

Board of Supervisors



SMYTH COUNTY, VA

Thursday, June 20th, 2024

#SMYTHSTRONG



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

Charles E. Atkins
Michael L. Sturgill
Rick A. Billings
Kristopher S. Ratliff, DPh
S. Courtney Widener
W. Jason Parris
Roscoe D. Call

County Administrator
Asst. County Administrator - Operations
Asst. County Administrator - Development

Shawn M. Utt
Lisa Richardson
Clegg Williams

MEETING AGENDA
SMYTH COUNTY BOARD OF SUPERVISORS
Thursday, June 20th, 2024
5:00 PM

- 1) **CALL MEETING TO ORDER** Board Chair
Pledge of Allegiance & Invocation
- 2) **ADDITIONAL AGENDA ITEMS** Board Chair
- 3) **PRESENTATIONS** Board Chair
None.
- 4) **PUBLIC HEARINGS** Board Chair
 - a. Stormwater Ordinance
 - b. Floodplain Ordinance
- 5) **MINUTES OF PREVIOUS MEETINGS** Board Chair
Minutes of the June 13th, 2024 meeting
- 6) **CITIZENS TIME** Board Chair
*The Board welcomes your input. You may address the Board using the sign-in sheet located in the rear of the room. At this time, you may address the Board on items that may or may not be on the agenda. Time limit is **three (3)** minutes.*
- 7) **OLD BUSINESS** Board Chair
 - a. Resolution for Tax Rates
 - b. FY25 School Budget Resolution
 - c. FY25 County Budget Resolution
 - d. FY25 1st Quarter Appropriations
- 8) **NEW BUSINESS** Board Chair
 - a. Opioid Settlement Opt-In
- 9) **REPORT FROM COUNTY ATTORNEY** Scot Farthing, County Att'y
- 10) **REPORT FROM COUNTY ADMINISTRATOR / STAFF** County Admin. / Staff
- 11) **SUPERVISOR COMMENT TIME** Board Members
- 12) **CLOSED SESSION** Board Chair
- 13) **ADJOURNMENT** Board Chair



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Shawn M. Utt
Lisa Richardson
Clegg Williams

June 17th, 2024

To: Members, Smyth County Board of Supervisors

CC: Smyth County Leadership Team

From: Shawn M. Utt, Smyth County Administrator

RE: Packet summary –June 20th, 2024, Board meeting

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

1. **Call to Order, Pledge of Allegiance & Invocation** – The pledge of allegiance will be led by Becca Creasy. The invocation will be provided by a local pastor.
2. **Amendments to the Agenda** – if any are necessary, they will be presented at the meeting.
3. **Presentations** - *None*
4. **Public Hearings** –
 - a. **Stormwater Ordinance** - The State of Virginia has provided a model ordinance they have asked all localities to adopt with the only significant change being to follow the state guideline on fees, a copy of the ordinance is **enclosed (Att. 1, Pg 4-41)** for the Board’s review and information.
 - b. **Floodplain Ordinance** - Mr. Williams shared the Department of Conservation Recreation (DCR) reviewed the County’s current Floodplain Ordinance and has requested Smyth County update with corrected language. A copy of the ordinance is **enclosed (Att. 2, Pg 42-53)** for the Board’s review and information.
5. **Minutes of Previous Meeting(s)** – a draft copy of the minutes of the June 13th, 2024 meeting are **enclosed (Att. 3, Pg 54-82)** for the Board’s review and approval.
6. **Citizen’s Time** – Time has been set aside for citizens to provide comments to the Board on general items of interest or concern.

7. Old Business Items:

- a. **Resolution Establishing Tax Rates for FY 2024/25** – The enclosed (**Att. 4, Pg 83**) resolution establishes the official local tax rates for Real Estate, Tangible Personal Property, Airplanes, Machinery & Tools, and Merchants Capital.
- b. **School Board Budget Resolution** – Following the public hearing on June 13th, we have developed the **enclosed** (**Att. 5, Pg 84**) draft resolution for your consideration.
- c. **County Budget Resolution – Following** the public hearing on June 13th, we have developed the **enclosed** (**Att. 6, Pg 85-90**) draft resolution for your consideration.
- d. **1st Quarter Appropriations** (**Att. 7, Pg 91-95**) for your review and consideration, **enclosed** is a copy of the 1st Quarter Appropriations request totaling in \$39,951,836.

8. New Business: -

- a. **Opioid Settlement Opt-in** – a new settlement with Kroger is now incorporated into the National Opioid litigation. Like other prior settlements, this requires the participating localities to opt in, which is strongly recommended by legal counsel. The Settlement overview is **enclosed** (**Att. 8, Pg 96-98**) for your review.
- 9. Report from County Attorney:** Time has been reserved on the agenda to allow the County Attorney to provide input and various updates as needed.
- 10. Report from County Administrator/Staff:** Time has been reserved on the agenda to allow the County Administrator and/or staff to provide input and various updates as needed.
- 11. Supervisor Comment Time:** Roundtable discussion for individual Board members.
- 12. Closed Session**
- 13. Adjournment**

NOTICE OF PUBLIC HEARINGS

In compliance with the Code of Virginia of 1950, and amendments thereto, the Smyth County Board of Supervisors will conduct public hearings and hear comments from citizens to consider the following amendments to the Smyth County Code of Ordinances.

- 1) Chapter 29, Floodplain Management: Amendments to correspond with Virginia's model ordinance.
- 2) Chapter 20, Article II, Stormwater Management and Erosion and Sediment Control: Repeal the current ordinance and replace/adopt a new ordinance to correspond with Virginia's model ordinance.

The public hearings shall be held on Thursday, June 20, 2024, 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 above-described amendments.

All interested people 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, June 20, 2024.

A copy of each proposal 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.

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.

Shawn Utt, County Administrator

Smyth County

Chapter 20 – Environmental

Article II. – Erosion and Stormwater Management Program

Pursuant to §62.1-44.15:27 of the Code of Virginia, this ordinance is adopted as part of an integrated Smyth County Erosion and Sediment Control Program and Smyth County Stormwater Management Program, to include related flood insurance and flood plain management requirements. The erosion and stormwater management program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities for land-disturbing activities in a more convenient and efficient manner for both Smyth County and those responsible for compliance with these programs.

Table of Contents

Section 20-1 – 20-17 – Reserved.....	3
Section 20-19. - TITLE, PURPOSE, AND AUTHORITY.....	3
Section 20-20 - DEFINITIONS.....	3
Section 20-21 - VIRGINIA EROSION AND STORMWATER MANAGEMENT PROGRAM ESTABLISHED	17
Section 20-22 - REGULATED LAND DISTURBING ACTIVITIES.....	17
Section 20-23 - REVIEW AND APPROVAL OF PLANS (§ 62.1-44.15:34 of the Code of Virginia); PROHIBITIONS.....	18
Section 20-24 - REVIEW OF A SOIL EROSION CONTROL AND STORMWATER MANAGEMENT PLAN (ESM Plan).....	20
Section 20-25 - STORMWATER PERMIT REQUIREMENT; EXEMPTIONS.....	20
Section 20-26 - STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS. (9VAC25- 875-500).....	22
Section 20-27 - EROSION AND SEDIMENT CONTROL PLAN; CONTENTS OF PLANS (9VAC25-875- 550).....	23
Section 20-28 -STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN. (9VAC25875-510)...	24
Section 20-29 - POLLUTION PREVENTION PLAN; CONTENTS OF PLANS. (9VAC25-875520)	26
Section 20-30 - TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES.....	27
Section 20-31 - LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES.....	28
Section 20-31 - MONITORING AND INSPECTIONS.....	29
Section 20-32 - HEARINGS.....	30
Section 20-33 - APPEALS.....	31
Section 20-34 - RIGHT OF ENTRY.....	31
Section 20-34 - ENFORCEMENT	31
Section 20-35 - FEES.....	33

Section 20-1 – 20-17 – Reserved.

Section 20-19. - TITLE, PURPOSE, AND AUTHORITY.

- A. This ordinance shall be known as the "Erosion and Stormwater Management Ordinance of Smyth County.
- B. The purpose of this ordinance is to ensure the general health, safety, and welfare of the citizens of Smyth County, protect the quality and quantity of state waters from the potential harm of unmanaged stormwater and soil erosion, including protection from a land-disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.
- C. This ordinance is authorized by § 62.1-44.15:27 of the Code of Virginia.

Section 20-20 - DEFINITIONS.

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

"Adequate channel" means a channel that will convey the designated frequency storm event without overtopping the channel bank nor causing erosive damage to the channel bed or banks.

"Agreement in lieu of a plan" means a contract between Smyth County and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of the VESMA and this ordinance for the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent; such contract may be executed by Smyth County in lieu of a soil erosion control and stormwater management plan.

"Applicant" means a person submitting a soil erosion control and stormwater management plan to a VESMP authority for approval in order to obtain authorization to commence a land-disturbing activity.

"Best management practice" or "BMP" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems.

- 1. "Nonproprietary best management practice" means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater

systems that are in the public domain and are not protected by trademark or patent or copyright.

2. "Proprietary best management practice" means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are privately owned and controlled and may be protected by trademark or patent or copyright.

"Board" means the State Water Control Board.

"Causeway" means a temporary structural span constructed across a flowing watercourse or wetland to allow construction traffic to access the area without causing erosion damage.

"Channel" means a natural stream or manmade waterway.

"Clean Water Act" or "CWA" means the federal Clean Water Act (33 USC § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

"Cofferdam" means a watertight temporary structure in a river, lake, etc., for keeping the water from an enclosed area that has been pumped dry so that bridge foundations, dams, etc., may be constructed.

"Common plan of development or sale" means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

"Comprehensive stormwater management plan" means a plan, which may be integrated with other land use plans or regulations that specifies how the water quality components, quantity components, or both of stormwater are to be managed on the basis of an entire watershed or a portion thereof. The plan may also provide for the remediation of erosion, flooding, and water quality and quantity problems caused by prior development.

"Construction activity" means any clearing, grading, or excavation associated with large construction activity or associated with small construction activity.

"Control measure" means any BMP, stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

"CWA and regulations" mean the Clean Water Act and applicable regulations published in the Code of Federal Regulations promulgated thereunder. For the purposes of this ordinance, it includes state program requirements.

"Dam" means a barrier to confine or raise water for storage or diversion, to create a hydraulic head, to prevent gully erosion, or to retain soil, rock or other debris.

"Denuded" means a term applied to land that has been physically disturbed and no longer supports vegetative cover.

"Department" means the Virginia Department of Environmental Quality.

"Development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures or the clearing of land for nonagricultural or non-silvicultural purposes. The regulation of discharges from development, for purposes of stormwater management, does not include the exclusions found in 9VAC25-875-860.

"Dike" means an earthen embankment constructed to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands, levee.

"Discharge" when used without qualification, means the discharge of a pollutant.

"Discharge of a pollutant" means:

1. Any addition of any pollutant or combination of pollutants to state waters from any point source; or
2. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation.

This definition includes additions of pollutants into surface waters from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

"District" or "soil and water conservation district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

"Diversion" means a channel with a supporting ridge on the lower side constructed across or at the bottom of a slope for the purpose of intercepting surface runoff.

"Dormant" means denuded land that is not actively being brought to a desired grade or condition.

"Drainage area" means a land area, water area, or both from which runoff flows to a common point.

"Energy dissipator" means a non-erodible structure which reduces the velocity of concentrated flow to reduce its erosive effects.

"Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.

"Erosion and sediment control plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be treated to achieve the conservation objectives.

