/State funding
Fund 001	E911/Dispatch	001-031040-1001	Salaries & Wages	\$ 526,043	\$ 10,521	\$ 536,564	2% increase in line with Comp Board/State funding
Fund 001	E911/Dispatch	001-031040-8888	PSAP-PEP Grant	\$ -	\$ 4,000	\$ 4,000	New grant funding
Fund 001	Smyth County Fire/Rescue	001-032050-1001	Salaries & Wages	\$ 591,675	\$ 11,834	\$ 603,509	2% increase in line with Comp Board/State funding
Fund 001	Public Safety Communications	001-032060-1001	Salaries & Wages	\$ 55,125	\$ 1,103	\$ 56,228	2% increase in line with Comp Board/State funding
Fund 001	Building & Zoning	001-034010-1001	Salaries & Wages	\$ 278,326	\$ 5,567	\$ 283,893	2% increase in line with Comp Board/State funding
Fund 001	Animal Control	001-035010-1001	Salaries & Wages	\$ 275,870	\$ 5,517	\$ 281,387	2% increase in line with Comp Board/State funding
Fund 001	Emergency Management Coordinator	001-035050-1001	Salaries & Wages	\$ 69,458	\$ 1,389	\$ 70,847	2% increase in line with Comp Board/State funding
Fund 001	Solid Waste Collection/Disposal	001-042030-1001	Salaries & Wages	\$ 483,026	\$ 9,661	\$ 492,687	2% increase in line with Comp Board/State funding
Fund 001	Smyth County Tourism	001-042080-1001	Salaries & Wages	\$ 57,750	\$ 1,155	\$ 58,905	2% increase in line with Comp Board/State funding
Fund 001	Courthouse Maintenance	001-043020-1001	Salaries & Wages	\$ 65,104	\$ 1,302	\$ 66,406	2% increase in line with Comp Board/State funding
Fund 001	Health Department Maintenance	001-043030-1001	Salaries & Wages	\$ 36,661	\$ 733	\$ 37,394	2% increase in line with Comp Board/State funding
Fund 001	County Office Maintenance	001-043040-1001	Salaries & Wages	\$ 116,008	\$ 2,320	\$ 118,328	2% increase in line with Comp Board/State funding
Fund 001	Community Development & GIS	001-081020-1001	Salaries & Wages	\$ 108,426	\$ 2,169	\$ 110,595	2% increase in line with Comp Board/State funding
Fund 501	Water/Sewer	501-085010-1001	Salaries & Wages	\$ 331,592	\$ 6,632	\$ 338,224	2% increase in line with Comp Board/State funding
Total Expenditures With Amendment				\$ 135,436,104	\$ 403,802	\$ 135,839,906	

Revenues	\$	(135,436,104)	\$	(403,802)	\$	(135,839,906)
Expenditures	\$	135,436,104	\$	403,802	\$	135,839,906
Difference	\$	-	\$	-	\$	-

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

Item #2: Staff Christmas Bonus

- Chilhowie District Supervisor Michael Sturgill made a motion to recommend approving a staff Christmas Bonus in the amount of \$1,000 for full time employees and \$500 for part time employees for the end of November payroll batch. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

11/9/2023 6:03 PM Rye Valley District Supervisor Lori Deel read the minutes from the Public Safety Committee's meetings on November 2nd, 2023. Mrs. Deel shared the Chief of Marion Fire/ EMS position agreed upon qualifications as follows:

General Description of Duties:

Under the direction of the Town Council and Mayor with immediate supervision from Town Manager, the Chief of Fire/EMS provides executive leadership and management of the Fire/EMS Department, including guidance and direction in meeting the mission and goals of the Department and Town. Provides leadership and management to operations and applies in-depth knowledge of public safety programs. The Chief of Fire/EMS is accountable for the

general welfare and safety of the public within the operational constraints, laws, policies, and regulations of the public safety programs. Employee's actions will have considerable impact on the effectiveness and creditability of administrative actions of the Town and considerable impact on financial resources, goodwill, and/or public assessment of the Town and Commonwealth.

Specific Duties and Responsibilities:

Plans, organizes, directs, and evaluates the overall operations of the Fire/EMS department; handling personnel and public information matters; coordinate activities with other agencies,

Town officials and Town Manager; ensuring all laws, regulations and procedures are followed;

maintain appropriate records and files. Demonstrates and applies knowledge of federal, state, local laws, policies and regulations for public safety operations. Supervises all personnel functions of the Fire/EMS Department; approves all personnel appointments, assignments, promotions, suspension, and ensures that all personnel are properly trained and meet all applicable statutory training requirement; supervises training and arranges necessary outside training. Supervises the preparation of all necessary reports submitted to the Town Manager and Council, State Fire and EMS agencies, Smyth County Emergency Services, and the Operation Medical Director; assists in preparing budget estimates and controls the expenditures of allotted funds; supervises inventory control, maintenance, and issuance of assigned equipment and vehicles; requisitions supplies and recommends purchase of necessary equipment.

Supervises the maintenance and use of Fire/EMS equipment and facilities.

Qualifications, Education and Experience:

The minimum required qualifications include a combination of education and experience equivalent to a bachelor's degree from an accredited college or university with major course work in public safety, public administration, or related areas, five (5) years responsible experience in public safety operations; in-depth knowledge and experience with public safety and emergency operations and the laws and regulations governing public safety programs and operations. Must hold no less than a valid Virginia EMT-B certification, Virginia Firefighter II certification, and acquire an Instructor I certification within 6 months of start date and shall maintain these certifications or higher as condition of employment. Officer 1, Instructor II, and 7+ years of experience preferred.

Knowledge, Skills, and Abilities:

Ability to apply comprehensive knowledge of public safety administration. Thorough knowledge of the methodology and procedures of administration, management, and finance. Thorough knowledge of the duties and mission of local governmental units. Applies a high level of technical expertise to manage staff and accomplish department objectives. Applies knowledge of available resources in all areas, including organization, staffing, financing,

equipment management and maintenance, records and reports; comprehensive knowledge of modern public safety techniques and equipment. Ability to exercise sound judgment in emergencies. Must demonstrate comprehensive analysis and decision-making skills. Knowledge of the Town ordinances and State laws. Knowledge of the geographic response areas. Knowledge of all legal regulations regarding employee health and safety

Mrs. Deel clarified that anytime the Board feels as if the Chief is not fulfilling their duties, they can withdraw funding.

- *Royal Oak District Supervisor Courtney Widener made a motion to approve the job posting for the Chief of Marion Fire/ EMS and allow advertisement. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

11/9/2023 6:36 PM Assistant County Administrator Clegg Williams presented the following recommendation from the Planning Commission on August 10, 2023, that was previously tabled by the Board of Supervisors to be reviewed at the November 9th meeting:

Clean Footprint Solar Facility- Mr. Williams noted that the Planning Commission made the following recommendation:

- *After reviewing the request and taking into consideration all comments, Chilhowie District Representative Graham Davison Jr. made a motion to recommend approval of the special use permit to construct a Solar Energy Facility. Park District Representative Tony Dean seconded the motion., and it was approved by the Planning Commission.*

Mr. Williams shared the updates that had been made to the Site Conditions as follows:

SPECIAL USE PERMIT – SITE CONDITIONS

CLEAN FOOTPRINT LLC (10 MW SOLAR FACILITY)

The Smyth County Board of Supervisors approves the Special Use Permit for Clean Footprint LLC to construct, maintain, and operate a 10 megawatt (AC) solar energy facility on Tax Map No. 29-A-99 subject to the following conditions:

1. The Special Use Permit shall be issued to Clean Footprint LLC to construct, maintain, and operate a large-scale solar energy facility at the site. These conditions shall apply to any person or entity that owns or operates the facility at the site pursuant to this Permit. The current facility owner and operator shall provide the Zoning Administrator with advance written notice of any proposed change in the owner or operator of the solar energy facility.
2. The facility, including the project area, panels, buildings, accessory structures, entrances, fencing, vegetative buffers, areas for pollinator-friendly and wildlife• friendly plantings, and rated capacity, shall be sited, developed, constructed, installed, operated, and maintained in substantial conformance with the schematic site plan and project narrative presented by the applicant, except to the extent such plan or narrative is inconsistent with the Ordinance or any condition in this Special Use Permit. The Zoning Administrator shall determine "substantial conformity".
3. Clean Footprint or any other owner or operator, shall comply with all requirements of Article IV, Section 4-18, of the Smyth County Code ("Solar Energy Facility" or "Ordinance") that apply to large scale solar energy facilities. Without limiting the foregoing, the facility shall comply with all provisions contained in Section 4-18 of the Ordinance regarding the location, appearance, and operational requirements of large-scale solar energy facilities. Future Ordinance amendments will apply to this solar facility, provided such amendments do not impair any vested rights under Virginia Code §15.2-2307 or require changes to the design, layout, vegetative buffers, or landscaping of the project site as shown or described on the schematic site plan and project narrative.
4. The owner, operator, and facility shall always comply with all applicable federal, state, and local laws, rules, regulations, codes, ordinances, and other requirements. The owner, operator, and facility shall obtain and, as necessary, maintain all applicable federal, state, and local permits.
5. The facility owner and operator shall provide additional information regarding the facility's permitting and operations when requested by county officials regarding the facility, respond to additional inquiries by county officials, and allow designated county officials to have access to the facility for inspections in accordance with applicable safety and operational constraints.
6. Any proposed expansion of the facility beyond the levels approved herein, change of activities conducted at the facility from those permitted herein, or additional facilities or activities beyond those permitted herein shall be submitted to the Zoning Administrator for review. If the Zoning Administrator deems such proposed changes to be material modifications, they will be subject to Permit amendment procedures, including Public Hearings.

7. All entrances to the site shall be constructed and maintained as authorized and approved by the Virginia Department of Transportation.
8. Security fencing around the project area shall be maintained until the facility has been decommissioned and removed. It shall be the responsibility of the facility owner and/or operator to repair fencing promptly upon learning of any disrepair.
9. Disturbed areas within the project area, disturbed areas within the setback, and installed vegetative buffers shall be seeded with appropriate pollinator-friendly native plants, shrubs, trees, grasses, forbes, and wildflowers as stated in the landscaping and screening plan, unless the Zoning Administrator determines the disturbed area is not appropriate for such seeding. These areas shall be seeded promptly following completion of construction in such a manner as to reduce invasive weed growth and sediment run-off.
10. Trees planted in the vegetative buffer shall be at least (3) three feet tall at time of planting and expected to grow to a minimum of eight (8) feet within (3) years.
11. The applicant shall install chain-link fencing on the interior of the buffer with green privacy slats in the required areas where there is no existing vegetative screening.
12. Any existing vegetative buffering used for screening of the facility shall remain in place and undisturbed until the facility has been decommissioned and removed.
13. The vegetative buffer shall be maintained in good condition until the facility has been decommissioned and removed.
14. Lighting shall be limited to the minimum necessary for security purposes and shall be designed, installed, and operated to minimize off-site effects as much as reasonably practicable.
15. Adequate space for parking shall be provided on-site to accommodate all employees and visitors. It shall be the responsibility of the owner and operator to ensure employees and visitors park only on-site and not on VDOT's right-of-way or on adjacent parcels unless the owner(s) thereof provide written consent.
16. The owner and/or operator is responsible for maintaining the appearance of the site in good condition, including picking up litter from the site as needed on at least a bi-monthly schedule.
17. The owner and operator shall obtain and maintain an adequate amount of liability insurance to cover operations of the solar facility until the facility has been decommissioned and removed. Nothing herein shall prevent the owner and operator from obtaining additional liability insurance as they deemed appropriate.