"Erosion impact area" means an area of land that is not associated with a current land disturbing activity but is subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where erosion results from wave action or other coastal processes.

"ESC" means erosion and sediment control.

"ESM plan" means a soil erosion control and stormwater management plan, commonly referred to as the erosion control and stormwater management plan.

"Farm building or structure" means the same as that term is defined in § 36-97 of the Code of Virginia and also includes any building or structure used for agritourism activity, as defined in § 3.2-6400 of the Code of Virginia, and any related impervious services including roads, driveways, and parking areas.

"Flood fringe" means the portion of the floodplain outside the floodway that is usually covered with water from the 100-year flood or storm event. This includes the flood or floodway fringe designated by the Federal Emergency Management Agency.

"Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

"Floodplain" means the area adjacent to a channel, river, stream, or other water body that is susceptible to being inundated by water normally associated with the 100-year flood or storm event. This includes the floodplain designated by the Federal Emergency Management Agency.

"Flood-prone area" means the component of a natural or restored stormwater conveyance system that is outside the main channel. Flood-prone areas may include floodplain, the floodway, the flood fringe, wetlands, riparian buffers, or other areas adjacent to the main channel.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas, usually associated with flowing water, that must be reserved in order to discharge the 100-year flood or storm event without cumulatively increasing the water surface elevation more than one foot. This includes the floodway designated by the Federal Emergency Management Agency.

"Flume" means a constructed device lined with erosion-resistant materials intended to convey water on steep grades.

"General permit" means a permit authorizing a category of discharges under the CWA and the VESMA within a geographical area.

"Hydrologic Unit Code" or "HUC" means a watershed unit established in the most recent version of Virginia's 6th Order National Watershed Boundary Dataset unless specifically identified as another order.

"Impervious cover" means a surface composed of material that significantly impedes or prevents natural infiltration of water into soil.

"Incorporated place" means a city, town, township, or village that is incorporated under the Code of Virginia.

"Inspection" means an on-site review of the project's compliance with any applicable design criteria, or an on-site review to obtain information or conduct surveys or investigations necessary in the implementation or enforcement of the VESMA and applicable regulations.

"Karst area" means any land area predominantly underlain at the surface or shallow subsurface by limestone, dolomite, or other soluble bedrock regardless of any obvious surface karst features.

"Karst features" means sinkholes, sinking and losing streams, caves, large flow springs, and other such landscape features found in karst areas.

"Land disturbance" or "land-disturbing activity" means a manmade change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, excavating, or filling of land.

"Land-disturbance approval" means an approval allowing a land-disturbing activity to commence issued by the VESMP authority after the requirements of § 62.1-44.15:34 of the Code of Virginia have been met.

"Large construction activity" means construction activity including clearing, grading, and excavation, except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

"Linear development project" means a land-disturbing activity that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; (iii) highway construction projects; (iv) construction of stormwater channels and stream restoration activities; and (v) water and sewer lines. Private subdivision roads or streets shall not be considered linear development projects.

"Live watercourse" means a definite channel with bed and banks within which concentrated water flows continuously.

"Locality" means Smyth County.

"Localized flooding" means smaller-scale flooding that may occur outside of a stormwater conveyance system. This may include high water, ponding, or standing water from stormwater runoff, which is likely to cause property damage or unsafe conditions.

"Main channel" means the portion of the stormwater conveyance system that contains the base flow and small frequent storm events.

"Manmade" means constructed by man.

"Minimize" means to reduce or eliminate the discharge of pollutants to the extent achievable using stormwater controls that are technologically available and economically practicable.

"Minor modification" means modifications and amendments not requiring extensive review and evaluation including changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor permit modification or amendment does not substantially alter permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

"Natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

"Natural stream" means a tidal or nontidal watercourse that is part of the natural topography. It usually maintains a continuous or seasonal flow during the year and is characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams; however, channels designed utilizing natural channel design concepts may be considered natural streams.

"Non-erodible" means a material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.

"Nonpoint source pollution" means pollution such as sediment, nitrogen, phosphorus, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater.

"Operator" means the owner or operator of any facility or activity subject to the VESMA and this ordinance. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit or VESMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions).

"Owner" means the same as that term is defined in § 62.1-44.3 of the Code of Virginia. For a regulated land-disturbing activity that does not require a permit, "owner" also means the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in

possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

"Percent impervious" means the impervious area within the site divided by the area of the site multiplied by 100.

"Permit" means a VPDES permit issued by the department pursuant to § 62.1-44.15 of the Code of Virginia for stormwater discharges from a land-disturbing activity.

"Permittee" means the person to whom the permit is issued.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

"Point of discharge" means a location at which concentrated stormwater runoff is released.

"Point source" means any discernible, confined, and discrete conveyance including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

"Pollutant discharge" means the average amount of a particular pollutant measured in pounds per year or another standard reportable unit as appropriate, delivered by stormwater runoff.

"Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare, or to the health of animals, fish or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii)

contributing to the contravention of standards of water quality duly established by the State Water Control Board, are "pollution" for the terms and purposes of this ordinance.

"Post-development" refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. "Predevelopment" refers to the conditions that exist at the time that plans for the land-disturbing activity are submitted to the VESMP authority. Where phased development or plan approval occurs (preliminary grading, demolition of existing structures, roads and utilities, etc.), the existing conditions at the time prior to the commencement of land-disturbing activity shall establish predevelopment conditions.

"Prior developed lands" means land that has been previously utilized for residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures, and that will have the impervious areas associated with those uses altered during a land-disturbing activity.

"Qualified personnel" means a person knowledgeable in the principles and practices of erosion and sediment and stormwater management controls who possesses the skills to assess conditions at the construction site for the operator that could impact stormwater quality and quantity and to assess the effectiveness of any sediment and erosion control measures or stormwater management facilities selected to control the quality and quantity of stormwater discharges from the construction activity.

"Responsible land disturber" or "RLD" means an individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved erosion and sediment control plan or ESM plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the erosion and sediment control plan, ESM plan, or permit as defined in this ordinance as a prerequisite for engaging in land disturbance.

"Runoff" or "stormwater runoff" means that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

"Runoff characteristics" include maximum velocity, peak flow rate, volume, and flow duration.

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

"Sediment basin" means a temporary impoundment built to retain sediment and debris with a controlled stormwater release structure.

"Sediment trap" means a temporary impoundment built to retain sediment and debris which is formed by constructing an earthen embankment with a stone outlet.

"Sheet flow" (also called overland flow) means shallow, unconcentrated, and irregular flow down a slope. The length of strip for overland flow usually does not exceed 200 feet under natural conditions.

"Shoreline erosion control project" means an erosion control project approved by local wetlands boards, the Virginia Marine Resources Commission, the department, or the United States Army Corps of Engineers and located on tidal waters and within non-vegetated or vegetated wetlands as defined in Title 28.2 of the Code of Virginia.

"Site" means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channel ward of mean low water in tidal Virginia shall not be considered part of a site.

"Site hydrology" means the movement of water on, across, through, and off the site as determined by parameters including soil types, soil permeability, vegetative cover, seasonal water tables, slopes, land cover, and impervious cover.

"Slope drain" means tubing or conduit made of non-erosive material extending from the top to the bottom of a cut or fill slope with an energy dissipator at the outlet end.

"Small construction activity" means:

1. Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. The department may waive the otherwise applicable requirements in a general permit for a stormwater discharge from construction activities that disturb less than five acres where stormwater controls are not needed based on an approved "total maximum daily load" (TMDL) that addresses the pollutants of concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutants of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this subdivision, the pollutants of concern include sediment or a parameter

that addresses sediment (such as total suspended solids, turbidity, or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator shall certify to the department that the construction activity will take place, and stormwater discharges will occur, within the drainage area addressed by the TMDL or provide an equivalent analysis. As of the start date in Table 1 of 9VAC25-31-1020, all certifications submitted in support of the waiver shall be submitted electronically by the owner or operator to the department in compliance with this subdivision and 40 CFR Part 3 (including, in all cases, 40 CFR Part 3 Subpart D), 9VAC25-875-940, and Part XI (9VAC25-31-950 et seq.) of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation. Part XI of 9VAC25-31 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part XI of 9VAC25-31, permittees may be required to report electronically if specified by a particular permit.

2. Any other construction activity designated by either the department or the EPA regional administrator, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters.

"Soil erosion" means the movement of soil by wind or water into state waters or onto lands in the Commonwealth.

"Soil erosion control and stormwater management plan," commonly referred to as the erosion control and stormwater management plan, or "ESM plan" means a document describing methods for controlling soil erosion and managing stormwater in accordance with the requirements adopted pursuant to the VESMA. The ESM plan may consist of aspects of the erosion and sediment control plan and the stormwater management plan as each is described in this ordinance.

"Stabilized" means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

"State" means the Commonwealth of Virginia.

"State application" or "application" means the standard form or forms, including any additions, revisions, or modifications to the forms, approved by the administrator and the department for applying for a permit.

"State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Storm sewer inlet" means a structure through which stormwater is introduced into an underground conveyance system.

"Stormwater," for the purposes of the VESMA, means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater conveyance system" means a combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity. This includes:

1. "Manmade stormwater conveyance system" means a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;
2. "Natural stormwater conveyance system" means the main channel of a natural stream and the flood-prone area adjacent to the main channel; or
3. "Restored stormwater conveyance system" means a stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.

"Stormwater detention" means the process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream conveyance system.

"Stormwater management facility" means a control measure that controls stormwater runoff and changes the characteristics of that runoff including the quantity and quality, the period of release or the velocity of flow.

"Stormwater management plan" means a document containing material describing methods for complying with the requirements of the VESMP.

"Stormwater Pollution Prevention Plan" or "SWPPP" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP required under the VESMP for construction activities shall identify and require the implementation of control measures and shall include or incorporate by reference an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

"Subdivision" means the same as defined in § 15.2-2201 of the Code of Virginia.

"Surface waters" means:

1. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - a. That are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. That are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as surface waters under this definition;
5. Tributaries of waters identified in subdivisions 1 through 4 of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subdivisions 1 through 6 of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA and the law, are not surface waters. Surface waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.

"SWM" means stormwater management.

"Temporary vehicular stream crossing" means a temporary nonerodable structural span installed across a flowing watercourse for use by construction traffic. Structures may include bridges, round pipes or pipe arches constructed on or through nonerodable material.

"Ten-year storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedance probability with a 10% chance of being equaled or exceeded in any given year.

"Total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources, load allocations (LAs) for nonpoint sources, natural background loading, and a

margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

"Town" means an incorporated town.

"Two-year storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedance probability with a 50% chance of being equaled or exceeded in any given year.

"Virginia Erosion and Stormwater Management Act" or "VESMA" means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1, State Water Control Law, of Title 62.1 of the Code of Virginia.

"Virginia Erosion and Stormwater Management Program" or "VESMP" means a program established by the VESMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program shall include such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of the VESMA.

"Virginia Erosion and Stormwater Management Program authority" or "VESMP authority" means [locality or the locality's designated entity] approved by the department to operate the VESMP.

"Virginia Pollutant Discharge Elimination System (VPDES) permit" or "VPDES permit" means a document issued by the department pursuant to the State Water Control Law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.

"Virginia Stormwater BMP Clearinghouse" means a collection that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the VESMA and associated regulations.

"Virginia Stormwater Management Handbook" means a collection of pertinent information that provides general guidance for compliance with the VESMA and associated regulations and is developed by the department with advice from a stakeholder advisory committee.

"Wasteload allocation" or "wasteload" means the portion of a receiving surface water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution. Wasteload allocations are a type of water quality-based effluent limitation.

"Water quality technical criteria" means standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control nonpoint source pollution.

"Water quantity technical criteria" means standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control localized flooding and stream channel erosion.

"Watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

"Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Section 20-21 - VIRGINIA EROSION AND STORMWATER MANAGEMENT PROGRAM ESTABLISHED

Pursuant to § 62.1-44.15:27 of the Code of Virginia, Smyth County hereby establishes a Virginia Erosion and Stormwater Management Program for land-disturbing activities and adopts the Virginia Erosion and Stormwater Management Regulation that specify standards and specifications for VESMPs promulgated by the State Water Control Board for the purposes set out in Section 20-19 of this Ordinance. Smyth County hereby designates the Erosion and Stormwater Administrator as the Administrator of the Virginia Erosion and Stormwater Management Program established by this Ordinance.

Section 20-22 - REGULATED LAND DISTURBING ACTIVITIES

- A. Land-disturbing activities that meet one of the criteria below are regulated as follows:
1. Land-disturbing activity that disturbs 10,000 square feet or more, is less than one acre, and is not part of a common plan of development or sale, is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) of Part V of the Virginia Erosion and Stormwater Management Regulation.
 2. Land-disturbing activity that disturbs less than one acre, but is part of a larger common plan of development or sale that disturbs one acre or more, is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq.) of Part V of the Regulation is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.

3. Land-disturbing activity that disturbs one acre or more is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq.) of Part V is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.

B. Land-disturbing activities exempt per 9VAC25-875-90 are not required to comply with the requirements of the VESMA unless otherwise required by federal law.

Section 20-23 - REVIEW AND APPROVAL OF PLANS (§ 62.1-44.15:34 of the Code of Virginia); PROHIBITIONS.

A. Smyth County shall review and approve soil erosion control and stormwater management (ESM) plans, except for activities not required to comply with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA), pursuant to § 62.1-44.15:34 of the Code of Virginia. Activities not required to comply with VESMA are defined in 9VAC25-875-90.

B. A person shall not conduct any regulated land-disturbing activity in Smyth County until:

1. An application that includes a permit registration statement, if required, a soil erosion control and stormwater management plan, or an executed agreement in lieu of a plan, if required, has been submitted to Smyth County;

2. The name of the individual who will be assisting the owner in carrying out the activity and holds a Responsible Land Disturber certificate pursuant to § 62.144.15:30 of the Code of Virginia is submitted to Smyth County. Exception: Smyth County may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan for the construction of a single-family detached residential structure; however, if a violation occurs during the land-disturbing activity for the single-family detached residential structure, then the owner shall correct the violation and provide the name of the individual holding a Responsible Land Disturber certificate as provided by § 62.1-14:30 of the Code of Virginia, and posting of a performance bond in accordance with subsection (E) of this section. Failure to provide the name of an individual holding a Responsible Land Disturber certificate prior to engaging in land-disturbing activities may result in revocation of the land-disturbance approval and shall subject the owner to the penalties provided by the VESMA; and

3. Smyth County has issued its land-disturbance approval. In addition, as a prerequisite to engaging in an approved land-disturbing activity, the name of the individual who will be assisting the owner in carrying out the activity and holds a Responsible Land Disturber certificate pursuant to § 62.1-44.15:30 of the Code of Virginia shall be submitted to Smyth County, and posting of a performance bond pursuant to subsection E of this section. Failure to provide the name of an individual holding a

Responsible Land Disturber certificate or posting of a performance bond prior to engaging in land-disturbing activities may result in revocation of the land-disturbance approval and shall subject the owner to the penalties provided by the Act.

- C. Smyth County may require changes to an approved ESM plan in the following cases:
 - 1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulations or ordinances; or
 - 2. Where the owner finds that because of changed circumstances or for other reasons the plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of the Act, are agreed to by the VESMP authority and the owner.

- D. In order to prevent further erosion, Smyth County may require approval of an erosion and sediment control plan and a stormwater management plan for any land it identifies as an erosion impact area. (§ 62.1-44.15:34)

- E. Bond requirements (4VAC50-60-104.D and Code § 603.8(A)). Prior to issuance of any permit under this article, the applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the Smyth County Attorney, to ensure that appropriate measures could be taken by the county at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain necessary actions which may be required of him by the permit conditions as a result of his land-disturbing activity. The following requirements apply:
 - 1. Amount of bond. The amount of the bond with surety or other security for performance shall equal the estimated cost to install and maintain appropriate erosion control and/or stormwater management measures and a reasonable allowance for estimated administrative costs which shall not exceed 25 percent of the cost of the conservation measures, but not less than \$5,000.00, the minimum for which a performance bond may be issued. Should it be necessary for the county to take such conservation action, the county may collect from the applicant any costs in excess of the amount of the surety held.
 - 2. Refund or release of bond. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or shall be released or terminated.

- F. Smyth County may enter into an agreement with an adjacent VESMP authority regarding the administration of multijurisdictional projects, specifying who shall be responsible for all or part of the administrative procedures. Should adjacent VESMP authorities fail to

reach such an agreement, each shall be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction.

- G. No exception to, or waiver of, post-development nonpoint nutrient runoff compliance requirements shall be granted unless offsite options have been considered and found not available in accordance with subsection D of § 62.1-44.15:35 of the Code of Virginia.
- H. Smyth County is authorized to cooperate and enter into agreements with any federal or state agency in connection with the requirements for land-disturbing activities in accordance with § 62.1-44.15:50 of the Code of Virginia.

Section 20-24 - REVIEW OF A SOIL EROSION CONTROL AND STORMWATER MANAGEMENT PLAN (ESM Plan).

- A. Smyth County shall approve or disapprove an ESM plan according to the following:
 - 1. Smyth County shall determine the completeness of any application within 15 days after receipt and shall act on any application within 60 days after it has been determined by the to be complete.
 - 2. Smyth County shall issue either land-disturbance approval or denial and provide a written rationale for any denial.
 - 3. Prior to issuing a land-disturbance approval, Smyth County shall be required to obtain evidence of permit coverage when such coverage is required.
 - 4. Smyth County also shall determine whether any resubmittal of a previously disapproved application is complete within 15 days after receipt and shall act on the resubmitted application within 45 days after receipt.

Section 20-25 - STORMWATER PERMIT REQUIREMENT; EXEMPTIONS.

- A. Except as provided herein, no person may engage in any land-disturbing activity until a permit has been issued by Smyth County in accordance with the provisions of this ordinance and the Regulation.
- B. Notwithstanding any other provisions of this ordinance, the following activities are not required to comply with the requirements of this ordinance unless otherwise required by federal law:
 - 1. Minor land-disturbing activities, including home gardens and individual home landscaping, repairs, and maintenance work;
 - 2. Installation, maintenance, or repair of any individual service connection;
 - 3. Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard-surfaced road, street, or sidewalk, provided the land-

- disturbing activity is confined to the area of the road, street, or sidewalk that is hard-surfaced;
4. Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
 5. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.2 of the Code of Virginia;
 6. Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; or as additionally set forth by the Board in regulations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq. of the Code of Virginia) or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163 the Code of Virginia
 7. Installation of fence and signposts or telephone and electric poles and other kinds of posts or poles;
 8. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to the VESMA and the regulations adopted pursuant thereto;
 9. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;
 10. Land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, Smyth County shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity; and
 11. Discharges to a sanitary sewer or a combined sewer system; that are not from a land-disturbing activity.
- C. Notwithstanding this ordinance and in accordance with the Virginia Erosion and Stormwater Management Act, Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia, the following activities are required to comply with the soil erosion control requirements but are not required to comply with the water quantity and water quality technical criteria, unless otherwise required by federal law:

1. Activities under a state or federal reclamation program to return an abandoned property to agricultural or open land use;
2. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and
3. Discharges from a land-disturbing activity to a sanitary sewer or a combined sewer system.

Section 20-26 - STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS. (9VAC25-875-500)

- A. A stormwater pollution prevention plan shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection D of this section.
- B. A soil erosion control and stormwater management (ESM) plan consistent with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA) and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by Smyth County in accordance with the VESMA, this ordinance, and attendant regulations.
- C. A pollution prevention plan that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site and describe control measures that will be used to minimize pollutants in stormwater discharges from the construction site must be developed before land disturbance commences.
- D. In addition to the requirements of subsections A through C of this section, if a specific waste load allocation for a pollutant has been established in an approved TMDL and is assigned to stormwater discharges from a construction activity, additional control measures must be identified and implemented by the operator so that discharges are consistent with the assumptions and requirements of the waste load allocation.
- E. The stormwater pollution prevention plan must address the following requirements as specified in 40 CFR 450.21, to the extent otherwise required by state law or regulations and any applicable requirements of a state permit:
 1. Control stormwater volume and velocity within the site to minimize soil erosion.

2. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion.
 3. Minimize the amount of soil exposed during construction activity.
 4. Minimize the disturbance of steep slopes.
 5. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.
 6. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible.
 7. Minimize soil compaction and, unless infeasible, preserve topsoil.
 8. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth-disturbing activities have permanently ceased on any portion of the site or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period determined by the VESMP authority. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the VESMP authority; and
 9. Utilize outlet structures that withdraw water from the surface, unless infeasible, when discharging from basins and impoundments.
- F. The SWPPP shall be amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters and that has not been previously addressed in the SWPPP. The SWPPP must be maintained at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site.

Section 20-27 - EROSION AND SEDIMENT CONTROL PLAN; CONTENTS OF PLANS (9VAC25-875-550)

- A. An erosion and sediment control plan, which is a component of the ESM plan, shall be filed for development and the buildings constructed within, regardless of the phasing of construction. The erosion and sediment control plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives in 9VAC25-875-560. The erosion and sediment control plan may include:
1. Appropriate maps.

2. An appropriate soil and water plan inventory and management information with needed interpretations; and
 3. A record of decisions contributing to conservation treatment.
- B. The person responsible for carrying out the plan shall provide the name of an individual holding a certificate who will be in charge of and responsible for carrying out the land-disturbing activity to Smyth County.
1. The VESMP authority may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan in accordance with § 62.1-44.15:34 or § 62.1-44.15:55 of the Code of Virginia.
- C. If individual lots or sections in residential developments are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan or an "Agreement in Lieu of a Plan" signed by the property owner(s).
- D. Land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the VESMA if the land-disturbing activity in the development is equal to or greater than 10,000 square feet in total.