18. The applicant has submitted a decommissioning plan procedure and decommissioning cost estimate, which is incorporated into these Conditions. The facility owner and operator shall disassemble and dispose of the solar facility and restore the site in accordance with the decommissioning plan procedure, unless the Ordinance contains stricter requirements, in which case the stricter requirements of the Ordinance shall control. The facility owner and/or permit holder shall be jointly and severally responsible for decommissioning the facility in accordance with the decommissioning plan procedure and Sections 4-18 of the Ordinance. The initial decommissioning security required pursuant to Section 4-18(d) of the Ordinance shall equal 100% of the estimated total cost to disassemble and dispose of the solar energy facility and restore the site, unless a revised decommissioning cost estimate provided by the applicant's engineer and based on engineering drawings issued for building permit demonstrate a reduction in cost is warranted in the Zoning Administrator's discretion. No reduction in the amount of security will be made on account of the claimed salvage value of the solar facility or the materials used in the solar facility. This security shall be in place prior to obtaining building permits or engaging in any land disturbance activity and shall remain in effect until decommissioning has been completed. The failure by the facility owner and/or operator to decommission the facility in accordance with this condition, the decommissioning plan procedure, and the Ordinance shall constitute a zoning violation and may be enforced as such. The security may be called on by the county to remedy the zoning violation and to pay all costs related to decommissioning the facility, including administrative and enforcement costs. The decommissioning plan and decommissioning cost estimate shall be updated upon the request of the Zoning Administrator, which shall be no less frequently than once every ten years and no more frequently than once every five years. Each decommissioning plan and cost estimate shall: (i) be sealed by a Professional Engineer; (ii) meet the requirements of Sections 53-157(d) and 53-160 of the Ordinance; (iii) be in form and substance acceptable to the Zoning Administrator; and (iv) require, among other things, that all salvageable materials be removed and sold or disposed of in accordance with all applicable federal, state, and local regulations. The amount of the required security may be adjusted based on the updated decommissioning cost estimate, but it shall not be less than 100% of the total estimated decommissioning cost.
19. To ensure compliance with the conditions of this Special Use Permit, prior to the beginning of land disturbance activities, the applicant/owner shall provide a performance bond security. The amount of security shall be \$1,000,000. (\$100,000 per megawatt). This security will be released upon satisfactory compliance with the site plan and screening related conditions of the SUP.
20. The applicant shall provide an erosion and sediment control plan approved by Smyth County Building and Zoning Department. The facility owner and operator shall construct, maintain, and operate the facility in compliance with the approved erosion and sediment control plan.
21. The applicant shall provide a storm water management plan approved by a third-party

inspector or the Smyth County Building and Zoning Department. The facility owner and operator shall construct, maintain, and operate the facility in compliance with the approved storm water management plan.

22. The applicant shall utilize the two existing wells on Tax Map No. 29-A-99 to monitor the water quality within the project for contaminants listed in the primary drinking water regulations ("Contaminants") as compiled by the U.S. Environmental Protection Agency.

- a. Should tests result indicate unsafe levels of contaminants attributable to the Solar Facility, the applicant shall be responsible for submitting a written plan to the Zoning Administrator to take necessary actions to provide safe and adequate drinking water to any adjacent property owners affected by the Solar Facility.
- b. This condition shall be at the sole expense of the applicant and no portion of any cost incurred shall be borne by Smyth County. The applicant shall perform a baseline test prior to construction of the project and then test annually for the first five (5) years after commercial operation, (and every three (3) years thereafter). The scope and/or frequency of the testing shall be increased if there is a showing that the solar facility has introduced contaminants into the ground water to unsafe levels (based on DEQ parameters), provided that the Zoning Administrator may require the applicant to initiate more frequent testing in the event of a natural disaster.

23. Soil testing shall be conducted on Site as follows:

- a. Testing shall be conducted in each of the stormwater detention facilities.
- b. Testing shall be conducted upon the completion of the detention facilities prior to the issuance of a land disturbance permit and every five (5) years thereafter. Testing also shall be conducted immediately prior to decommissioning and immediately following the termination of decommissioning.
- c. Samples shall be analyzed for heavy metals and other toxins in accordance with test parameters established by DEQ.
- d. Testing shall be performed by a service provider retained by the applicant but approved by the County.
- e. A test report for each testing event, including an executive summary, shall be provided to the Zoning Administrator within ten (10) days of the completion of such report.
- f. The County shall not incur any costs relating to soil testing or reports of soil testing provided to the County.

24. The applicant shall provide a detailed site plan that identifies all areas within the project area and setback where land will be disturbed and the location of vegetative buffers (whether utilizing existing or installed vegetation), identifies areas where the owner and/or operator believes pollinator-friendly seeding is inappropriate, and identifies the particular pollinator-friendly native plants, shrubs, trees, grasses, forbes, and wildflowers as stated in the landscaping and screening plan that will be installed in designated locations. The owner and operator will comply with the Zoning Administrator's determination regarding the need to seed areas the owner and/or occupant contend are inappropriate for seeding. The facility owner and operator shall construct, maintain, and operate the facility in compliance with the approved detailed site plan.
25. The applicant shall provide a construction plan, including a proposed construction schedule, anticipated start date, and hours of operation. The construction plan shall require, among other things, that construction activities, including but not limited to grading, clearing of land, and pile driving, shall be limited to hours between sunrise and sunset, Monday to Saturday, during construction. Activities allowed on Sundays include onsite planning, walking, and riding the site by passenger vehicle (not heavy construction trucks or equipment), office work and other items that do not produce large quantities of traffic on the surrounding roads or loud construction noises within the site. The facility owner and operator shall construct, maintain, and operate the facility in compliance with the approved construction plan.
26. Dust containment measures shall be utilized at all times, as necessary, to contain dust to the greatest extent possible from constituting a nuisance to nearby residents.
27. Upon completion of the construction, the owner/operator must submit a post-construction evaluation of the condition of the roads along the delivery routes to the Zoning Administrator for review. The post-construction evaluation shall include a plan for repairing any damage caused to the public roads along the delivery route directly attributable to the solar construction. The owner/operator shall be responsible for causing such repairs to be completed and shall be responsible for coordination of the repairs with VDOT. All roadway repairs along the delivery routes shall be made at owner/operator expense.
28. The applicant shall provide a report by the Virginia Department of Historic Resources Virginia Cultural Resource Information System identifying historical, architectural, archeological, or other cultural resources on or near the proposed facility.
29. The applicant shall provide a report on the potential impacts on pollinators and pollinator habitats at the site.
30. Adequate wildlife corridors shall be implemented. The Zoning Administrator shall grant final approval.

31. The owner/operator, before commercial operation, shall facilitate a meeting with Fire department representatives and emergency service departments personnel who are first responders to this project. The meeting shall consist of a tour of the facility, emergency contact numbers for the facility, grid switch cut-offs, and any other relative information that is critical to the safety of emergency personnel.
32. Written certification from a qualified expert acceptable to the Zoning Administrator that all the facility's panels incorporate and utilize anti-glare technology, anti-reflective coatings, and other available mitigation techniques and reduce glint and glare to levels that meet or exceed industry standards. The facility owner and operator shall use the technologies, coatings and techniques identified in the written certification, or superior technologies, coatings, and techniques, for the life of the solar facility. A MSDS sheet and TCLP report shall be submitted to Zoning Administrator and approved before issuance of building permit which shall not be unreasonably withheld. Notwithstanding any of the foregoing, the use of any of the following materials is expressly prohibited: cadmium telluride, cadmium, tellurium, GEN X, field-applied Teflon coating, or any other materials prohibited by federal or state agencies or laws.
33. This permit shall become null and void if Solar Facility construction is not commenced within Five (5) years of Permit issuance.
34. No burning shall be allowed within 2,000 feet of any occupied structure.
35. The applicant and the County have negotiated and executed a Siting Agreement pursuant to Virginia § 15.2-2316.7(A) entitled Solar Facility Siting Agreement dated _____ ("Agreement"). The Agreement requires, in addition to its tax and revenue share obligations, the Applicant to make the Capital Payment at various project milestones. Failure to comply with the terms of the Agreement shall constitute a violation of this SUP, which may entitle the County to revoke the SUP.
36. This Permit is non-transferable, except and unless the Permittee provides written notice regarding the transfer, the proposed new Permittee provides a signed statement agreeing to comply with all terms and Conditions imposed on the original Permit, and the proposed new Permittee provides substitute decommissioning security in the amount specified herein, and the proposed new Permittee pays all applicable County fees. There shall be a transfer fee of \$1,000.00 paid to the County. If the new Permittee desires to amend the original permit conditions, amendments must be sent to the Zoning Administrator for review. If the Zoning Administrator deems such proposed changes to be material modifications, they will be subject to Permit amendment procedures, including public hearings.

Failure of Permittee, owner, or operator to fully conform to all terms and conditions of this Permit may result in revocation of this Special Use Permit.

Defined terms used in these conditions shall have the meanings assigned to them in the Ordinance.

After review and consideration, the following motion was made:

- *Chilhowie District Supervisor Michael Sturgill made a motion to approve the Special Use permit with the conditions as amended during the Board meeting for Clean Energy LLC to allow the construction of a solar facility. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: North Fork District Supervisor Phil Stevenson.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

11/9/2023 7:08 PM 1013 Ridge Road: Mr. Williams shared progress is on track and the property has been hydroseeded.

11/9/2023 7:09 PM Laurel Creek Siting Agreement: Mr. Williams shared the proposed siting agreement:

SITING AGREEMENT

This Agreement (“Agreement”) dated _____, between **Smyth County, Virginia**, a body politic and political subdivision of the Commonwealth of Virginia (“County”); and **Laurel Creek Energy Storage LLC**, a Delaware limited liability company (“Company”) (singularly, a “Party” and, collectively, the “Parties”), recites and provides as follows:

RECITALS

R-1. Company owns, has acquired, has a right to acquire or will obtain necessary easement rights regarding certain real properties located in the County on which Company intends to construct a battery energy storage facility (the “Facility”). The said properties contain a total of approximately forty-nine (49) acres and are more fully described on a plat which is attached hereto as **Exhibit A**, and to which plat reference is hereby made for a more complete and accurate description of the Facility Site.

- R-2.** Company will apply to all federal, state, and local regulating authorities and will seek to obtain and maintain all licenses, approvals, and permits required by law, regulation, or ordinance for the construction and operation of the Facility.
- R-3.** After all licenses, approvals, and permits are issued to Company, Company will commence operations of the Facility in accordance with the terms of this Agreement; applicable building and zoning regulations; and all federal, state, and local laws, ordinances, and regulations.
- R-4.** Virginia Code § 15.2-2316.7 requires that each applicant for an energy storage facility shall meet, discuss, and negotiate a siting agreement with the locality. The County and Company intend to, and do, hereby enter into this Agreement for the purpose of complying with Virginia Code § 15.2-2316.7 and to set forth their respective rights, duties, and obligations.
- R-5.** The County, pursuant to the requirement of Virginia Code § 15.2-2316.8 (B), has held a public hearing in accordance with subdivision A of Virginia Code § 15.2-2204 for the purpose of considering this Agreement, after which a majority of a quorum of the members of the Smyth County Board of Supervisors (the “Board of Supervisors”) voted to approve this Agreement;
- R-6.** The County also acknowledges that with the approval of this Agreement, that the requirements of Virginia Code §15.2-2232 and §15.2-2316.7 et seq. are satisfied, and the Facility and the remaining project has been deemed to be in substantial conformance with the County’s Comprehensive Plan; and
- R-7.** The County and the Company acknowledge that the Facility shall be taxed at the real estate rate in accordance with Virginia Code §58.1-2600 et. seq. with the assessment of the equipment and/or personal property of the Company being assessed by the Virginia State Corporation Commission as a Public Service Corporation. The Company shall not be subject to the County’s revenue share ordinance for this project.

NOW, THEREFORE, pursuant to Chapter 22, Title 15.2, Article 7.3 of the Code of Virginia, intending to be legally bound hereby and in consideration of the mutual obligations and undertakings set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to the following:

SECTION 1. MISCELLANEOUS

1.1 Compliance with Laws.

The Company shall operate the Facility in compliance with all applicable federal and state laws, regulations, approvals, and permits and shall comply with all applicable laws, regulations, approvals, rules, and ordinances. In the event that the Company is notified of any

violation at the Facility of any applicable federal or state law, regulation, approval, or permit, the Company shall promptly (a) notify the County of said violation as set forth in Section 1.2 below, (b) diligently cooperate with the applicable regulatory agency, and (c) take all reasonable and necessary actions to attempt to cure the violation within a reasonable timeframe.