Section 20-28 -STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN. (9VAC25875-510)

- A. A stormwater management plan, which is a component of the ESM plan, shall be developed and submitted to the Smyth County Building and Zoning Department. The stormwater management plan shall be implemented as approved or modified by Smyth County and shall be developed in accordance with the following:
1. A stormwater management plan for a regulated land-disturbing activity shall apply the stormwater management technical criteria set forth in this ordinance and Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation to the entire land-disturbing activity. Individual lots in new residential, commercial, or industrial developments, including those developed under subsequent owners, shall not be considered separate land-disturbing activities.
 2. A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.
- B. A complete stormwater management plan shall include the following elements:

1. Contact information including the name, address, telephone number, and email address of the owner and the tax reference number and parcel number of the property or properties affected.
2. A narrative that includes a description of current site conditions and final site conditions.
3. A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete.
4. Information on the type of and location of stormwater discharges, information on the features to which stormwater is being discharged including surface waters or karst features if present, and predevelopment and post-development drainage areas.
5. Information on the proposed stormwater management facilities, including (i) a detailed narrative on the conversion to a long-term stormwater management facility if the facility was used as a temporary ESC measure; (ii) the type of facilities; (iii) location, including geographic coordinates; (iv) acres treated; and (v) the surface waters or karst features into which the facility will discharge.
6. Hydrologic and hydraulic computations, including runoff characteristics.
7. Documentation and calculations verifying compliance with the water quality and quantity requirements of these regulations.
8. A map of the site that depicts the topography of the site and includes:
 - i. All contributing drainage areas.
 - ii. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains.
 - iii. Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas.
 - iv. Current land use, including existing structures, roads, and locations of known utilities and easements.
 - v. Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels.
 - vi. The limits of clearing and grading, and the proposed drainage patterns on the site.
 - vii. Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - viii. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including planned locations of utilities, roads, and easements.
9. If an operator intends to meet the requirements established in 9VAC25-875-580 or 9VAC25-875-600 using off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included; and

- C. All final plan elements, specifications, or calculations of the stormwater management plans whose preparation requires a license under Chapter 4 (§ 54.1-400 et seq.) or 22 (§ 54.1- 2200 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately signed and sealed by a professional who is licensed to engage in practice in the Commonwealth of Virginia. Nothing in this subsection shall authorize any person to engage in practice outside his area of professional competence.

Section 20-29 - POLLUTION PREVENTION PLAN; CONTENTS OF PLANS. (9VAC25-875520)

- A. A plan for implementing pollution prevention measures during construction activities shall be developed, implemented, and updated as necessary. The pollution prevention plan shall detail the design, installation, implementation, and maintenance of effective pollution prevention measures as specified in 40 CFR 450.21(d) to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
 - 1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge.
 - 2. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 - 3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- B. The pollution prevention plan shall include effective best management practices to prohibit the following discharges in accordance with 40 CFR 450.21(e):
 - 1. Wastewater from washout of concrete, unless managed by an appropriate control.
 - 2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.
 - 3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 - 4. Soaps or solvents used in vehicle and equipment washing.
- C. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls in accordance with 40 CFR 450.21(c).

Section 20-30 - TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES.

- A. To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, Smyth County hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part V of 9VAC25-875 expressly to include 9VAC25-875-580 water quality design criteria requirements; 9VAC25-875-590 water quality compliance; 9VAC25-875-600 water quantity; 9VAC25-875-610 offsite compliance options; 9VAC25-875-620 design storm and hydrologic methods; 9VAC25-875-630 stormwater harvesting; 9VAC25-875-640 linear development project; and, 9VAC25-875650 stormwater management impoundment structures or facilities, which shall apply to all land-disturbing activities regulated pursuant to this ordinance, except as expressly set forth in Subsection B of this Section.

- B. Any land-disturbing activity shall be considered grandfathered and shall be subject to Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation provided:
 - 1. A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document Smyth County determined by to be equivalent thereto (i) was approved by Smyth County prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-875-670, (iii) will comply with the technical criteria of Article 4 of Part V of 9VAC25-875, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;
 - 2. A permit has not been issued prior to July 1, 2014; and
 - 3. Land disturbance did not commence prior to July 1, 2014.

- C. Locality, state, and federal projects shall be considered grandfathered by Smyth County and shall be subject to the technical criteria of Article 4 of Part V of 9VAC25875 provided:
 - 1. There has been an obligation of locality, state, or federal funding, in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 1, 2012.
 - 2. A permit has not been issued prior to July 1, 2014; and
 - 3. Land disturbance did not commence prior to July 1, 2014.

- D. Land disturbing activities grandfathered under subsections A and B of this section shall remain subject to the technical criteria of Article 4 of Part V of 9VAC25-875for one additional permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.

- E. In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of Article 4 of Part V of 9VAC25-875.
- F. Nothing in this section shall prevent an operator from constructing to a more stringent standard at his/her discretion.

Section 20-31 - LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES

- A. The operator shall submit a construction record drawing for permanent stormwater management facilities to Smyth County in accordance with 9VAC25-875-535. The record drawing shall contain a statement signed by a professional registered in the Commonwealth of Virginia pursuant to Chapter 4 of Title 54.1 of the Code of Virginia, stating that to the best of their knowledge, the construction record drawing shows all adjustments and revisions to the Stormwater Management Plan made during construction and serve as a permanent record of the actual location of all constructed elements.
- B. Smyth County shall require the provision of long-term responsibility for, and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by Smyth County and shall at a minimum:
 - 1. Be submitted to Smyth County for review and approval prior to the approval of the stormwater management plan.
 - 2. Be stated to run with the land.
 - 3. Provide all necessary access to the property for purposes of maintenance and regulatory inspections.
 - 4. Provide for inspections and maintenance and the submission of inspection and maintenance reports to Smyth County; and
 - 5. Be enforceable by all appropriate governmental parties.
- C. At the discretion of Smyth County, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of Smyth County that future maintenance for those facilities will be addressed through an enforceable mechanism at the discretion of Smyth County.
- D. If a recorded instrument is not required pursuant to Subsection C., Smyth County shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which

they are located. Such a strategy may include periodic inspections, homeowner outreach, and education, or other methods targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by Smyth County or its duly authorized agent.

Section 20-31 - MONITORING AND INSPECTIONS.

- A. Smyth County shall inspect the land-disturbing activity during construction for:
 - 1. Compliance with the approved erosion and sediment control plan.
 - 2. Compliance with the approved stormwater management plan.
 - 3. Development, updating, and implementation of a pollution prevention plan; and
 - 4. Development and implementation of any additional control measures necessary to address a TMDL.

- B. Smyth County shall conduct periodic inspections on all projects during construction. Smyth County shall either:
 - 1. Provide for an inspection during or immediately following the initial installation of erosion and sediment controls, at least once in every two-week period, within 48 hours following any runoff-producing storm event, and at the completion of the project prior to the release of any performance bonds; or
 - 2. Establish an alternative inspection program that ensures compliance with the approved erosion and sediment control plan. Any alternative inspection program shall be:
 - i. Approved by the department prior to implementation.
 - ii. Established in writing.
 - iii. Based on a system of priorities that, at a minimum, address the amount of disturbed project area, site conditions, and stage of construction; and
 - iv. Documented by inspection records.

- C. Smyth County shall establish an inspection program that ensures that permanent stormwater management facilities are being adequately maintained as designed after the completion of land-disturbing activities. Inspection programs shall:
 - 1. Be approved by the department.
 - 2. Ensure that each stormwater management facility is inspected by Smyth County or its designee, not to include the owner, except as provided in subsections D and E of this section, at least once every five years; and,
 - 3. Be documented by records.

- D. Smyth County may utilize the inspection reports of the owner of a stormwater management facility as part of an inspection program established in subsection B of this section if the inspection is conducted by a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1; a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor; or a person who holds an appropriate certificate of competence from the department.
- E. If a recorded instrument is not required pursuant to 9VAC25-875-130, Smyth County shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other methods targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by Smyth County.

Section 20-32 - HEARINGS

- A. Thirty days' notice. Any permit applicant or permittee, or person subject to the requirements of this ordinance, aggrieved by any action of Smyth County taken without a formal hearing, or by inaction of Smyth County, may demand in writing a formal hearing by the Board of Supervisors, or its designee, causing such grievance, provided a petition requesting such hearing is filed with the Erosion and Stormwater Administrator within 30 days after notice of such action is given by the Administrator.
- B. Time and place of hearing. The hearings held under this section shall be conducted by the Board of Supervisors at a regular or special meeting of the Board of Supervisors, or by at least one member of the Board of Supervisors designated by the Board of Supervisors to conduct such hearings on behalf of the board of supervisors at any other time and place authorized by the board of supervisors.
- C. Hearing record required. A verbatim record of the proceedings of such hearings shall be taken and filed with the Smyth County Board of Supervisors. Depositions may be taken and read as in actions at law.
- D. Power to subpoena. The Smyth County Board of Supervisors or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the local governing body, or its designated member, whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

Section 20-33 - APPEALS.

Appeal to Circuit Court within 30 days. Final decisions of the county under this article shall be subject to review by the Smyth County Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Section 20-34 - RIGHT OF ENTRY.

- A. Smyth County or any duly authorized agent thereof may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this ordinance.
- B. In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, Smyth County may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by conditions imposed by Smyth County on a land-disturbing activity when an owner, after proper notice, has failed to take acceptable action within the time specified.

Section 20-34 - ENFORCEMENT

- A. If the Erosion and Stormwater Administrator determines that there is a failure to comply with the permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.
 - 1. The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection 2 or the permit may be revoked by the Administrator.
 - 2. If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit

to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with paragraph 2 of the Sections. Such orders shall become effective upon service to the person by certified mail, return receipt requested, sent to his/her address specified in the land records of the locality, or by personal delivery by an agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute proceedings for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 20-34.C.

- B. In addition to any other remedy provided by this Ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with this Ordinance, Board of Supervisor decision, and/or recognized professional practice.
- C. Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Erosion and Stormwater Administrator may be compelled in a proceeding instituted by Smyth County Circuit Court by Smyth County, to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.
- D. Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:
 - i. No state permit registration.
 - ii. No SWPPP.
 - iii. Incomplete SWPPP.
 - iv. SWPPP not available for review; No approved erosion and sediment control plan.
 - v. Failure to install stormwater BMPs or erosion and sediment controls.
 - vi. Stormwater BMPs or erosion and sediment controls improperly installed or maintained.

- vii. Operational deficiencies.
 - viii. Failure to conduct required inspections.
 - ix. Incomplete, improper, or missed inspections; and
 - x. Discharges not in compliance with the requirements of 9VAC25-880-70.
2. The Erosion and Stormwater Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
 3. In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
 4. Any civil penalties assessed by a court as a result of a summons issued by Smyth County shall be paid into the treasury of Smyth County, to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.
- E. Notwithstanding any other civil or equitable remedy provided by this ordinance or by law, any person who willfully or negligently violates any provision of this ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

Section 20-35 - FEES

- A. Fees to cover costs associated with the implementation of a VESMP related to land disturbing activities and issuance of general permit coverage and VESMP authority permits shall be imposed in accordance with Table 1. [NOTE: Such fee attributes include the costs associated with plan review, VESMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and compliance activities associated with land-disturbing activities as well as state program oversight costs.] When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees (“total fee to be paid by the applicant” column) in accordance with the disturbed acreage of their site or sites according to Table 1.

Table 1: Fees for permit issuance

Fee type	Total fee to be paid by the applicant. (Includes both VESMP authority and department portions where	Department portion of the "total fee to be paid by applicant" (based on 28% of the total fee paid*)
General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	\$290	\$81
General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	\$2,700	\$756
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400	\$952
General / Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	\$4,500	\$1,260
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100	\$1,708
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600	\$2,688

* If the project is completely administered by the department, such as may be the case for a state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the department.

B. Fees for the modification or transfer of registration statements from the general permit issued by the department shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by Smyth County, such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have been applied for the total disturbed acreage in Table 1.

Table 2: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities

Type of Permit	Fee Amount
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

- C. The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. [NOTE: Fees specified in this Subsection go to Smyth County.]

Table 3: Permit Maintenance Fees

Type of Permit	Fee Amount
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	\$400
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	\$1,400

General permit coverage maintenance fees shall be paid annually to Smyth County by the anniversary date of general permit coverage, or fiscal year-end, July 1 of each year. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

- D. The fees set forth in Subsections A through C of this section, shall apply to:
1. All persons seeking coverage under the general permit.

2. All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
 3. Persons whose coverage under the general permit has been revoked shall apply to the department for an individual permit for discharges of stormwater from construction activities.
- E. Permit and permit coverage maintenance fees outlined under Section 20-35 may apply to each general permit holder.
- F. No general permit application fees will be assessed to:
1. Permittees who request minor modifications to general permits as defined in Section 20.20 of this ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this Section.
 2. Permittees whose general permits are modified or amended at the initiative of the department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.
- G. All incomplete payments will be deemed as nonpayment, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. Smyth County shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

Proposed Amendments - June 20, 2024 Public Hearing

Chapter 29 FLOODPLAIN MANAGEMENT¹

ARTICLE I. GENERAL PROVISIONS

Secs. 29-1—29-10. Reserved.

Sec. 29-11. Statutory authorization and purpose.

This chapter is adopted pursuant to the authority granted to localities by Code of Virginia §~~10-1-600~~15.2-2280 et seq.

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (1) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- (2) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- (3) Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- (4) protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(Ord. of 6-12-2012)

State law reference(s)—Authority to regulate flood plains, Code of Virginia, § 15.2-2280.

Sec. 29-12. Applicability.

Sec. 29-13. Compliance and liability.

Sec. 29-14. Records.

Records of actions associated with administering this chapter shall be kept on file and maintained by the Floodplain Administrator in perpetuity.

(Ord. of 6-12-2012)

¹Editor's note(s)—Ord. adopted 10-28-1997, pertained to similar subject matter and derived from Flood Disaster Protection Act of 1973 and Code of Virginia, § 15.2-1200 is repealed by this Ord. adopted 6-12-2012 and based on 44 CFR 59 et seq. and authorized by Code of Virginia § ~~15.2-2280~~10-1-600 et seq.

State law reference(s)—Flood protection and dam safety, Code of Virginia, §~~15.2-2280~~ 10-1-600 et seq.; assessment for tax purposes of property encumbered by easement permitting inundation by water, Code of Virginia, § 58.1-3620.

Sec. 29-15. Abrogation and greater restrictions.

~~This chapter supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive. To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.~~

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

(Ord. of 6-12-2012)

Sec. 29-16. Severability.

Sec. 29-17. Penalty for violations.

Secs. 29-18—29-20. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 29-21. Designation of the Floodplain Administrator.

The Floodplain Ordinance Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- (1) Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the County of Smyth ~~County Administrator, or his designee~~chief executive officer.
- (2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (3) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

(Ord. of 6-12-2012)

Sec. 29-22. Duties and responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (a) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- (b) ~~Interpret floodplain boundaries and provide available base flood elevation~~Interpret floodplain boundaries, provide available base flood elevation, and flood hazard information.
- (c) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (d) Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the state.

- (e) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
- (f) Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
- (g) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met or disapprove applications if the provisions of these regulations have not been met.
- (h) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- (i) Review elevation certificates and require incomplete or deficient certificates to be corrected.
- (j) Submit to FEMA, or require applicants to submit to FEMA, data, and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the County of Smyth, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- (k) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - (1) Flood insurance studies, flood insurance rate maps (including historic studies and maps and current effective studies and maps) and letters of map change; and
 - (2) Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- (l) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- (m) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- (n) Administer the requirements related to proposed work on existing buildings:
 - (1) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - (2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- (o) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for increased cost of compliance coverage under NFIP flood insurance policies.
- (p) Notify the Federal Emergency Management Agency when the corporate boundaries of the County of Smyth have been modified and:
 - (1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - (2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended

regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

- (q) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- (r) It is the duty of the Floodplain Administrator to consider flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

(Ord. of 6-12-2012)

Sec. 29-23. Use and interpretation of FIRMs.

Sec. 29-24. Jurisdictional boundary changes.

Sec. 29-25. District boundary changes.

Sec. 29-26. Interpretation of district boundaries.

Sec. 29-27. Submitting technical data.

Sec. 29-28. Letters of map revision.

Secs. 29-29—29-30. Reserved.

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS

Sec. 29-31. Description of special flood hazard districts.

- (a) *Basis of districts.* The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for Smyth County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated August 2, 2012, and any subsequent revisions or amendments thereto.

The County of Smyth may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high-water marks or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this chapter, and which shall be kept on file at the Smyth County offices.

The following zones are applicable to Smyth County and are described as follows:

Zone A: No Base Flood Elevations determined.

Zone AE: Base Flood Elevations determined.

Zone X (shaded): Areas of 0.2 percent annual change flood; areas of one percent annual change flood with average depths of less than one foot or with drainage areas less than one square mile; and areas protected by levees annual chance flood.

Zone X (un-shaded): Areas determined to be outside the 0.2 percent annual chance floodplain.

- (1) The Floodway District is in an AE Zone and is delineated, for purposes of this chapter, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in Table 6 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. A no-rise certificate must accompany the analysis results. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies - with the Smyth County's endorsement for a conditional letter of map revision (CLOMR) and receives the approval of the Federal Emergency Management Agency.

If Article III Section 3.1A1a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
- (2) The AE Zone on the FIRM accompanying the FIS shall be those areas for which one percent annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE zone [44 CFR 60.3(c)]:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zone AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the County of Smyth.

Development activities in Zone AE on Smyth County's FIRM which increases the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies - with the Smyth County's endorsement - for a conditional letter of map revision, and receives the approval of the Federal Emergency Management Agency.

- (3) The A Zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted ~~practices and~~ ~~detailed technical concepts~~, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require ~~a hydrologic~~ hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to one foot ~~or~~ above the base flood elevation ~~level one foot above base flood elevation~~.

During the permitting process, the Floodplain Administrator shall obtain:

- a. The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
- b. If the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

(Ord. of 6-12-2012)

Sec. 29-32. Overlay concept.

Secs. 29-33—29-40. Reserved.

ARTICLE IV. DISTRICT PROVISIONS

Sec. 29-41. Permit and application requirements.

- (a) *Permit requirement.* All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Smyth County Subdivision Regulations. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
- (b) *Site plans and permit applications.* All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:
- (1) The elevation of the base flood at the site.
 - (2) For structures to be elevated, the elevation of the lowest floor (including basement) or the lowest horizontal structural member.
 - (3) For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
 - (4) Topographic information showing existing and proposed ground elevations.

(Ord. of 6-12-2012)

Sec. 29-42. General standards.

The following provisions shall apply to all permits:

- (a) New construction and substantial improvements shall be according to the VA USBC, Smyth County Code, and anchored to prevent flotation, collapse, or lateral movement of the structure.
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions (a) through (h) above, in all special flood hazard areas, the additional provisions shall apply:

- (i) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
- (j) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(Ord. of 6-12-2012)

Sec. 29-43. Elevation and construction standards.

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Section 3.1 A 3, the following provisions shall apply:

- (a) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) in Zones AE and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above one foot above base flood elevation.
- (b) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to ~~or above the base flood level~~ one foot above base flood elevation. Buildings located in all AE zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by Floodplain Ordinance Administrator.
- (c) *Space below the lowest floor.* In zones A and AE, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
 - (1) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
 - (2) Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
 - (3) Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one foot above the adjacent grade.

- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(d) *Standards for manufactured homes and recreational vehicles.*

- (1) All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 4, section ~~4.229-42~~ and section ~~4.329-43~~.
- (2) All recreational vehicles placed on sites must either
 - a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - b. Meet all the requirements for manufactured homes in Article ~~4.329-73~~(~~Ed~~)(1).

(Ord. of 6-12-2012)

Sec. 29-44. Standards for subdivision proposals.

Secs. 29-45—29-50. Reserved.

ARTICLE V. EXISTING STRUCTURES IN FLOODPLAIN AREAS

Sec. 29-51. Existing structures.

Secs. 29-52—29-60. Reserved.

ARTICLE VI. VARIANCES: FACTORS TO BE CONSIDERED

Sec. 29-61. Variances.

Secs. 29-62—29-70. Reserved.

ARTICLE VII. DEFINITIONS

Sec. 29-71. Definitions.

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

- (a) *Appurtenant or accessory structure.* A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures not to exceed 200 square feet.
- (b) *Base flood.* The flood has a one percent chance of being equaled or exceeded in any given year.
- (c) *Base flood elevation.* The Federal Emergency Management Agency designated one percent annual chance water surface elevation and the elevation determined per Section 4.6. The water surface elevation of the base flood in relation to the

datum specified on the community's Flood Insurance Rate Map. For the purposes of this chapter, the base flood is a 100-year flood or one percent annual chance flood.

- (d) *Basement*. Any area of the building has its floor sub-grade (below ground level) on all sides.
- (e) *Board of Zoning Appeals*. The board appointed to review appeals made by individuals regarding decisions of the Zoning Administrator in the interpretation of this chapter.
- (f) *Development*. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, ~~or~~ drilling or other land-disturbing activities ~~operations~~ or temporary storage of equipment or materials.
- (g) *Elevated building*. A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
- (h) *Encroachment*. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- (i) *Existing construction*. Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
- (j) *Flood or flooding*:
 - (1) A general or temporary condition of partial or complete inundation of normally dry land areas from
 - a. The overflow of inland or tidal waters; or,
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 - (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
- (k) *Flood Insurance Rate Map (FIRM)*. An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- (l) *Flood Insurance Study (FIS)*. A report by FEMA that examines, evaluates, and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudflow and/or flood-related erosion hazards.
- (m) *Floodplain or flood-prone area*. Any land area susceptible to being inundated by water from any source.
- (n) *Flood proofing*. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures, and their contents.
- (o) *Floodway*. The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.
- (p) *Freeboard*. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.

- (q) *Highest adjacent grade.* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (r) *Historic structure.* Any structure that is
- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. By an approved state program as determined by the Secretary of the Interior; or,
 - b. Directly by the Secretary of the Interior in states without approved programs.
- (s) *Hydrologic and Hydraulic Engineering Analysis.* Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
- (t) *Letters of Map Change (LOMC).* A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:
- Letter of Map Amendment (LOMA):* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a Land as defined by meets and bounds or structure is not located in a special flood hazard area.
- Letter of Map Revision (LOMR):* A revision based on technical data that may show changes to flood zones, flood elevations, floodplain, and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. To qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- Conditional Letter of Map Revision (CLOMR):* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.
- (u) *Lowest floor.* The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- (v) *Manufactured home.* A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days but does not include a recreational vehicle.
- (w) *Manufactured home park or subdivision.* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (x) *New construction.* For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after May 15, 1980, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

- (y) *Post-FIRM structures.* A structure for which construction or substantial improvement occurred on or after May 15, 1980, whichever is later.
- (z) *Pre-FIRM structures.* A structure for which construction or substantial improvement occurred on or before May 15, 1980.
- (aa) *Recreational vehicle.* A vehicle which is
- (1) Built on a single chassis;
 - (2) 400 square feet or less when measured at the largest horizontal projection;
 - (3) Designed to be self-propelled or permanently towable by a light duty truck; and,
 - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- (bb) *Repetitive Loss Structure.* A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period, in which the cost of the repair - ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
- ~~(cc)~~ *Severe repetitive loss structure.* - A structure that: (a) is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.
- ~~(eed)~~ *Shallow flooding area.* A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- ~~(eee)~~ *Special flood hazard area.* The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this chapter.
- ~~(eff)~~ *Start of construction.* For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. - 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether that alteration affects the external dimensions of the building.
- ~~(egg)~~ *Structure.* For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- ~~(ggh)~~ *Substantial damage.* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- ~~(hhj)~~ *Substantial improvement.* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

(jj#) *Violation.* The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 3.7 B11, Section 4.3 B, Section 4.4 A, Section 4.5, and section 4.8 is presumed to be in violation until such time as that documentation is provided.