1.2 Notification.

Within thirty (30) days after Company's receipt of the same, The Company will notify the County of any warning letters, notices of violation, revocation of a permit or approval, or other notices of enforcement action resulting from operation of the Facility.

1.3 Term; Modification.

1.3.1 This Agreement shall become effective on the last date on which this Agreement is executed by the last Party to sign (the "Effective Date") and shall remain in effect until the Facility is completely decommissioned, all decommissioning activities are complete and approved or by a subsequent written agreement of the Parties (collectively, the "Term").

1.3.2 This Agreement may be modified, revoked or suspended only by an instrument in writing, executed by both Parties.

1.3.3 This Agreement contains the entire Agreement between the Parties with respect to the subject matter hereof. This Agreement supersedes any prior written or oral agreements and understandings between the Parties as to the subject matter hereof.

1.4 Effect of Agreement.

1.4.1 In accordance with Virginia Code § 15.2-2316.9(B), and as acknowledged and agreed to by the Parties, the terms of this Agreement shall control over any County ordinance(s) and/or regulations(s) that may be inconsistent with the terms of this Agreement. However, nothing shall be construed to exempt the Company from any applicable requirement to obtain approvals and permits under federal or state ordinances and regulations.

1.4.2 In accordance with Virginia Code § 15.2-2316.8(A)(3), and acknowledged and agreed to by the Parties, this Agreement shall be binding upon the County and be enforceable against the County in any court of competent jurisdiction.

1.4.3 This Agreement is expressly conditioned upon the County's issuance of all necessary permits/approvals to construct, operate and maintain the Facility, including any future repairs, additions or improvements.

1.5 Capital Payments.

- 1.5.1 Within ninety (90) days after the Company receives its certificate of occupancy for the Facility from the County (such date, the “First Payment Date”), the Company shall pay the County a payment (each, an “Annual Capital Payment”) in an amount equal to (i) Twenty-Five Thousand Dollars (\$25,000) per megawatt measured in alternating current (MWac), based on the interconnection agreement (the “Interconnection Agreement”) executed by Company and a) the utility company, or b) the regional transmission organization (i.e., PJM) (such amount, the “Aggregate Capital Payment”), divided by (ii) Twenty (20).
- 1.5.2 As of the date hereof, the proposed storage capacity (in MWac) of the Facility is 250 MWac, which results in an Aggregate Capital Payment of Six Million Two Hundred Fifty Thousand Dollars (\$6,250,000) over 20 years and an Annual Capital Payment of Three Hundred Twelve Thousand Five Hundred Dollar (\$312,500) per year.
- 1.5.3 On or before each subsequent anniversary of the First Payment Date and continuing for a period of nineteen (19) years thereafter (such 20-year period, the “Payment Period”), Company shall pay the County the Annual Capital Payment.
- 1.5.4 The Company shall make the Annual Capital Payment to the County as set forth in Exhibit B attached hereto. As indicated on Exhibit B, the Parties acknowledge and agree that the Company’s obligation to make any Annual Capital Payment shall be conditioned upon the Facility receiving its certificate of occupancy from the County. In the event of a change in law, regulation or ordinance that materially increases or changes any amounts payable by the Company to the County, the Parties shall negotiate in good faith an amendment to this Agreement to revise the amount of the Annual Capital Payment to more closely align and reflect the amount of the aggregate payments the Company expects to pay the County on the date hereof and to ensure that the Facility can continue operate economically.
- 1.5.5 In the event that (a) Company executes an Interconnection Agreement as provided for in Section 1.5.1 for a Facility that has energy storage capacity of less than 250 MWac, thereby reducing the projected Annual Capital Payment and the Aggregate Capital Payment, and (b) at any point during the Payment Period, the Company amends the Interconnection Agreement to increase the amount of energy storage capacity of the Facility up to 250 MWac, then the Company shall recompute the Annual Capital Payment in accordance with Section 1.5.1 above and the Parties shall amend **Exhibit B** to reflect the same. The Company shall make each remaining Annual Capital Payment for the remainder of the Payment Period in accordance with the amended **Exhibit B**.
- 1.5.6 In the event that (a) the Interconnection Agreement provides for a Facility with energy storage capacity less than 250MWac, (b) the Payment Period expires, and (c) the Company amends the Interconnection Agreement or executes a new interconnection agreement for the Facility, in either case, to increase the storage capacity of the Facility above the amount of the highest storage capacity used to calculate

the Annual Capital Payment and Company intends to expand and operate the Facility for an additional period of time after expiration of the Payment Period, then the Parties shall use good faith efforts to negotiate a new siting agreement with the County for such expanded Facility. For clarification, if the amount of energy storage capacity (in MWac) does not increase after the expiration of the Payment Period, the Company shall neither owe any additional Annual Capital Payments nor be obligated to negotiate a new siting agreement with the County.

- 1.5.7 Company shall provide the County with a copy of the Interconnection Agreement within 30 days after Company receives the fully executed copy of the same and within 30 days after any receiving the fully executed copy of any amendment thereto. During the Payment Period, the Company shall provide the County with a copy of the then-currently effective interconnection agreement within 30 days after the date of the County's written request provided to Company in accordance with Section 1.7.3 below.

1.6 Transferability of Agreement.

The rights and obligations set out in this Agreement shall inure to and be binding on all successors and assigns of the Parties. The Company has no intention to sell, transfer, lease or assign the Facility. However, in the future, if Company sells, transfers, leases or assigns all or substantially all of its interest in the Facility, this Agreement will automatically be assumed by and be binding on the purchaser, transferee or assignee. Upon such assumption, the sale, transfer, lease or assignment shall relieve the Company of all obligations and liabilities under this Agreement accruing from and after the date of sale or transfer, and the purchaser or transferee shall automatically become responsible under this Agreement; provided that the Company shall provide the County with thirty (30) days written notice prior to any such transfer and shall include the name, address and contact number of the purchaser in the written notice.

1.7 Default.

- 1.7.1 In the event of a default under this Agreement, if Company has not cured, as described by this Agreement, its default after thirty (30) days after receiving written notice of the default from the County, the County shall have the right to seek judicial relief to cure such default and to charge the Company for the cost of curing such default. The Company shall, in its reasonable judgment, attempt to use the most economically reasonable method of curing any such default.
- 1.7.2 If a dispute exists as to whether the Company has otherwise breached or failed to comply with this Agreement, either party may seek a declaratory judgment or other appropriate action in Smyth County's Circuit Court. The cure period and any termination of this Agreement shall be extended and tolled pending a decision by the Circuit Court on the declaratory judgment or other action filed.

- 1.7.3 To be effective under this Agreement, written notice by the Parties shall be delivered by hand or by certified mail, return receipt requested, as follows unless and until a Party is notified by the other of a change in recipient and/or address:

As to Company:

Laurel Creek Energy Storage LLC
1780 Hughes Landing Boulevard, Suite 675
The Woodlands, Texas 77380

As to the County:

Office of the County Attorney
Smyth County
121 Bagley Circle, Suite 100
Marion, VA 24354

- 1.7.4 In the event of a breach and the appropriate notice thereof to the Company by the County, the cure periods noted above may be extended at the sole discretion of the County.

1.8 Severability.

If any provision of this Agreement shall be declared void or unenforceable, the remaining provisions shall not be affected but shall continue in full force and effect. If, for any reason, including a change in applicable law, it is ever determined by any court or governmental authority of competent jurisdiction that this Agreement is invalid then the Parties shall undertake reasonable efforts to amend and or reauthorize this Agreement so as to render the invalid provisions herein lawful, valid, and enforceable. The Parties will cooperate with each other and use reasonable efforts to defend against and contest any challenge to this Agreement by a third party.

1.9 Force Majeure.

Any delay or failure of performances by either Party hereunder shall not constitute a breach or give rise to any claim if and to the extent such delay or failure is caused by an act, event, or condition beyond the Party's reasonable control, including a public health emergency.

1.10 Mutual Covenants.

The Company covenants to the County that it will not seek to invalidate this Agreement, or otherwise take a position adverse to the purpose or validity of this Agreement. So long as the Company is not in breach of this Agreement during its Term, the County covenants to the Company that it will not seek to invalidate this Agreement or otherwise take a position adverse to the purpose or validity of this Agreement.

1.11 Governing Law; Jurisdiction; Venue.

THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE COMMONWEALTH OF VIRGINIA, WITHOUT REGARD TO ANY OF ITS PRINCIPLES OF CONFLICTS OF LAWS OR OTHER LAWS WHICH WOULD RESULT IN THE APPLICATION OF THE LAWS OF ANOTHER JURISDICTION. THE PARTIES HERETO (A) AGREE THAT ANY SUIT, ACTION OR OTHER LEGAL PROCEEDING, AS BETWEEN THE PARTIES HERETO, ARISING OUT OF OR RELATING TO THIS AGREEMENT SHALL BE BROUGHT AND TRIED ONLY IN THE CIRCUIT COURT OF SMYTH COUNTY, VIRGINIA, (B) CONSENT TO THE JURISDICTION OF SUCH COURT IN ANY SUCH SUIT, ACTION OR PROCEEDING, AND (C) WAIVE ANY OBJECTION WHICH ANY OF THEM MAY HAVE TO THE LAYING OF VENUE OR ANY SUCH SUIT, ACTION, OR PROCEEDING IN SUCH COURT AND ANY CLAIM THAT ANY SUCH SUIT, ACTION, OR PROCEEDING HAS BEEN BROUGHT IN AN INCONVENIENT FORUM. THE PARTIES HERETO AGREE THAT A FINAL JUDGMENT IN ANY SUCH SUIT, ACTION, OR PROCEEDING SHALL BE CONCLUSIVE AND MAY BE ENFORCED IN OTHER JURISDICTIONS BY SUIT ON THE JUDGMENT OR IN ANY OTHER MANNER PROVIDED BY LAW.

1.12 Counterparts; Electronic Signatures.

This Agreement may be executed simultaneously in any number of counterparts, each of which shall be deemed to be an original, and all of which shall constitute but one and the same instrument. A signed copy of this Agreement delivered by facsimile, e-mail/PDF or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

[Signature Page Follows]

WHEREFORE, the undersigned, having been duly authorized to bind their respective principals, do set their hands to this Agreement as of the Effective Date.

SMYTH COUNTY, VIRGINIA

Date: _____

By: _____
Shawn M. Utt, County Administrator

Commonwealth of Virginia
City/County of _____

The foregoing instrument was acknowledged before me this ____ day of December 2023 by Shawn M. Utt, County Administrator.

Notary Public

Notary Seal

Notary registration number: _____

My commission expires: _____

Approved as to Form:

By: _____
County Attorney

LAUREL CREEK ENERGY STORAGE LLC

Date: _____

By: _____

Name: _____

Its: _____

State of _____

City/County of _____

The foregoing instrument was acknowledged before me this _____ day of December 2023 by _____, _____ (title of officer or agent) of Laurel Creek Energy Storage LLC a Virginia corporation, on behalf of the corporation.