(kkj) *Watercourse.* A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. of 6-12-2012)

The Smyth County Board of Supervisors held its regular meeting on Thursday, June 13th, 2024 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: Atkins District Supervisor Charles Atkins; Rye Valley District Supervisor Jason Parris; Park District Supervisor Kristopher Ratliff; Chilhowie District Supervisor Michael Sturgill; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Rick Billings

ABSENT: None.

STAFF: County Administrator Shawn Utt; Assistant County Administrator – Operations Lisa Richardson; Assistant County Administrator – Development Clegg Williams; Executive Assistant Auna Louthian; County Attorney Scot Farthing.

OTHERS: Smyth County Sheriff's Deputy and citizens

6/13/2024 5:02 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

6/13/2024 5:02 PM Dennis Greer, Building and Grounds Superintendent led the Pledge of Allegiance and Reverend Emily Edmondson, of Christ Episcopal Church gave the invocation.

6/13/2024 5:03 PM Addition to the agenda

- *Chilhowie District Supervisor Michael Sturgill made a motion to add closed session item A.3 Regarding the EMS Building. Rye Valley District Supervisor Jason Parris seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair, Atkins District Supervisor Charles Atkins, Vice Chair, Chilhowie District Supervisor Michael Sturgill, Royal Oak District Supervisor Courtney Widener, North Fork District Supervisor Rick Billings, Saltville District Supervisor Roscoe Call, Rye Valley District Supervisor Jason Parris, and Park District Supervisor Kristopher Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: None.

6/13/2024 5:04 PM Public Hearings:

- Chilhowie District Supervisor Michael Sturgill made a motion to waive the reading of the rules for all public hearings on June 13, 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, Vice Chair, Chilhowie District Supervisor Michael Sturgill, North Fork District Supervisor Rick Billings, Saltville District Supervisor Roscoe Call, Royal Oak District Supervisor Courtney Widener, Rye Valley District Supervisor Jason Parris, and Park District Supervisor Kristoper Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

6/13/2024 5:04 PM Budget Amendment #9:

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, June 13, 2024, 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 \$3,143,275.00 for additional School Board related expenditures/funding and operational costs related to County operations and Children's Services Act (CSA) needs. The new total budget amount will be \$143,807,919.00.

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, June 13, 2024. 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.

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 BOARD OF SUPERVISORS OF SMYTH COUNTY, VIRGINIA
Shawn M. Utt, County Administrator

Exhibit A
 FY2023/24
 Budget Amendment #9 (05-09-24)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	Expenditure Refunds	001-018030-0007	Insurance Recoveries	\$ (100,000)	\$ (128,886)	\$ -	(228,886) Replace Solid Waste Trailer and Truck
Fund 001	Comprehensive Services Act	001-022500-0002	CSA - Pool Funds (State)	\$ (2,232,528)	\$ (135,371)	\$ -	(2,367,899) State CSA funds
Fund 001	Local Funds Transfer	001-040000-0005	Use of Fund Balance	\$ (2,633,655)	\$ (41,261)	\$ -	(2,674,916) Local match for CSA funds
Fund 009	Smyth County Schools	009-021010-0002	State Sales Tax	\$ (5,781,701)	\$ (50,000)	\$ -	(5,831,701) Add'l budget revenues tied to higher enrollments & state funds
Fund 009	Smyth County Schools	009-021010-0006	Basic Aid	\$ (37,505,774)	\$ (320,177)	\$ -	(37,825,951) Add'l budget revenues tied to higher enrollments & state funds
Fund 009	Smyth County Schools	009-021010-0072	Federal money passed thru	\$ (9,598,283)	\$ (2,385,382)	\$ -	(11,983,665) Add'l ESSER Reimbursements
Fund 009	Smyth County Schools	009-021010-0123	Revenue from Other Funds	\$ (4,999,400)	\$ (82,198)	\$ -	(5,081,598) Add'l budget revenues tied to higher enrollments & state funds
Total Revenues With Amendment				\$ (140,664,644)	\$ (3,143,275)	\$ (143,807,919)	

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget Amount	Notes
Fund 001	Expenditure Refunds	001-011010-8900	Insurance Recoveries	\$ 100,000	\$ 128,886	\$ -	228,886 Replace Solid Waste Trailer and Truck
Fund 001	Contributions - Other Expenses	001-056000-7001	Opioid Settlement Funds	\$ 189,290	\$ (50,057)	\$ -	139,233 Move funds to set-up new department
Fund 001	OAA Direct Distributions	001-052400-0001	VOAA Coop Agreement	\$ -	\$ 50,057	\$ -	50,057 Set up separate account fund for Grant from Commonwealth
Fund 001	Comprehensive Services Act	001-083040-5701	CSA - Pool Funds	\$ 2,400,000	\$ 176,632	\$ -	2,576,632 Final to close out fiscal year
Fund 009	Smyth County Schools	009-099990-5801	Instruction (81000)	\$ 45,544,394	\$ 263,360	\$ -	45,807,754 Add'l budget revenues tied to higher enrollments
Fund 009	Smyth County Schools	009-099990-5802	Administration/Attendance (62000)	\$ 2,019,488	\$ 24,365	\$ -	2,043,853 "
Fund 009	Smyth County Schools	009-099990-5803	Transportation (63000)	\$ 3,195,900	\$ 140,826	\$ -	3,336,726 "
Fund 009	Smyth County Schools	009-099990-5804	Operations & Maintenance (64000)	\$ 6,353,928	\$ 731,352	\$ -	7,085,280 "
Fund 009	Smyth County Schools	009-099990-5805	Food Service (65000)	\$ 4,652,056	\$ 363,178	\$ -	5,015,234 "
Fund 009	Smyth County Schools	009-099990-5806	Technology (68000)	\$ 1,718,821	\$ 78,915	\$ -	1,797,736 "
Fund 009	Smyth County Schools	009-099990-5807	Capital Outlay-Facilities (66000)	\$ 5,093,118	\$ 1,235,761	\$ -	6,328,879 "
Total Expenditures With Amendment				\$ 140,664,644	\$ 3,143,275	\$ 143,807,919	

Revenues	\$ (140,664,644)	\$ (3,143,275)	\$ (143,807,919)
Expenditures	\$ 140,664,644	\$ 3,143,275	\$ 143,807,919
Difference	\$ -	\$ -	\$ -

RESOLUTION
SMYTH COUNTY BUDGET FISCAL YEAR 2023/24 – AMENDMENT #9

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 9th, 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; and

WHEREAS, in the meeting of December 14th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #4) for Fiscal Year 2023/24 in the amount of \$136,471,806; and

WHEREAS, in the meeting of January 25th, 2024 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #5) for Fiscal Year 2023/24 in the amount of \$136,471,806; and

WHEREAS, in the meeting of February 22nd, 2024 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #6) for Fiscal Year 2023/24 in the amount of \$140,059,644; and

WHEREAS, in the meeting of March 14th, 2024 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #7) for Fiscal Year 2023/24 in the amount of \$140,289,644; and

WHEREAS, in the meeting of May 9th, 2024 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #8) for Fiscal Year 2023/24 in the amount of \$140,664,644; and

WHEREAS the aggregate amount of budget amendment #9 is \$3,143,275 which would increase the Fiscal Year 2023/24 budget to a total of \$143,807,919 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 \$143,807,919.

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

Adopted this the 13th day of June 2024

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

6/13/2024 5:08 PM Chair, Atkins District Supervisor Charles Atkins opened the public hearing.

Charles Wassum of 321 Wassona Drive, Marion shared his concerns for raising the debt limits in budget amendments. Chilhowie District Supervisor Michael Sturgill explained income is added throughout the year with grants and other approved funds that come in, causing the budget to increase.

6/13/2024 5:12 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing for Budget Amendment #9.

- *Saltville District Supervisor Roscoe Call made a motion to waive the rules of the public hearing in order to vote pertaining to Budget Amendment #9. 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, Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None

- *Saltville District Supervisor Roscoe Call made a motion to approve Budget Amendment #9 as presented and adopt the resolution. 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, Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None

6/13/2024 5:13 PM Public hearing for Smyth County FY24/25 Operating Budget:

**NOTICE OF PUBLIC HEARING ON THE PROPOSED SMYTH COUNTY BUDGET FOR
FISCAL YEAR JULY 1, 2024 - JUNE 30, 2025**

Pursuant to § 15.2-2506 of the Code of Virginia (1950), as amended, a Public Hearing will be conducted by the Board of Supervisors on the budget for informative and planning purposes in the Board of Supervisors meeting room, Smyth County Office Building, 121 Bagley Circle, Marion, VA on Thursday, **June 13, 2024 at 5:00 p.m.**, or soon thereafter, at which time any citizen of the County shall have the right to attend and, subject to Rules and Procedures of the Board of Supervisors, state his or her views. The budget is for informative and fiscal planning purposes and will not be approved, adopted or ratified by the Board of Supervisors on **Thursday, June 13, 2024.**

<u>REVENUES</u>	<u>FY2024 Budget</u>	<u>Proposed FY2025</u>	<u>Inc. / (Dec.)</u>
Real Property Taxes	\$ 11,850,000	13,495,597	1,645,597
Public Services	1,700,000	1,725,000	25,000
Minerals	8,079	7,000	921
Personal Property	4,873,209	5,173,209	300,000
Machinery & Tools	2,122,716	2,161,716	39,000
Merchants Capital	275,359	352,500	77,141
Lodging Tax	100,000	110,000	10,000
Meal's Tax	100,000	125,000	25,000
Cigarette Tax	240,000	220,000	(20,000)
Penalties & Interest	695,000	695,000	-
Motor Vehicle License	480,669	480,000	(669)
Rolling Stock Tax	32,235	35,000	2,765
Utility Licenses Tax	98,431	98,431	-
Consumer's Utility Tax	1,050,892	1,050,800	(92)
Permits & Other Licenses	113,219	93,500	(19,719)
Fines & Forfeitures	130,664	105,000	(25,664)
Interest on Investments	843,368	980,000	116,632
Use of Property	143,770	180,074	36,304
Court Cost	9,172	10,000	828
Charges for Commonwealth Attorney	3,000	4,000	1,000
Charges for Sanitation & Solid Waste	1,210,000	1,275,000	65,000
Expenditure Refunds	3,539,943	3,619,263	79,320
Miscellaneous Revenue	1,064,790	857,000	(207,790)
Grant Money	3,722,280	5,798,680	2,076,400
Revenue from the Commonwealth	995,181	1,079,700	84,519
PPTRA	1,804,316	1,804,316	-
Opioid Direct Distribution	-	41,666	41,666
Comprehensive Service Act	2,242,987	2,240,459	(2,528)
Commonwealth Attorney	850,373	850,000	(373)
Sheriff	2,741,940	2,741,500	(440)
Commissioner of the Revenue	248,582	248,000	(582)
Treasurer	223,960	223,000	(960)
Registrar/Electoral Board	73,697	90,000	16,303
Clerk's Office	511,045	510,200	(845)
Local Sales Tax	2,850,000	3,000,000	150,000
Categorical Aid - Other	139,175	206,707	67,532
Payment in Lieu of Taxes	644,380	222,806	(421,574)
Special Assessments	4,800	8,500	3,700
Local Funds Transfers	(11,441,275)	(14,017,280)	(2,575,985)
Animal Licenses	12,500	16,500	4,000
EDA Funds	3,373,693	2,905,943	(467,750)
Court Rev Towns	6,500	8,000	1,500
State/Federal School Funds	57,885,158	56,695,619	(1,189,539)
Local Funds Transfer General Fund-Schools	12,872,002	13,398,174	526,172
Department of Social Services	5,717,841	6,060,785	342,944
DSS Local Share from General Fund	1,169,091	1,155,661	(13,430)
School Textbook Revenue	135,000	635,000	500,000