Notary Public

Notary Seal

Notary registration number: _____

My commission expires: _____

Exhibit A

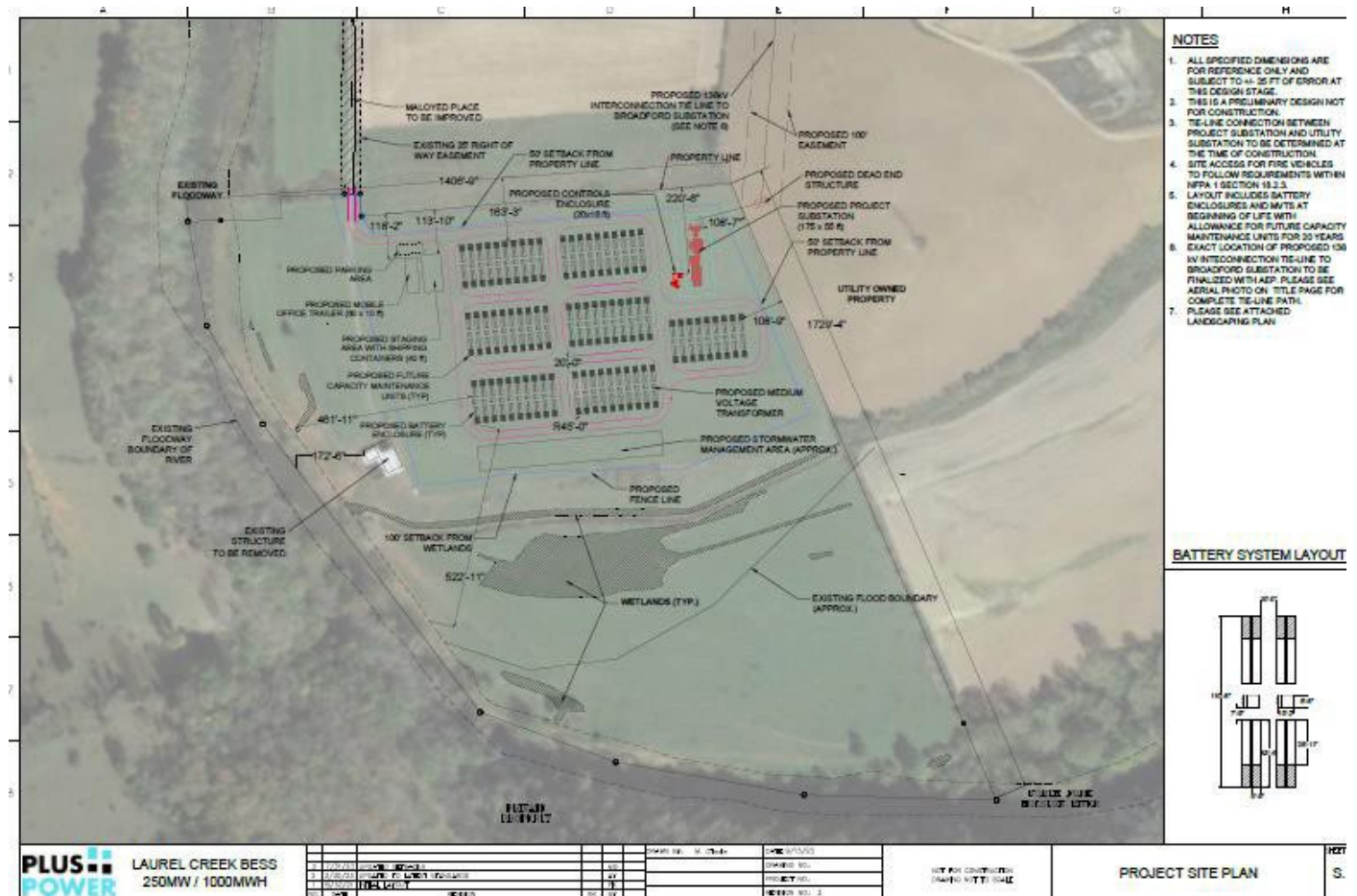


Exhibit B

Annual Capital Payment Schedule

	\$ per MW	Annual Capital Payment Projected per Year
Within 90 days of the issuance of a certificate of occupancy for the Facility, and on each anniversary** thereafter, for a period of 19 years (\$25,000/MW total over 20 years)	\$25,000	\$312,500*

** Assuming a 250MW Energy Storage facility at Certificate of Occupancy*

*** Each anniversary payment shall be made within 30 days after the anniversary date of the issuance of the Certificate of Occupancy.*

11/9/2023 7:09 PM Open discussion ensued regarding the stipulations.

- A Motion was made by North Fork District Supervisor Phil Stevenson to approve the proposed siting agreement for Laurel Creek Energy's battery storage facility and authorize the County Attorney and County Administrator to execute all documents with the stipulation the final draft be reviewed and approved by the County Attorney. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

11/9/2023 7:15 PM Phased SCADA System Grant: Mr. Williams shared that he has been working with the PDC to apply for a grant in order to purchase a SCADA system for the County's water and sewer system. The grant was awarded in the amount of \$45,000.00 from the Southwest Virginia Regional Water/ Wastewater Construction Funds to cover the initial phase of the project but does require the Boards approval to move forward in accepting the grant funds.

- *North Fork District Supervisor Phil Stevenson made a motion to allow County Administrator to accept the Southwest Virginia Regional Water/ Wastewater Construction fund grant in the amount of \$45,000.00 for the initial phase of a SCADA system and execute all necessary documentation. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristopher Ratliff.*

11/9/2023 7:16 PM County Attorney Report:

Mr. Farthing stated he had nothing to report at this time.

11/9/2023 6:53 PM County Administrator Report:

Mr. Utt as well as Mr. Williams shared their appreciation for the Water department after two late night water line breaks. Mr. Williams also shared that Amanda Livingston wishes to apply for a DOT grant but would like the Boards authorization.

- *Rye Valley District Supervisor Lori Deel made a motion to authorize Mrs. Livingston to apply for a DOT Grant. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristopher Ratliff.*

11/9/2023 6:59 PM Supervisor Comment Time

Chilhowie District Supervisor Michael Sturgill shared his appreciation for County staff as well as congratulations to Smyth County Athletic teams for recent wins.

Royal Oak District Supervisor Courtney Widener congratulated all that won in the election as well as those who put time and effort into running. Mr. Widener also thanked staff for their hard work and would like to see a survey go out about tax due dates to best gauge our citizen's needs.


Chair, Atkins District Supervisor Charles Atkins requested the cat problem within the county be looked into. Mr. Atkins congratulated the winners of the election as well as thanking all Veterans for their service.

Saltville District Supervisor Roscoe Call thanked the staff and shared his appreciation for the Saltville Library presentation.

Rye Valley District Supervisor Lori Deel congratulated all high school teams who are doing well this season. Mrs. Deel also thanked all Veterans for the service and sacrifices. Mrs. Deel also thanked Mr. Stevenson for all he has accomplished on the Board of Supervisors.

North Fork District Supervisor Phil Stevenson thanked everyone for their time and shared he is ready to move on.

11/9/2023 7:33 PM With no other business to discuss Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

 The Smyth County Board of Supervisors held its regular meeting on Thursday, December 14th, 2023 at 5:00 p.m. The location of the meeting was held 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; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call; Park District Supervisor Kristopher Ratliff; Chilhowie District Supervisor Michael Sturgill.

ABSENT: North Fork District Supervisor Phil Stevenson.

STAFF: County Administrator Shawn Utt; Assistant County Administrator- Development Clegg Williams; Assistant County Administrator- Operations Lisa Richardson; Executive Assistant Auna Louthian

OTHERS: Smyth County News and Messenger, Sheriff’s Office, and Citizens

12/14/2023 5:06 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

12/14/2023 5:12 PM Executive Assistant Auna Louthian led the Pledge of Allegiance.

12/14/2023 5:15 PM Pastor Alan Gray provided the invocation.

12/14/2023 5:19PM Mr. Utt presented the following four resolutions of appreciation for the Boards consideration:

RESOLUTION OF APPRECIATION TO LORI HESTER DEEL FOR HER YEARS OF SERVICE AS A MEMBER OF THE SMYTH COUNTY BOARD OF SUPERVISORS

WHEREAS, the Smyth County Board of Supervisors desires to celebrate public service and community leadership as a critical component in defining excellence and in improving the vision of Smyth County; and

WHEREAS, Mrs. Deel was elected to serve as the Rye Valley District representative in November 2019 and began her service on January 1st, 2020; and

WHEREAS, before her election to the Board of Supervisors, Mrs. Deel proudly served the County as Director of Economic Development from 2014 to 2017; and

WHEREAS, throughout her tenure as a member of the Board of Supervisors, Mrs. Deel’s fire and intensity never wavered on causes she deemed to be most important to protecting the health, safety, and well-being of her fellow citizens; and

WHEREAS, Mrs. Deel was instrumental in the creation and leadership of the County’s Public Safety Committee where she championed a County-wide EMS coverage, Auto-Aid agreements for fire coverage and the replacement.

NOW THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors hereby offers their sincere appreciation for the countless hours given in service to her community for the betterment of her fellow citizens; and,

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors hereby wishes Mrs. Deel a life full of health and happiness as she embarks on a new journey that most certainly will include a quest to make life better for others in her life and beyond.

ADOPTED this 14th day of December 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

**RESOLUTION OF APPRECIATION TO THE
HONORABLE ROY F. EVANS, Jr. FOR HIS MANY
YEARS OF SERVICE AS SMYTH COUNTY'S
COMMONWEALTH ATTORNEY**

WHEREAS, the Smyth County Board of Supervisors desires to celebrate public service and community leadership as a critical component in defining excellence and in improving the vision of Smyth County; and

WHEREAS, Mr. Roy F. Evans, Jr. began public service to the citizens of Smyth County as the part-time Commonwealth Attorney on January 1st, 1988 and, after opting to leave his part-time civil litigation practice, he became Smyth County's first full-time Commonwealth Attorney in 1994; and

WHEREAS, Mr. Evans has dedicated himself to the citizens of Smyth County winning nine consecutive elections and serving the community for the past 36 years, and has unselfishly given himself, his time, and his abilities to the cause of protecting its citizens; and

WHEREAS, Mr. Evans saw the need to vigorously prosecute criminals who committed heinous offenses whose punishment was higher under federal law and became an uncompensated Special Assistant United States Attorney for the Western District of Virginia in 2004, serving for nearly twenty years, obtained in excess of one million dollars in asset forfeitures from federal defendants, and reinvested that money in law enforcement equipment here in Smyth County; and

WHEREAS, Mr. Evans has devoted himself and his career to public service, selflessly served on the executive board of the Virginia Association of Commonwealth's Attorneys (VACA), culminating in his presidency of the statewide organization for the 2018-2019 term and is the 2023 recipient of the prestigious Horan Award for his distinguished service to the citizens of Smyth County and the citizens of the Commonwealth of Virginia.

NOW THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors hereby commend and convey our heartfelt appreciation to Mr. Evans for his unselfish contributions to the health, safety and professional demeanor of Smyth County and do further express our admiration for his selfless service and devotion to the citizens and taxpayers of Smyth County; and,

BE IT FURTHER RESOLVED that Mr. Evans be afforded this small token of appreciation for a Job Well Done so that future generations will recognize the outstanding leadership, love, devotion and support he gave to his fellow citizens he has so proudly served.

ADOPTED this 14th day of December, 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

**RESOLUTION OF APPRECIATION TO JEFFREY T. RICHARDSON FOR HIS MANY
YEARS OF SERVICE AS SMYTH COUNTY'S COMMISSIONER OF REVENUE**

WHEREAS, the Smyth County Board of Supervisors desires to celebrate public service and community leadership as a critical component in defining excellence and in improving the vision of Smyth County; and

WHEREAS, Mr. Jeffrey T. Richardson began public service to the citizens of Smyth County as the Commissioner of Revenue on January 1st, 2004; and

WHEREAS, before his election as the County’s Commissioner of Revenue, Mr. Richardson proudly served as a teacher in the Smyth County School System teaching well over 25 years in Marion where he helped mold the lives of many hundreds if not thousands of Smyth County’s future leaders and community members teaching each and every one to give back to their community; and

WHEREAS, throughout his tenure as Commissioner, Mr. Richardson partnered with the Board of Supervisors to improve the lives of the citizens including work to eliminate the 762-filing requirement for general citizens and eliminate the taxation of farm equipment; partnering with Emory & Henry College to offer free income tax assistance to students and implemented a program to assist citizens in 2008 to insure the federal stimulus monies were received by our citizens; and

WHEREAS, Mr. Richardson worked tirelessly for the betterment of Smyth County by traveling throughout the County each and every January 1st to ensure all heavy equipment within the County was appropriately inventoried for taxation, which generated hundreds of thousands of dollars through his years of service.

NOW THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors hereby commend and convey our heartfelt appreciation to Mr. Richardson for his unwavering devotion to the citizens and taxpayers of Smyth County; and,

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors hereby wishes Mr. Richardson nothing but happiness and good health as he begins the next chapter of what has been a well-lived life of service to others.

ADOPTED this 14th day of December, 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

**RESOLUTION OF APPRECIATION TO CHARLES P. “PHIL” STEVENSON
FOR HIS YEARS OF SERVICE AS A MEMBER OF SMYTH COUNTY’S
BOARD OF SUPERVISORS**

WHEREAS, the Smyth County Board of Supervisors desires to celebrate public service and community leadership as a critical component in defining excellence and in improving the vision of Smyth County; and

WHEREAS, Mr. Stevenson was elected to serve as the North Fork District representative in November 2015 and began his service on January 1st, 2016; and

WHEREAS, before his election to the Board of Supervisors, Mr. Stevenson proudly served the County’s Utilities Department, being hired by the Smyth County Public Service Authority in 1979 and serving for many years until his retirement in 2011; and

WHEREAS, throughout his tenure as a member of the Board of Supervisors, Mr. Stevenson has served as the de-facto guru for utility and solid waste matters, issues and concerns; and

WHEREAS, Mr. Stevenson was instrumental in the restructuring of the County’s Zoning Ordinance, was always ready to share his opinion and took pride in his representation of the citizens of his district always voting in what he felt was the right thing for his constituents.

NOW THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors hereby offers their sincere appreciation for the countless hours given in service to his community for the betterment of his fellow citizens; and,

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors hereby wishes Mr. Stevenson a life full of good health and continued success with his ongoing dog training business and competitions.

ADOPTED this 14th day of December 2023.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

- A motion was made by Chilhowie District Supervisor Michael Sturgill to adopt the four resolutions of appreciation for Lori Deel, Roy Evans, Jeffery Richardson, and Phil Stevenson. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

12/14/2023 5:28 PM Emily Viers, with Robinson, Farmer and Cox Accounting Firm presented the County audit for FY22/23 ending June 30th, 2023. Mrs. Viers noted there were no concerns on their part and asked for the Board members to review the documents in full and notify their firm with any questions or concerns.

- A Motion was made by Saltville District Supervisor Roscoe Call to accept the County's FY22/23 audit from Robinson, Farmer, and Cox Accounting Firm. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

12/14/2023 5:42 PM Minutes from the November 16th, 2023 meeting.

- A motion was made by Rye Valley District Supervisor Lori Deel to approve the minutes from the November 16th, 2023 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,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.
- NAYS: None.
- ABSTAINERS: None.
- ABSENT: North Fork District Supervisor Phil Stevenson.

12/14/2023 5:44 PM Assistant County Administrator Lisa Richardson presented the County’s updated financial information:

SMYTH COUNTY BOARD OF SUPERVISORS
THURSDAY, DECEMBER 14, 2023

ACCOUNTS PAYABLE LISTING
November 2023

Request approval of the following payables:

General County - Regular Checks	\$1,739,296.83
Fund 4 EDA - Regular Checks	\$148,148.53
Fund 302 Public Safety Radio	\$35,948.71
Fund 505 Transfer Station-Regular Checks	
Accounts Payable Listing 10/01/2023-10/31/2023	\$1,923,394.07
Fund Accounts - Manual Checks	
Fund 501 Water Deposit Refunds	\$100.00
Fund 747 Sheriff State Asset Forfeiture	
Fund 748 Sheriff Purchase of Equipment	\$3,221.30
Fund 749 Recovery Court	\$35,243.01
Fund 760 Commonwealth Attorney Federal Drug Asset	
Fund 770 Circuit Court Clerk - Holding Account	\$265.54
Total Fund Accounts	\$38,829.85
TOTAL ACCOUNTS PAYABLE - November 2023	\$1,962,223.92

- A Motion was made by Chilhowie District Supervisor Michael Sturgill to approve the accounts payable listing as presented. 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,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.

NAYS: None.
ABSTAINERS: None.
ABSENT: North Fork District Supervisor Phil Stevenson.

12/14/2023 5:44 PM Chair, Atkins District Supervisor Charles Atkins opened citizens' time.

12/14/2023 5:45 PM With no one wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizens' time.

12/14/2023 5:45 PM Saltville District Supervisor Roscoe Call read the minutes from the Appointment Committee meeting held on December 7th, 2023 and presented the following committee recommendation:

- A motion was made by Atkins District Supervisor Charles Atkins to recommend appointing Kristopher Ratliff to the Mount Rogers Community Services Board to a 3-year term set to expire on December 31, 2026. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.

After consideration, the recommendation from the Appointment Committee PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

12/14/2023 5:46 PM Saltville District Supervisor Roscoe Call read the minutes from the Water and Sewer Committee meeting held on December 7th, 2023 and presented the following committee recommendations:

Item 1: Water Pressure on Kiawana Road

- A motion was made by Rye Valley District Supervisor Lori Deel to recommend accepting the Boggs Municipal Services proposal for a booster pump in the water line located on Kiawana Road to improve water pressure issues in an amount of up to \$63,200. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.

After consideration, the recommendation from the Water and Sewer Committee PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

Item 2: Flat Rate Sewer Accounts

- A Motion was made by Rye Valley District Supervisor Lori Deel to recommend freezing penalties and interest for the 4 remaining flat rate sewer accounts with delinquent past due balances for 6

months and reevaluate in June 2024. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.

After consideration, the recommendation from the Water and Sewer Committee PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

Item 3: Water leak refund

- A motion was made by Rye Valley District Supervisor Lori Deel to recommend refunding water customer with account number 6714 in the amount of \$940.44 due to overpayment. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the recommendation from the Water and Sewer Committee PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

Item 4: Lead Service Line Project Letter

- Rye Valley District Supervisor Lori Deel made a motion to recommend approving the letter to water customers offering a credit in the amount of \$24.10 for those who supply pictures of pipes coming into their homes for the Lead Service Line project. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the recommendation from the Water and Sewer Committee PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

12/14/2023 5:53 PM Mr. Utt read the minutes from the Budget Committee meeting held on December 7th, 2023 and presented the following committee recommendations:

Item #1: 3rd Quarter Appropriations

Mr. Utt presented the third quarter appropriations as follows:

• General County	\$ 10,500,000	Fund 001
• Smyth County EDA	\$ 1,525,370	Fund 004
• Schools – Operating Fund	\$ 16,019,521	Fund 009
• Department of Social Services	\$ 1,646,733	Fund 013
• Recovery Court	<u>\$ 43,400</u>	<u>Fund 749</u>
Total for 3rd Qtr. – FY23/24	\$ 29,735,024	

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving third quarter appropriations in the amount of \$29,735,024 as presented. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

- AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*
- NAYS: None.*
- ABSTAINERS: None.*
- ABSENT: North Fork District Supervisor Phil Stevenson.*

Item #2: VDH Funding Rollover Request

- *A Motion was made by Chilhowie District Supervisor Michael Sturgill to accept the rollover request in the amount of \$51,037.34 from VDH from FY23 to FY24. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

- AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*
- NAYS: None.*
- ABSTAINERS: None.*
- ABSENT: North Fork District Supervisor Phil Stevenson.*

Item #3: Budget Amendment #4

Mr. Utt discussed Budget amendment #4 that is largely tied back to additional funding needed in the Registrar’s office due to the additional election as well as the Teleperformance building designs. Mr. Utt also shared that budget amendment #5 for School Board funding will require a public hearing due to the amount (likely in the \$3 million range). With that, he requested a public hearing be formally advertised for January 25th at 5:00pm.

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend approving budget amendment #4 in the amount of \$631,900 for FY23/24 as presented. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

RESOLUTION
SMYTH COUNTY BUDGET FISCAL YEAR 2023/24 – AMENDMENT #4

WHEREAS, the Smyth County Board of Supervisors, on June 8th, 2023 adopted the Fiscal Year 2023/24 Budget in the original amount of \$132,444,641; and

WHEREAS, in the meeting of August 24th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #1) for Fiscal Year 2023/24 in the amount of \$135,536,020; and

WHEREAS, in the meeting of September 14th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #2) for Fiscal Year 2023/24 in the amount of \$135,436,104; and

WHEREAS, in the meeting of November 9^h, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #3) for Fiscal Year 2023/24 in the amount of \$135,839,906 4; and

WHEREAS, the aggregate amount of budget amendment #4 is \$631,900 which would increase the Fiscal Year 2023/24 budget to a total of \$136,471,806 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 2023/24 in the amount of \$136,471,806.

BE IT FURTHER RESOLVED, the approval of this budget amendment #4 shall indeed constitute an appropriation of the same funds.

Adopted this the 14th day of December 14, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

Exhibit A
FY2023/24
Budget Amendment #4 (12/14/23)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	Revenue from the Commonwealth	001-022010-_____	Dept. of Elections Reimbursement	\$ -	\$ (15,000)	\$ (15,000)	Reimbursement for Presidential Primary election costs
Fund 001	Local Funds Transfer	001-040000-0003	Local Funds Transfer-Use of Fund Balance	\$ (300,000)	\$ (491,900)	\$ (791,900)	
Fund 001	LEAD Service Line Project	501-021000-_____	LEAD Project Implementation	\$ -	\$ (125,000)	\$ (125,000)	Grant Funds for staffing and equipment
Total Revenues With Amendment				\$ (135,839,906)	\$ (631,900)	\$ (136,471,806)	

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget	Notes
Fund 001	Registrar	001-013020-9003	Voting Machine Set-up	\$ 12,000	\$ 6,000	\$ 18,000	Cover 2 add'l elections - Spec Election for House & Pres. Prim]
Fund 001	Registrar	001-013020-9003	Service Contracts and Maintenance	\$ 3,200	\$ 1,000	\$ 4,200	Cover 2 add'l elections - Spec Election for House & Pres. Prim]
Fund 001	Registrar	001-013020-9006	Printing Ballots & Strips	\$ 13,000	\$ 2,000	\$ 15,000	Cover 2 add'l elections - Spec Election for House & Pres. Prim]
Fund 001	Registrar	001-013020-9007	Advertising	\$ 1,000	\$ 1,400	\$ 2,400	Cover 2 add'l elections - Spec Election for House & Pres. Prim]
Fund 001	Registrar	001-013020-9008	Election Day Supplies	\$ 1,800	\$ 1,200	\$ 3,000	Cover 2 add'l elections - Spec Election for House & Pres. Prim]
Fund 001	Registrar	001-013020-1003-2	Officer of Election Pay	\$ 35,000	\$ 18,000	\$ 53,000	Cover 2 add'l elections - Spec Election for House & Pres. Prim]
Fund 001	Solid Waste - Collection & Disposal	001-042030-1001	Salaries & Wages	\$ 483,026	\$ 20,000	\$ 503,026	Hire add'l F/T Scale House Operator - Brenda will retire Dec. 24
Fund 001	5myth Co. Fire & Rescue	001-032000-9803	EMS Overpayment Refunds	\$ -	\$ 7,000	\$ 7,000	
Fund 001	Capital Improvements	001-070000-_____	Teleperformance Design Services	\$ -	\$ 450,000	\$ 450,000	
Fund 001	LEAD Service Line Project	501-083070-_____	LEAD Project Implementation	\$ -	\$ 125,000	\$ 125,000	Grant Funds for staffing and equipment
Total Expenditures With Amendment				\$ 135,839,906	\$ 631,900	\$ 136,471,806	

Revenues	\$ (135,839,906)	\$ (631,900)	\$ (136,471,806)
Expenditures	\$ 135,839,906	\$ 631,900	\$ 136,471,806
Difference	\$ -	\$ -	\$ -

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.
ABSENT: North Fork District Supervisor Phil Stevenson.