911 Wireless Grants	198,496	198,496	-
Interest/Transf Courthouse Sav	49,710	-	(49,710)
Water-Sewer Revenue	3,890,090	2,860,636	(1,029,454)
Transfer Station Redevelopment	2,750,000	1,500,000	(1,250,000)
Social Security Funds	73,110	85,610	12,500
Drug Asset Revenue	50,000	50,000	-
Sheriff Restitution Fund	10,000	20,000	10,000
Sheriff DARE Revenue	10,000	15,000	5,000
Sheriff DMV Safety Grant	25,000	25,000	-
Courthouse Security Revenue	303,234	320,451	17,217
Asset Forfeiture	125,000	125,000	-
Police Activity Fund	696,835	582,000	(114,835)
Sheriff Federal/State Asset Forfeiture	90,000	90,000	-
Money Collected in Court	30,000	30,000	-
Recovery Court	173,565	178,498	4,933
Federal Money-CWA	20,000	20,000	-
Collections Circuit Court	5,000	5,000	-
APRA Funds	4,350,862	-	(4,350,862)
Sub-total	130,314,644	124,860,737	(5,453,907)
DEBT SERVICE			
Proceeds From Previous Financing	-	-	-
Debt Proceeds - Public Safety Communications Project	10,350,000	9,000,000	1,350,000
Debt Proceeds - Building Study Implementation Project	-	12,775,000	(12,775,000)
Sub-total	10,350,000	21,775,000	(11,425,000)
Total County Budget Revenues	140,664,644	146,635,737	5,971,093

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<u>EXPENDITURES</u>	<u>FY2024</u> <u>Budget</u>	<u>Proposed</u> <u>FY2025</u>	<u>Inc. / (Dec.)</u>
Board of Supervisors	\$ 1,842,575	\$ 1,422,634	(419,941)
County Administration	433,148	436,028	2,880
Legal Department	100,000	100,000	-
Commissioner of the Revenue	455,339	575,614	120,275
Assessor	360,000	10,000	(350,000)
Treasurer	499,011	506,870	7,859
Accounting Department	131,687	183,533	51,846
Information Systems	979,087	1,045,540	66,453
Registrar	329,537	301,117	(28,420)
Circuit Court	261,109	266,070	4,961
General District Court	11,930	11,930	-
Juvenile & Domestic Courts	114,776	105,372	(9,404)
Clerk of the Circuit Court	804,884	816,854	11,970
Sheriff	4,645,494	4,729,379	83,885
Law Library	1,000	1,000	-
Sheriff School Resource Officer Grant	297,379	312,456	15,077
Commonwealth Attorney	925,539	951,988	26,449
Victim Witness Asst. Program	115,151	117,305	2,154
Central Dispatch	4,000	4,000	-
Smyth County Basic 911	1,020,425	843,293	(177,132)
Volunteer Fire Department	626,000	658,199	32,199
Ambulance & Rescue Service	494,300	794,500	300,200
Forestry	8,746	8,747	1
Smyth Co. Fire & Rescue	1,378,303	1,348,518	(29,785)
Public Safety Communications	275,418	283,807	8,389
Sheriff - Jail	2,219,690	2,374,298	154,608
Building Inspection & Zoning	473,936	544,003	70,067
Animal Control	520,852	405,906	(114,946)
Medical Examiner - Coroner	500	500	-
Emergency Services - Civil Defense	159,167	176,946	17,779
Refuse Collection & Disposal	1,884,649	2,007,552	122,903
Convenience Stations	496,273	535,480	39,207
Rye Valley Water Co.	25,995	25,995	-
Smyth County Tourism	87,843	90,471	2,628
Building & Facility Maintenance	842,520	867,850	25,330
Vehicle Maintenance Garage	-	254,934	-
Local Health Department	349,703	385,650	35,947
Mental Health	1,395,982	205,782	(1,190,200)
OAA Direct Distribution	-	73,207	-
OAA Grant Project	-	41,666	-
OAA Cooperative Partnerships	-	3,924,119	-
Social Services Board Member Payments	4,200	4,200	-
Other Community expenses	747,497	835,367	87,870
Community Colleges	168,811	195,999	27,188
Capital Improvements	3,479,556	1,199,408	(2,280,148)
Recreation Support	90,000	90,000	-
Parks & Recreation	50,000	151,090	-
Explorers After-School Program	66,590	67,090	500
Library Administration	757,500	797,500	40,000
Planning Commission	3,750	4,800	1,050
Community & Economic Development	178,486	196,777	18,291
Economic Development Authority	1,198,442	642,567	(555,875)
Soil & Water Conservation	30,000	30,000	-
Cooperative Extension Program	116,390	115,649	(741)
Comprehensive Service Act	2,417,339	2,416,839	(500)
Animal Control (Fund 3)	12,500	16,500	4,000
EDA General Expenses	3,373,693	2,905,943	(467,750)
Court Reimbursements to Towns	6,500	8,000	1,500
County School Operations & Capital Outlay (Non-Local)	57,885,158	56,695,619	(1,189,539)

County School Operations & Capital Outlay (Local)	10,692,547	11,482,849	790,302
County School Debt Service Local Funds	2,179,455	1,915,325	(264,130)
Department of Social Services	6,898,932	7,216,448	329,514
School Textbook Fund Expense	135,000	635,000	500,000
Dispatch (Fund 38)	198,498	198,498	-
Courthouse Project	49,710	-	(49,710)
Water-Sewer Department Operations	1,659,910	1,718,498	58,588
Water-Sewer Department Debt Service	940,180	938,480	(1,700)
Water-Sewer Capital Outlay	1,165,000	50,000	(1,115,000)
Lead Service Line Project	125,000	153,660	28,660
Transfer Station Construction	2,750,000	1,500,000	(1,250,000)
Social Security Funds	73,110	85,610	12,500
Drug Asset Expense	50,000	50,000	-
Sheriff Restitution Fund	10,000	20,000	10,000
Sheriff DARE Program	10,000	15,000	5,000
Sheriff DMV Safety Grant	25,000	25,000	-
Courthouse Security	303,234	320,451	17,217
Asset Forfeiture	125,000	125,000	-
Police Activity Fund Expense	698,835	582,000	(114,835)
Sheriff Asset Forfeiture	90,000	90,000	-
Purchase Equipment	30,000	30,000	-
Recovery Court	173,565	178,498	4,933
CWA Fed Funds	20,000	20,000	-
Expenses Circuit Court	5,000	5,000	-
Special Projects Fund	4,350,862	-	(4,350,862)
Sub-total	127,901,198	121,475,772	(6,425,424)
DEBT SERVICE			
Debt Service Payments	2,413,448	3,384,965	971,517
Capital Projects (Public Safety Radio System)	10,350,000	9,000,000	(1,350,000)
Capital Projects (Building Study Construction Bond)	-	12,775,000	12,775,000
Sub-total	12,763,448	25,159,965	12,396,517
Total County Budget Expenditures	140,664,644	146,635,737	5,971,093

TAX RATES FOR FISCAL YEAR 2024 / 25

In preparation of the above budget, the Smyth County Board of Supervisors proposes the following tax levies as shown below:

Pursuant to Virginia Code §58.1-3001 et seq., the Board proposes to adopt a real estate levy on all taxable real estate located in Smyth County, Virginia, including equalized real estate, where applicable, a unit levy of **\$0.59** per \$100.00 of assessed valuation; Tax on tangible personal property and the tangible personal property of public service corporations, except rolling stock of corporations operating railroads, a unit levy of **\$2.30** per \$100.00 of assessed valuation; Machinery & Tools at \$1.55 per \$100.00 of assessed valuation; Tax on Category 23 items (trucks used in interstate commerce over 10,000 pounds) a unit levy of \$1.55 per \$100.00 of assessed valuation; Tax on merchants capital a unit levy of \$0.40 per \$100.00 of assessed valuation; airplane tax of \$1.40 per \$100.00 of assessed valuation; Prepared Meals tax levy of 6% and a Cigarette tax levy at \$0.40 per pack purchased.

The Proposed FY2024/2025 budget also includes a proposed increase in water/sewer utility rates of up to 5%.

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

6/13/2023 5:13 PM Chair, Atkins District Supervisor Charles Atkins opened the Public Hearing for the proposed Smyth County Operating/ Capital Budget for FY24/25.

Charles Wassum of 321 Wassona Drive, Marion shared his concerns with borrowing funds as well as increased debt.

6/13/2024 5:18 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing for Smyth County Operating/Capital Budget for FY24/25.

6/13/2023 5:18 PM Public hearing for the proposed County Schools Operation/Capital Budget for FY24/25.

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**NOTICE OF PUBLIC HEARING
ON THE SMYTH COUNTY SCHOOL BUDGET
FOR FISCAL YEAR COMMENCING**

July 1, 2024– June 30, 2025

On Thursday, June 13, 2024 at 5:00 p.m., or shortly thereafter as may be heard

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

The Smyth County Board of Supervisors will conduct a hearing for the purpose of receiving public comments on the proposed School Board budget for the fiscal year beginning July 1, 2024. The public hearing will be held in the Board of Supervisors meeting room, 121 Bagley Circle, Smyth County Office Building on Thursday, June 13, 2024 at 5:00 p.m., or shortly thereafter as may be heard.

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

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

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

Smyth County School Board			
Operations Budget For the Year Ending June 30, 2025			
Revenue Summary for Operations Budget			
	2023-2024	2024-2025	Difference
State Revenue	\$ 37,505,774	\$ 40,732,668	\$ 3,226,894
Local Revenue	\$ 10,692,547	\$ 11,482,849	\$ 790,302
Federal Revenue	\$ 9,598,283	\$ 7,713,971	\$(1,884,312)
State Sales Tax	\$ 5,781,701	\$ 5,185,879	\$ (595,822)
Other Revenue	\$ 4,999,400	\$ 3,063,101	\$(1,936,299)
TOTAL OPERATIONS	\$ 68,577,705	\$ 68,178,468	\$ (399,237)
Expenditure Summary for Operations Budget			
	2023-2024	2024-2025	Difference
Instruction	\$ 45,544,394	\$ 47,316,508	\$ 1,772,114
Administration	\$ 2,019,488	\$ 2,098,953	\$ 79,465
Transportation	\$ 3,195,900	\$ 3,333,884	\$ 137,984
Operations/Maintenance	\$ 6,353,928	\$ 6,510,056	\$ 156,128
Food Service	\$ 4,652,056	\$ 5,074,164	\$ 422,108
Facilities	\$ 5,093,118	\$ 2,110,000	\$(2,983,118)
Technology	\$ 1,718,821	\$ 1,734,903	\$ 16,082
TOTAL OPERATIONS	\$ 68,577,705	\$ 68,178,468	\$ (399,237)

Smyth County School Board			
Capital Outlay and Debt Service Budget For the Year Ending June 30, 2025			
Revenue Summary for Capital Outlay and Debt Service Budget			
	2023-2024	2024-2025	Difference
Local Funds - Capital Outlay	\$ -0-	\$ -0-	\$ -0-
Local Funds - Debt Service	\$ 2,179,455	\$ 1,915,325	\$ (264,130)
Other Funds – Interest Rebate	\$ -0-	\$ -0-	\$ -0-
TOTAL CAPITAL OUTLAY	\$ 2,179,455	\$ 1,915,325	\$ (264,130)
Expenditure Summary for Capital Outlay and Debt Service Budget			
	2023-2024	2024-2025	Difference
Capital Outlay – Facilities	\$ -0-	\$ -0-	\$ -0-
Capital Outlay - Debt Service	\$ 2,179,455	\$ 1,915,325	\$ (264,130)
TOTAL CAPITAL OUTLAY	\$ 2,179,455	\$ 1,915,325	\$ (264,130)

6/13/2023 5:18 PM Chair, Atkins District Supervisor Charles Atkins opened the Public Hearing for the proposed County Schools Operation/ Capital Budget for FY24/25.