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend scheduling a public hearing on Thursday, January 25th, 2024 at 5:00pm or shortly thereafter to consider budget amendment #5 for FY23/24. Rye Valley District Supervisor Lori Deel seconded the motion, and it was unanimously approved.*

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

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.
ABSTAINERS: None.
ABSENT: North Fork District Supervisor Phil Stevenson.

Item #4: Meals Tax Refund

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend approving a meals tax refund in the amount of \$2,545.69 to Dip Dog LLC due to their overpayments. Rye Valley District Supervisor Lori Deel seconded the motion.*

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

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.
ABSTAINERS: None.
ABSENT: North Fork District Supervisor Phil Stevenson.

12/14/2023 5:58 PM Rye Valley District Supervisor Lori Deel read the minutes from the Public Safety Committee’s meeting held on December 7th, 2023 and presented the following recommendations:

Item #1 – Federal Engineering Statement of Work:

- *Chilhowie District Supervisor made a recommendation to approve moving forward with the Agreement to Consultant Services between Smyth County, VA and Federal Engineering, Inc and authorizing the County Administrator to execute the agreement. Rye Valley District Supervisor Lori Deel seconded the motion.*

After consideration, the motion from the Public Safety Committee PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,

*Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.*

*NAYS: None.
ABSTAINERS: None.
ABSENT: North Fork District Supervisor Phil Stevenson.*

Item #2 – Everbridge:

- Chilhowie District Supervisor made a recommendation to approve moving forward with the Everbridge Mass Notification 3- year Contract renewal in the amount of \$12,000 a year and authorizing the County Administrator to execute the agreement. Rye Valley District Supervisor Lori Deel seconded the motion.*

After consideration, the motion from the Public Safety Committee PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.
NAYS: None.
ABSTAINERS: None.
ABSENT: North Fork District Supervisor Phil Stevenson.*

Item #3 – CyraCom:

- Chilhowie District Supervisor Michael Sturgill made a recommendation to approve moving forward with the Service Agreement renewal with CyraCom International Inc. for Over the Phone interpretation and Video remote interpretation services and authorizing the County Administrator to execute the agreement. Rye Valley District Supervisor Lori Deel seconded the motion.*

After consideration, the motion from the Public Safety Committee PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.
NAYS: None.
ABSTAINERS: None.
ABSENT: North Fork District Supervisor Phil Stevenson.*

Item #4 – Burn Ban Rescinded

- Chilhowie District Supervisor made a recommendation to approve the resolution of ratifying the rescinding of a Local Emergency that was declared on November 9, 2023, regarding a burning ban. Rye Valley District Supervisor Lori Deel seconded the motion.*

**RESOLUTION
RESCINDING A PREVIOUSLY DECLARED SMYTH COUNTY BURN BAN**

WHEREAS, On November 27, 2023, the Director of Emergency Management, in accordance with §44-146.21, *Declaration of local emergency*, of the Code of Virginia, in consultation with the local fire chiefs, Emergency Management Coordinator, and the Smyth County Sheriff’s Department, rescinded a Local Emergency that was declared on November 9, 2023, enacting a burning ban; and,

WHEREAS, due to abnormally dry/drought conditions, a high fire fuel load, and an elevated safety risk to responders, on November 9, 2023, Smyth County Declared a local emergency to put restrictions on burning in Smyth County; and

WHEREAS, Smyth County has received an adequate amount of precipitation to reduce the fire hazard along with a favorable forecast in the foreseeable future.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Smyth County Board of Supervisors hereby, by the way of resolution, confirmation of the rescinding of the declaration by the Director of Emergency Management of a local emergency for Smyth County on November 27, 2023, and authorizes the County Administrator to file with the Governor of Virginia, a notification of the County of Smyth is rescinding its declaration of Local Emergency.

Adopted this the 14th day of December 14, 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

After consideration, the motion from the Public Safety Committee PASSED by the following vote:

- AYES:

Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.
- NAYS:

None.
- ABSTAINERS:

None.
- ABSENT:

North Fork District Supervisor Phil Stevenson.

12/14/2023 6:03 PM Park District Supervisor Kristopher Ratliff read the minutes from the Parks and Recreation Committee’s meeting held on December 11th, 2023 and presented the following recommendation:

- A motion was made by Chilhowie District Supervisor Michael Sturgill to (1) recommend moving forward with a youth tackle football program as the County’s first recreation target, (2) authorizing the County Administrator to hire a part-time Parks and Recreation Program Coordinator to help with moving the department forward and (3) formally request the Town of Marion to surplus their youth football equipment and donating to the County for our use with the new venture. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

After consideration, the motion from the Parks and Recreation Committee PASSED by the following vote:

- AYES:

Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Park District Supervisor Kristopher Ratliff.
Vice Chair, Rye Valley District Supervisor Lori Deel, and
Saltville District Supervisor Roscoe Call.

NAYS: None.
ABSTAINERS: None.
ABSENT: North Fork District Supervisor Phil Stevenson.

12/14/2023 6:04 PM Assistant County Administrator Clegg Williams presented the following Clean Footprint Solar Facility siting agreement for the Boards consideration:

SOLAR FACILITY SITING AGREEMENT

This Solar Facility Siting Agreement (“Agreement”), dated as of _____, 2023 as (the “Effective Date”), is by and between **Smyth County, Virginia**, a political subdivision of the Commonwealth of Virginia (“County”) and **CF VA Solar #116, LLC** (“Applicant”). The County and Applicant are herein each a “Party” and collectively, the “Parties”.

RECITALS

A. The Applicant owns, has acquired, has leased, or has a right to acquire or lease certain parcels of land in the County consisting of 76 acres, identified as Tax Map No. 29-A-99, and more fully described on the Site Plan attached hereto as **Exhibit A** (collectively, the “Property”).

B. The Applicant intends to develop, install, build, and operate an approximately 10 megawatts alternating current (AC), ground-mounted solar photovoltaic electric generating facility on the Property (“Project”) based upon an interconnection application, a copy of which is attached hereto as **Exhibit B**. This Project is commonly known as CF VA Solar #116, LLC.

C. Pursuant to Chapter 22, Title 15.2, Article 7.3 of the Code of Virginia, titled “Siting of Solar Projects and Energy Storage Projects,” the Applicant and the County may enter into a siting agreement (“Siting Agreement”) for the Project.

D. The parties have negotiated this Siting Agreement pursuant to Virginia Code § 15.2-2316.7(A). The County and the Applicant enter into this Agreement for the purpose of complying with Virginia Code § 15.2-2316.7 and to set forth their respective rights, duties, and obligations.

E. Pursuant to Virginia Code §58.1-2636, the County has adopted an ordinance assessing a revenue share of \$1,400.00 per megawatt, as measured in alternating current (AC) generation capacity of the nameplate capacity of the Project (“Solar Revenue Share”), which amount shall be increased on July 1, 2026, and every five years thereafter by 10 percent.

F. Pursuant to Virginia Code § 58.1-3660(H), as a result of the County adopting the Solar Revenue Share, the solar photovoltaic (electric energy) systems associated with the Project, which are considered “certified pollution control equipment” are exempt from all state and local taxation pursuant to Article X, Section 6(d) of the Constitution of Virginia (“Tax Exemption”). The Tax Exemption relates to machinery and tools taxes only and does not affect the County’s right to collect real estate taxes for the Property.

G. In addition to its tax and revenue share obligations, which are not affected by this Agreement, the Applicant has agreed to make the Capital Payments set out in **Exhibit C** in order to mitigate the impacts of the Project and for the other reasons stated in Virginia Code § 15.2-2316.7.

H. Pursuant to Virginia Code § 15.2-2316.8(B), the County has held a public hearing in accordance with subdivision A of Virginia Code § 15.2-2204 for the purpose of considering this Agreement, after which a majority of a quorum of the members of the Smyth County Board of Supervisors (“Board”) approved this Agreement.

NOW, THEREFORE, pursuant to Chapter 22, Title 15.2, Article 7.3 of the Code of Virginia, intending to be legally bound hereby and in consideration of the mutual covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, the County and Applicant do hereby

agree as follows:

Article I

Project Conditions, Valuation, Enforcement and Mitigation

1. Special Use Permit. The Applicant acknowledges and agrees that it must obtain a Special Use Permit (“SUP”) from the Board before it can develop, install, build, and operate the Project. Nothing about this Agreement, even though negotiated and executed by the Parties, shall be construed as entitling the Applicant to the issuance of a SUP from the Board or, thereafter, the continuation of any SUP.

2. SUP Conditions. If a SUP is approved by the Board for the Project, the Applicant acknowledges and agrees that it will be subject to all the terms and conditions contained in such SUP (“SUP Conditions”). The SUP, once approved, will be attached to this Agreement as **Exhibit D** hereto and will be incorporated herein by reference. Nothing in this Agreement shall be construed as limiting or altering the Applicant’s obligations to comply fully with the SUP Conditions and the terms and conditions contained in Article IV, Section 4-16, Solar Energy Facilities, of the Smyth County Code, as amended from time to time (“Code”). The obligations in this Agreement are in addition to, not in lieu of, the SUP Conditions and Code requirements. Violation by the Applicant or by any of Applicant’s agents, assigns or successors in interest of any of the SUP Conditions or of any applicable requirements of the Code shall constitute a violation of this Agreement. The Applicant acknowledges that compliance with the terms of this Agreement shall be required as a condition of the SUP and that a violation of any term of this Agreement by the Applicant or by any of Applicant’s agents, assigns or successors in interest shall constitute a violation of the SUP, which may entitle the County to revoke the SUP.

3. Decommissioning and Surety Bond. The Applicant shall procure and maintain decommissioning security and shall decommission the Project as required in the SUP Conditions and the Code.

4. Right of Entry for Enforcement and Decommissioning.

a. Enforcement. The Applicant hereby grants the County, its personnel, and its duly authorized agents the express right of entry upon the Property for the purposes of inspecting project components, which may include solar panels, and all appurtenant facilities. The County shall provide twenty-four (24) hour notice to the Applicant prior to making such entry for any inspection or enforcement purposes. No prior notice shall be required for the County to enter the Property in the event of an emergency that constitutes an immediate danger to life or property, however, after any such emergency entry onto the Property, the County shall notify Applicant of such emergency entry and the nature of the emergency precipitating such entry.

b. Decommissioning. If the Applicant fails to decommission the Project as required under the SUP and the Code, the County shall have unrestricted access to the Property and the Project to effect any and all tasks, as necessary, to decommission solar panels, and all appurtenant facilities and restore the parcels to substantially the same condition that existed prior to construction of the solar facilities and as provided by the SUP and Virginia Code § 15.2-2241.2. Such access rights shall remain in effect through decommissioning regardless of whether Virginia Code § 15.2-2241.2 is repealed or otherwise limited in scope from the access rights it provides the County as of the date of execution of this Agreement, however, the County shall otherwise comply with applicable law in the conduct of its activities under this Article I(4)(b).

c. Applicant’s Designee. The Applicant will provide to the County at all times the name and contact information for at least one individual who will serve as the primary point of contact and at least one individual who will serve as the backup point of contact for the Project. The County will contact these identified individuals when it desires access to the Property.

d. Deed. If requested by the County, the Applicant shall execute an instrument reasonably satisfactory to the County Attorney that runs with and encumbers all parcels related to the Project and that provides the County, its personnel and duly authorized agents the express right of entry upon the Property for the purposes of inspecting solar panels and all

appurtenant facilities and further authorizes the County to effect any and all tasks, as necessary, to decommission solar panels, and all appurtenant facilities and restore the parcels to substantially the same condition that existed prior to construction of the solar facilities. The County agrees to release such instrument promptly after Applicant, its successors or assigns or the County completes all obligations described this Article I(4)(d).

Article II Payments

1. Capital Payments. The Applicant shall make Capital Payments to the County as set forth in **Exhibit C** attached hereto (each a “Payment” and collectively, the “Payments”) in the amounts and on the schedule contained therein. The Parties acknowledge that, except as otherwise provided herein, the Applicant’s obligation to make Payments shall be conditioned upon the Project achieving the corresponding milestone referenced in **Exhibit C**. For the purposes of the Payment to be made upon Commercial Operation of the Project, “Commercial Operation” means the date upon which the Applicant first transmits electricity generated from the Project to an electrical substation or otherwise transmits or distributes electricity generated from the Project to the power grid for purposes of commercial sale. For the purposes of the Payment to be made upon the Commencement of Construction, “Commencement of Construction” means the earliest date on which Applicant commences land disturbance activities on the Property pursuant to a building permit or erosion and sediment control permit is issued for the Project.

2. Statutory Structure of Payments; Statement of Benefit. The Applicant agrees that by entering into this Agreement, pursuant to Virginia Code § 15.2-2316.6 et seq., the Payments are authorized by statute, and it acknowledges that it is bound by law to make the Payments in accordance with this Agreement. The Parties acknowledge that this Agreement is fair and mutually beneficial to them both. The Applicant acknowledges that this Agreement is beneficial to Applicant in allowing it to proceed with the installation of the Project with clear project design terms, which provide for mitigation of effects on the surrounding properties and the Smyth County community. Additionally, the Applicant acknowledges that this Agreement provides for a clear and predictable stream of future payments to the County in amounts fair to both Parties.

3. Solar Revenue Share and Real Estate Taxes. The Payments are separate and distinct from any amounts that are or will be owed by the Applicant to the County for any other tax or financial obligations. The Payments shall be in addition to the Applicant’s revenue sharing obligation, its obligation to pay real estate taxes for the Property, or any other tax or financial obligations that may be applicable to the Project or the Applicant. Without limiting the foregoing, nothing in this Agreement shall limit the application of the revenue sharing referenced in Section 4-16.10 of the County Code, to the Project. Notwithstanding any other provision of law, the Applicant waives any exemption it otherwise may have to the payment of the Solar Revenue Share.

4. Use of Payments by the County. The County shall use these funds as permitted under Virginia Code § 15.2-2316.7(B) or as otherwise permitted by law.

5. Conformance with Comprehensive Plan. Upon approval of this Agreement by the Board, the Project will be deemed to be “substantially in accord” with the County’s Comprehensive Plan. No further finding will be required by the Smyth County Planning Commission or the Board under Virginia Code § 15.2-2232(A).

6. Effect of Agreement. This Agreement shall be binding in the County pursuant to Virginia Code § 15.2-2316.8(A)(3). This Agreement is expressly conditioned upon the Board’s approval of a SUP for the Project. If the Board declines to approve a SUP for the Project, this Agreement shall be void.

Article III Cost Reimbursements

1. Reviews, Approvals, Inspections. The Applicant will reimburse to the County within thirty days of the date of each invoice from the County all reasonable costs and fees incurred for professional services engaged for purposes of assisting the County during construction, including, but not limited to, legal fees and consulting fees, however legal fees shall not be assessed to the Applicant after Commencement of Construction, except as applicable pursuant to Article V(14), Default, below. The County shall provide the Applicant an estimate of such costs

prior to engaging in the work for the Applicant's approval, which approval shall not be unreasonably withheld, conditioned, or delayed. The County will make commercially reasonable efforts to limit the request for reimbursed costs to no more than one hundred thousand dollars (\$100,000); provided, however, the County makes no such guarantee. The Applicant's failure to approve the estimated expenses within ninety (90) days of the estimate will constitute approval. The purpose of the reimbursement payments is to defray the costs and expenses incurred by the County in connection with: (i) the negotiation and execution of this Agreement and other matters related to this Agreement, (ii) the zoning and permitting processes related to the approval of the Project, (iii) the permitting process with federal, state and local agencies, as applicable, and (iv) the construction of the Project, including, but not limited to, fees incurred to employ professionals to assist with inspections. Should the Applicant's SUP application for the Project be denied by the Board, no reimbursement will be owed under this Section.

2 Emergency Resources. The Applicant will reimburse any expense reasonably incurred by local fire and rescue personnel in the event that a fire or similar event occurs at the Solar Facility.

Article IV Compliance, Permits and Approvals

1 Compliance. Subject to Article V(3), the Applicant will develop, install, build, operate, and decommission the Project in compliance with all applicable federal, state, and local laws, regulations, ordinances, licenses, approvals, and permits. In the event that the Applicant is notified of any violation at the Project of any applicable federal, state or local laws, regulations, ordinances, licenses, approvals, and permits, the Applicant shall (a) notify the County of said violation within ten (10) business days, (b) diligently cooperate with the applicable regulatory agency, and (c) take all reasonable and necessary actions to attempt to cure the violation.

2 Approvals. If the Applicant elects to develop the Project, the Applicant will apply to all federal, state, and local regulating authorities and will seek to obtain all required licenses, approvals, and permits for the Project. Subject to Article V(3), after the Applicant obtains all required licenses, approvals, and permits for the Project, the Applicant will commence operations of the Project in accordance with the SUP Conditions, the terms of this Agreement, the Code, all other applicable building and zoning regulations, and all other applicable federal, state, and local laws, ordinances, and regulations.

3 Cooperation. As part of the consideration for this Agreement, the County will cooperate fully with the Applicant's efforts to obtain licenses, approvals, and permits as required by federal, state, and local laws, regulations, and ordinances authorizing the Project construction and/or operation, including, but not limited to, the performance of infrastructure studies, traffic studies, environmental studies, and the collection and analysis of other information necessary for those licenses, approvals, and permits. The County will make available to the Applicant, upon request, access to all records and data in its possession or control pertaining to the Project. The County will use its best efforts to support and cooperate with the Applicant's efforts to obtain necessary licenses, approvals, and permits, including any necessary amendments thereto, for the Project construction, and for the Project's operation, and will process requests for permits and other approvals required by County ordinances. The County will take no action intended to frustrate or prevent the Applicant from receiving and maintaining any license, approval, or permit that is consistent with the applicable ordinances and zoning, including any Special Use Permit. Provided however, nothing herein shall be construed to require the County or the Board to undertake any action not authorized by law or to exercise any legislative function in favor of the Applicant.

4 Construction. Site construction shall be in accordance with all licenses, approvals, and permits, including, but not limited to, the SUP.

Article V Miscellaneous Terms

1 Term; Termination. This Agreement shall commence on the Effective Date and shall continue until the Termination Date. The Applicant shall have no obligation hereunder after the Termination Date. The termination of this Agreement shall not limit the Applicant's legal obligation to pay local taxes in accordance with applicable law at such time and for such period as the Project remains in operation. "Termination Date" means the Applicant's commencement

of the decommissioning of all or a material portion of the Project or its written notification to the County that it is no longer developing the Project pursuant to Article V(3) of this Agreement. Any such written notice that the Project is no longer under development shall be irrevocable and shall result in forfeiture of any SUP issued for the Project.

2. Mutual Covenants. The Applicant covenants to the County that it will pay the County the amounts due hereunder when due in accordance with the terms of this Agreement, and will not seek to invalidate this Agreement, or otherwise take a position adverse to the purpose or validity of this Agreement. So long as the Applicant is not in breach of this Agreement during its term, the County covenants to the Applicant that it will not seek to invalidate this Agreement or otherwise take a position adverse to the purpose or validity of this Agreement. If after thirty-five years from the Commercial Operation Date a Termination Date has not occurred, then the Parties covenant to discuss in good faith any ongoing impacts of the Project that need additional mitigation and the acceptable forms of mitigation, including evaluation of additional compensation.

3. No Obligation to Develop. The Applicant has no obligation to develop the Project. It is understood that development of the Project by Applicant is contingent upon a number of factors including, but not limited to, regulatory approvals, availability and cost of equipment and financing, and demand for renewable energy and renewable energy credits. No election by the Applicant to terminate, defer, suspend, or modify plans to develop the Project shall be deemed a default of Applicant under this Agreement. Any Payment by the Applicant prior to a decision to suspend or abandon the Project is non-refundable.

4. Successors and Assigns. This Agreement will be binding upon the assigns and successors in interest of the Applicant, and the obligations created hereunder shall be covenants running with the Property upon which the Project is developed. No assignment of this Agreement or any right or obligation accruing under this Agreement shall be made by the Applicant without the express written consent of the County, which consent shall not be unreasonably withheld. Any assignment, other than as permitted by this Section, without the consent of the County, shall be void. In the event of any approved assignment, the assignee or successor in interest shall assume the liabilities of the Applicant. For the purpose of this Section, an assignment shall occur if the Applicant sells, transfers, leases, or assigns all or substantially all of its interest in the Project or the ownership of the Applicant to another individual or entity. The Applicant and any permitted assignee or successor in interest shall execute such documentation as reasonably requested by the County to memorialize the assignment and assumption by the assignee or successor in interest.

5. Memorandum of Agreement. A memorandum of this Agreement, in a form acceptable to the County Attorney, shall be recorded in the land records of the Clerk's Office of the Circuit Court of the County of Smyth, Virginia. Such recordation shall be at the Applicant's sole cost and expense and shall occur as soon as reasonably practicable after the full execution of this Agreement. If the Applicant chooses to not develop the Project, in its sole discretion, the County shall execute a release of the memorandum filed in the aforementioned Clerk's Office.

6. Notices. Except as otherwise provided herein, all notices required to be given or authorized to be given pursuant to this Agreement shall be in writing and shall be delivered or sent by registered or certified mail, postage prepaid, by recognized overnight courier, or by commercial messenger to:

COUNTY

Smyth County, Virginia
121 Bagley Circle, Suite 100
Marion, Virginia 24354
Attn: Shawn Utt, County Administrator

With a copy to:
Scot S. Farthing
County Attorney
P. O. Box 1315
Wytheville, Virginia 24382

APPLICANT

Clean Footprint LLC

7011 N. Atlantic Ave., Suite 100
Cape Canaveral, FL 32920

With a copy to:

TBD

The County and the Applicant, by notice given hereunder, may designate any further or different persons or addresses to which subsequent notices shall be sent.

7. Governing Law; Jurisdiction; Venue. THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE COMMONWEALTH OF VIRGINIA, WITHOUT REGARD TO ANY OF ITS PRINCIPLES OF CONFLICTS OF LAWS OR OTHER LAWS WHICH WOULD RESULT IN THE APPLICATION OF THE LAWS OF ANOTHER JURISDICTION. THE PARTIES HERETO (A) AGREE THAT ANY SUIT, ACTION OR OTHER LEGAL PROCEEDING, AS BETWEEN THE PARTIES HERETO, ARISING OUT OF OR RELATING TO THIS AGREEMENT SHALL BE BROUGHT AND TRIED ONLY IN THE CIRCUIT COURT OF SMYTH COUNTY, VIRGINIA, (B) CONSENT TO THE JURISDICTION OF SUCH COURT IN ANY SUCH SUIT, ACTION OR PROCEEDING, AND (C) WAIVE ANY OBJECTION WHICH ANY OF THEM MAY HAVE TO THE LAYING OF VENUE OR ANY SUCH SUIT, ACTION, OR PROCEEDING IN SUCH COURT AND ANY CLAIM THAT ANY SUCH SUIT, ACTION, OR PROCEEDING HAS BEEN BROUGHT IN AN INCONVENIENT FORUM. THE PARTIES HERETO AGREE THAT A FINAL JUDGMENT IN ANY SUCH SUIT, ACTION, OR PROCEEDING SHALL BE CONCLUSIVE AND MAY BE ENFORCED IN OTHER JURISDICTIONS BY SUIT ON THE JUDGMENT OR IN ANY OTHER MANNER PROVIDED BY LAW.

8. Confidentiality. This Agreement, once placed on the agenda for consideration by the Board, is a public document, subject to production under the Freedom of Information Act (FOIA). The County understands and acknowledges the Applicant, and as applicable, their associates, contractors, partners and affiliates utilize confidential and proprietary “state-of-the-art” information and data in their operations (“Confidential Information”), and that disclosure of any information, including, but not limited to, disclosures of technical, financial or other information concerning the Applicant or any affiliated entity could result in substantial harm to them and could thereby have a significant detrimental impact on their employees and also upon the County. The County acknowledges that during the development of this Agreement, certain Confidential Information may be shared with the County by the Applicant. Applicant agrees to clearly identify any information it deems to be Confidential and not subject to mandatory disclosure under the Virginia Freedom of Information Act or other applicable law as Confidential Information at the time it provides such information to the County. The County agrees that, except as required by law and pursuant to the County’s police powers, neither the County nor any employee, agent or contractor of the County will (i) knowingly or intentionally disclose or otherwise divulge any such Confidential Information to any person, firm, governmental body or agency, or any other entity unless the request for Confidential Information is made under a provision of local, state or federal law. Upon receipt of such request but before transmitting any documents or information which may contain Confidential Information, the County will contact Applicant to review the request for information and associated documents to determine if any Confidential Information is at risk of disclosure. If Confidential Information exists, Applicant may intervene on behalf of the County and defend against disclosure of the Confidential Information. The County agrees to cooperate in this defense and to the extent allowed by law, work to protect the Confidential Information of the Applicant.

9. Subject-to-Appropriations. All payments and other performances by the County under this Agreement are subject to Board approval and annual appropriations by the Board. It is understood and agreed among the parties that the County shall be bound hereunder only to the extent of the funds available, or which may hereafter become available for the purpose of this Agreement.

10. Severability; Invalidity Clause. Any provision of this Agreement that conflicts with applicable law or is held to be void or unenforceable shall be ineffective to the extent of such conflict, voidness, or unenforceability without invalidating the remaining provisions hereof, which remaining provisions shall be enforceable to the fullest extent permitted under applicable law. If, for any reason, including a change in applicable law, it is ever determined by any court or governmental authority of competent jurisdiction that this Agreement is invalid then the parties shall, subject to any necessary

Board meeting vote or procedures, undertake reasonable efforts to amend and or reauthorize this Agreement so as to render the invalid provisions herein lawful, valid, and enforceable. If the Parties are unable to do so, this Agreement shall terminate as of the date of such determination of invalidity. The Parties will cooperate with each other and use reasonable efforts to defend against and contest any challenge to this Agreement by a third party.

11. Entire Agreement. This Agreement and its exhibits constitute the entire agreement and supersedes all other prior agreements and understandings, both written and oral, between the Parties with respect to the subject matter hereof. No provision of this Agreement can be modified, altered, or amended except in a writing executed by the Parties.

12. Construction. This Agreement was drafted with input by the County and the Applicant, and no presumption shall exist against any Party.

13. Insurance. The Applicant will obtain and maintain in effect until decommissioning and removal are complete comprehensive general liability insurance as required by the SUP.

14. Default.

a. In the event of a default under this Agreement, if a Party has not cured, as described by this Agreement, its default after thirty (30) days of receiving written notice of the default from the non-defaulting Party, the non-defaulting Party shall have the right, but not the obligation, to cure such default and to charge the defaulting Party for the cost of curing such default, including the right to offset said costs of curing the default against any sums due or which become due to the defaulting Party under this Agreement. Such non-defaulting Party shall, in its reasonable judgment, attempt to use the most economically reasonable method of curing any such default.

b. This Agreement may be terminated by the County in the event of a material breach of this Agreement by the Applicant that has not been cured within sixty (60) days of written notice thereof being received by the Applicant. If the Applicant initiates a cure within such period, the Agreement shall not terminate. A material breach shall mean a failure to comply with (1) any of the provisions of this Agreement, (2) the permits and approvals under which the Project will be operated or built, including without limitation the SUP Conditions, or (3) applicable federal, state laws or local laws, regulations, ordinances, licenses, approvals, and permits. A material breach shall also include the insolvency of the Applicant or its assignee or successor in interest, such insolvency to be established by the filing of either a voluntary petition in bankruptcy showing the Applicant as the debtor or an involuntary petition that is not dismissed within one hundred eighty (180) days of its filing. A material breach shall also include a violation of the SUP issued to the Applicant, if any. Provided, however, the Applicant's complying or taking action consistent with any governmental or regulatory warning letter, notice of violation, or plan of action shall be deemed a cure if the compliance or the action is initiated by the Applicant within sixty (60) days of the Applicant receiving the warning letter, notice of violation, or action plan. The Applicant's failure after receiving written notice to resolve as soon as practically possible, a material breach that state or federal authorities determine threaten the safety of the public or threatens to cause material environmental damage, shall entitle the County to terminate this Agreement effective immediately upon the Applicant's failure to act as soon as practically possible. Further, the County may terminate this Agreement effective immediately if the Applicant fails to pay an amount due under this Agreement within thirty (30) days of receiving from the County written notice of the failure to pay.

c. In the event of a breach and the appropriate notice thereof to the Applicant by the County, the cure periods noted above may be extended at the sole discretion of the County without the County waiving its right to terminate the Agreement at any time prior to the cure being made by the Applicant.

d. If the County terminates this Agreement as provided herein, it also shall terminate the SUP and the Applicant shall cease operations at the Project and commence decommissioning the Project. If the Applicant fails to decommission the Project, the County may call on the decommissioning security under the SUP Conditions.

e. If the County or the Applicant files a lawsuit, counterclaim, or cross-claim to enforce any provision of this Agreement, the prevailing Party is entitled to all reasonable attorneys' fees, litigation expenses, and court costs.

15. Force Majeure. Neither Party will be liable for any failure or delay in performing an obligation under this Agreement, other than the obligation to make timely Payments, that is due to any of the following causes, to the extent beyond its reasonable control: acts of God, accident, riots, war, terrorist act, epidemic, pandemic, quarantine, civil commotion, breakdown of communication facilities, breakdown of web host, breakdown of internet service provider, natural catastrophes, governmental acts or omissions, changes in laws or regulations, national strikes, fire, explosion, generalized lack of availability of raw materials or energy. For the avoidance of doubt, Force Majeure shall not include (a) financial distress nor the inability of either party to make a profit or avoid a financial loss, (b) changes in market prices or conditions, or (c) a party's financial inability to perform its obligations hereunder.

16. Third Party Beneficiaries. This Agreement is solely for the benefit of the Parties hereto and their respective successors and permitted assigns, and no other person shall have any right, benefit, priority, or interest in, under or because of the existence of, this Agreement.

17. Counterparts; Electronic Signatures. This Agreement may be executed simultaneously in any number of counterparts, each of which shall be deemed to be an original, and all of which shall constitute but one and the same instrument. A signed copy of this Agreement delivered by facsimile, e-mail/PDF or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

[signature page follows]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by the officers whose names appear below as of the Effective Date.

CLEAN FOOTPRINT LLC

By: _____
Name: _____
Title: _____

STATE OF _____
COUNTY/CITY OF _____, to-wit:

The foregoing Agreement was acknowledged before me this _____ day of _____, 2023, by _____.

Notary Public

My Registration Number: _____
My Commission Expires: _____

SMYTH COUNTY, VIRGINIA

By: _____
Name: _____
Title: _____

STATE OF VIRGINIA
COUNTY/CITY OF SMYTH, to-wit:

The foregoing Agreement was acknowledged before me this _____ day of _____, 2023, by _____.

Notary Public

My Registration Number: _____
My Commission Expires: _____

Approved as to form:

By: _____

Scot Farthing, County Attorney

EXHIBIT A

Site Plan

EXHIBIT B

Interconnection Application

EXHIBIT C

Capital Payment Schedule

Within 90 days of Commercial Operation of the Project, and within 90 days of each anniversary of Commercial Operation thereafter, for a period of 10 years (\$25,000/mw total over 10-year period)	\$250,000
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EXHIBIT D

Special Use Permit

- A Motion was made by Rye Valley District Supervisor Lori Deel to approve the proposed siting agreement for Clean Footprint LLC Solar Facility and authorize the County Attorney and County Administrator to execute all documents with the stipulation the final draft be reviewed and approved by the County Attorney. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

12/14/2023 6:06 PM Skill Gaming update: Mr. Williams shared that currently skill games are banned and recommends special use permit be put on hold for the time being. No action necessary at this time.

12/14/2023 6:10 PM Mr. Utt shared the Smyth County School Board is considering formally designating the former WCC education center building in Atkins as surplus property. Mr. Utt requested the Board consider acceptance of the property and transfer ownership to the County EDA for marking and reuse. Mr. Utt provided a copy of a deed drafted by the School Board’s legal counsel. Mr. Utt

- *A Motion was made by Rye Valley District Supervisor Lori Deel to accept ownership of WCC school property and authorize County Administrator and County Attorney to execute any documentation necessary for the transfers. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: Chilhowie District Supervisor Michael Sturgill.

ABSENT: North Fork District Supervisor Phil Stevenson.

12/14/2023 6:13 PM Mr. Utt stated he received a request from Mount Rogers Planning District for a tax waiver. The request was for an *Indoor Plumbing Housing Rehabilitation* project previously worked on by the MRPDC that had past due taxes.

- *A Motion was made by Rye Valley District Supervisor Lori Deel to grant the request from MRPDC for a property tax waiver for 608 Upper Poor Valley Road in Saltville in the amount of \$723.14. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

12/14/2023 6:17 PM County Administrator Report:

Mr. Utt shared that one other appointment request came in after the Appointment Committee meeting that needed to be addressed. Mr. Atkins' term is expiring with District Three Governmental Cooperative Board and they would like recommend reappointing him to an additional one-year term.

- *Saltville District Supervisor Roscoe Call made a motion to appoint Atkins District Supervisor Charles Atkins to the District Three Governmental Cooperative Board of Commissioners with Park District Supervisor Kristopher Ratliff as the designated alternate with a one-year term expiring December 31, 2024. Roal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

11/9/2023 6:20 PM Supervisor Comment Time

Chair, Atkins District Supervisor Charles Atkins thanked all Veterans for their service as well as those who serve citizens.

Saltville District Supervisor Roscoe Call would like to donate \$1,000 of his allotted Supervisor funds to the Saltville and Rich Valley Elementary Ministerial Associations to help support their programs that are located in partnership with each elementary school. Mr. Utt noted that he would recommend making any action of approval subject to the review of the County Attorney in relation to any potential conflicts.

- Saltville District Supervisor Roscoe Call made a motion to allocate \$1,000 each to the Saltville and Rich Valley Elementary Schools Ministerial Association programs subject to the review and approval of the County Attorney. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Park District Supervisor Kristopher Ratliff, and
Saltville District Supervisor Roscoe Call.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

Park District Supervisor Kristopher Ratliff shared his appreciation for police officers keeping the schools and communities safe as well as a profound appreciation for our first responders.

Royal Oak District Supervisor Courtney Widener thanked all the staff for their work and dedication.

Chilhowie District Supervisor Michael Sturgill shared plans to have a manufacturing program just like the health lab school program to give students the opportunity to have a job before they graduate from high school. Mr. Sturgill wished everyone a Merry Christmas and asked that they remember the reason for the season.

12/14/2023 6:30 PM

- Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)(5) – Business/Industrial Prospects, discussion concerning a business or industry considering expansion for which no previous announcements have been made regarding Project Bowtie and invite Rick Billings to join during closed session. Saltville District Supervisor Roscoe Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair Rye Valley District Supervisor Lori Deel,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

12/14/2023 6:38 PM Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.

**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,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair Rye Valley District Supervisor Lori Deel,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

Following closed session, the following motion was made:

- Royal Oak District Supervisor Courtney Widener made a motion to accept the performance agreement pertaining to Project Bowtie as presented. Saltville District Supervisor Roscoe Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Chilhowie District Supervisor Michael Sturgill,
Vice Chair Rye Valley District Supervisor Lori Deel,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Phil Stevenson.

12/14/2023 6:39 PM With no other business to discuss Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

Charles E. Atkins, Chair