Charles Wassum of 321 Wassona Drive, Marion voiced his concerns with debt.

6/13/2024 5:19 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing for County Schools Operation/ Capital Budget for FY24/25.

6/13/2024 5:20 PM Utility Rate Increases- Mr. Utt shared due to an error in the public hearing ad, it will need to be readvertised and the public hearing rescheduled for July 11th.

- *Royal Oak District Supervisor Courtney Widener made a motion to readvertise utility rates and set a public hearing for July 11th at 5pm or thereafter. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair, Atkins District Supervisor Charles Atkins, Vice Chair, Chilhowie District Supervisor Michael Sturgill, North Fork District Supervisor Rick Billings, Saltville District Supervisor Roscoe Call, Royal Oak District Supervisor Courtney Widener, Rye Valley District Supervisor Jason Parris, and Park District Supervisor Kristoper Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None*

6/13/2024 5:20 PM Public Hearing for the Proposed Assessment Increase Notice of Proposed Real Property Tax Increase in Smyth County.

Assessment Increase NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE SMYTH COUNTY, VIRGINIA

Notice is hereby given that the County of Smyth, Virginia proposes to increase property tax levies.

1. **Assessment Increase:** The total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 39.3 percent.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate that would levy the same amount of real estate tax revenue as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.535 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. **Effective Rate Increase:** The County of Smyth, Virginia, proposes to adopt a tax rate of \$0.59 per \$100 of assessed value. The difference between the lowered tax rate and the proposed tax rate would be a \$0.055 per \$100 or 10.28 percent. The difference will be known as the "effective tax rate increase." Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.
4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of the County of Smyth may exceed last year's by 11.1 percent.

A public hearing on the increase will be held on Thursday, June 13th, 2024 at 5:00 p.m., or shortly thereafter as may be heard, in the Board Room of the Smyth County Administration Building, 121 Bagley Circle, Marion, VA 24354. All citizens have the right to attend the public hearing and comment on the proposed real property tax rate within such reasonable time limits as shall be established by the Board of Supervisors. The Board of Supervisors is not obligated to adopt the proposed tax rates, but may modify them, as it deems necessary. The County Budget Committee's *Recommended Operating Budget for Fiscal Year 2024-2025* is based on an adopted tax rate of \$0.59 per \$100 of assessed value.

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.

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 BOARD OF SUPERVISORS

SMYTH COUNTY, VIRGINIA
Shawn M. Utt, County Administrator

6/13/2023 5:20 PM Chair, Atkins District Supervisor Charles Atkins opened the Public Hearing for the Proposed Assessment Increase Notice of Proposed Real Property Tax Increase in Smyth County.

Charles Wassum of 321 Wassona Drive, Marion shared he believes the County should operate on the budget from the previous year and the real estate tax rate should be set to match taxes of last year.

6/13/2024 5:23 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing for the Proposed Assessment Increase Notice of Proposed Real Property Tax Increase in Smyth County

6/13/2024 5:23 PM Minutes of the May 23rd and June 6th Board of Supervisors meetings:

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the minutes from the May 23rd, 2024, meeting as presented. Rye Valley District Supervisor Jason Parris seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
Rye Valley District Supervisor Jason Parris, and

NAYS: None.

ABSTAINERS: Park District Supervisor Kristoper Ratliff.

ABSENT: None.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the minutes from the June 6th, 2024, 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, Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
Rye Valley District Supervisor Jason Parris, and

NAYS: None.
 ABSTAINERS: Park District Supervisor Kristoper Ratliff.
 ABSENT: None.

6/13/2024 5:24 PM Assistant County Administrator, Lisa Richardson reviewed the County financial information.

SMYTH COUNTY BOARD OF SUPERVISORS
THURSDAY, JUNE 13, 2024

ACCOUNTS PAYABLE LISTING
May 2024

Request approval of the following payables:

<u>General County - Regular Checks</u>	\$1,473,309.34
<u>Fund 004 EDA - Regular Checks</u>	\$109,620.28
Fund 302 Public Safety Radio	\$266,650.82
Fund 505 Transfer Station-Regular Checks	\$0.00
Accounts Payable Listing - April 2024	\$1,849,580.44
<u>Fund Accounts - Manual Checks</u>	
Fund 501 Water Deposit Refunds	\$300.00
Fund 747 Sheriff State Asset Forfeiture	\$0.00
Fund 748 Sheriff Purchase of Equipment	\$0.00
Fund 749 Recovery Court	\$775.00
Fund 760 Commonwealth Attorney Federal Drug Asset	
Fund 770 Circuit Court Clerk - Holding Account	
Total Fund Accounts	\$1,075.00
TOTAL ACCOUNTS PAYABLE - May 2024	\$1,850,655.44

6/13/2024 5:25 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing as presented above. North Fork District Supervisor Rick Billings seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, Chilhowie District Supervisor Michael Sturgill,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

6/13/2024 5:26 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

Rose Linkins, Smyth County Library Director spoke to the Board about recent successes in the summer programs and upcoming events.

Charles Wassum of 321 Wassona Drive, Marion offered copies of the Constitution and Bill of Rights to each Board member and encouraged them to read each document.

John Graham, Clerk of the Court shared his excitement for the deed of the future home of the Appalachian Center for Hope being completed. Mr. Graham shared they have received two construction bids and are debating how to move forward. Once construction begins, Mr. Graham shared his timeline is about a year out from completion.

Sheriff Schuler shared the Police force has recently lost 3 incredible officers including Scott Prater of Smyth County Sheriffs office, David Bradley, the previous Smyth County Sheriff, and John Grubb of VA State Police. This is a huge loss for the community and asked that everyone keep the families, friends and coworkers in your thoughts and prayers.

6/13/2024 5:41 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

6/13/2024 5:42 PM Chilhowie District Supervisor Michael Sturgill read the minutes from the June 6th Public Safety Committee meeting and presented the following recommendations:

- *Rye Valley District Supervisor Jason Parris made a recommendation to move forward with the Fire/EMS systemwide study with the understanding of obtaining additional quotes to compare for a final determination. 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,
Vice Chair, Chilhowie District Supervisor Michael Sturgill,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

6/13/2024 5:42 PM Mr. Utt read the minutes from the May 30th Budget Committee meeting and presented the following recommendations:

- Royal Oak District Supervisor Courtney Widener made a motion to recommend Interim Town Manager Aaron Sizemore draft a Resolution of Moral Obligation for the Town of Saltville's sewer repair for the Board's consideration and approval. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was approved by the Committee.*

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

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, Chilhowie District Supervisor Michael Sturgill,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Mr. Utt presented the following Resolution drafted by Saltville's Interim Town Manager, Aaron Sizemore for review and consideration:

RESOLUTION OF THE BOARD OF SUPERVISORS OF SMYTH COUNTY, VIRGINIA
APPROVING A SUPPORT AGREEMENT WITH THE VIRGINIA RESOURCES
AUTHORITY, AS ADMINISTRATOR OF THE VIRGINIA WATER SUPPLY
REVOLVING FUND, AND THE TOWN OF SALTVILLE, VIRGINIA AND RELATED
MATTERS FOR THE ISSUANCE OF THE WATER REVENUE BOND, SERIES 2024
BY THE TOWN OF SALTVILLE, VIRGINIA

WHEREAS, the Town of Saltville, Virginia (**the “Town”**) has determined the need exists to provide funds to pay a portion of the cost, along with grant monies, to finance the replacement of the Town’s above ground water storage tank with an in-ground water storage tank, the replacement of the Town’s water meters and the replacement of the majority of the Town’s existing water lines together with related legal, consulting and administrative fees, if any (**the “Project”**); and

WHEREAS, the Town has received a commitment from the Virginia Resources Authority (**the “VRA”**), on behalf of the Virginia Clean Water Revolving Loan Fund (**the “Fund”**), to purchase the Town’s Sewer Revenue Bond, Series 2024 to finance a portion of the Project (**the “VRA Bond”**) pursuant to the terms of a Financing Agreement, to be dated a date specified by VRA, between VRA, as Administrator of the Fund, and the Town (**the “Financing Agreement”**); and

WHEREAS, the Town proposes to issue the VRA Bond in an amount not to exceed \$87,450; and

WHEREAS, VRA requires the Board of Supervisors (**the “Board of Supervisors”**) of the C o u n t y of Smyth, Virginia (**the “County”**), as a condition of the purchase of the VRA Bond, to enter into a Support Agreement, in the form attached to this Resolution (**the “Support Agreement”**), to undertake a non-binding obligation to appropriate from time to time moneys to the Town in connection with payments due on the VRA Bond; and

WHEREAS, the Board of Supervisors desires to approve a Support Agreement as described above, as additional security for the Town’s VRA Bond in an amount not to exceed \$87,450.

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

1. It is determined to be in the best interests of the County and its citizens for the Board of Supervisors to enter into the Support Agreement.
2. The Board of Supervisors of the County acknowledges that (i) VRA would not purchase the VRA Bond without the security and credit enhancement provided by the Support Agreement, (ii) VRA will be a third party beneficiary of the Support Agreement for so long as the VRA Bond remains outstanding, and (iii) VRA is treating the Support Agreement as a “local obligation” within the meaning of Section 62.1-199 of the Code of Virginia of 1950, as amended (**the “Virginia Code”**), which in the event of a nonpayment thereunder authorizes VRA to file an affidavit with the Governor that such nonpayment has occurred pursuant to Section 62.1-216.1 of the Virginia Code. Section 62.1-216.1

of the Virginia Code provides that if the Governor is satisfied that such nonpayment has occurred, the Governor will immediately make an order directing the Comptroller to withhold all further payment to the County of all funds, or of any part of them, appropriated and payable by the Commonwealth of Virginia to the County for any and all purposes, and the Governor will, while the nonpayment continues, direct in writing the payment of all sums withheld by the Comptroller, or as much of them as is necessary, to VRA, so as to cure, or cure insofar as possible, such nonpayment.

3. As provided in the Support Agreement, the Board of Supervisors of the County hereby undertakes a non-binding obligation to appropriate to the Town such amounts as may be requested from time to time pursuant to the Support Agreement, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board of Supervisors of the County, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends future Boards of Supervisors of the County do likewise during tire term of the Support Agreement.
4. In consideration of the Town's undertakings with respect to financing the Project, the Chairman or Vice-Chairman of the Board of Supervisors, either of whom may act, are hereby authorized and directed to execute and deliver the Support Agreement. The Support Agreement shall be in substantially the form presented to this meeting, which is hereby approved, with such completions, omissions, insertions or changes not inconsistent with this resolution as may be approved by the Chairman or Vice-Chairman of the Board of Supervisors, the execution thereof by the Chairman or Vice-Chairman of the Board of Supervisors to constitute conclusive evidence of his or her approval of such completions, omissions, insertions or changes.
5. The County Administrator is hereby authorized and directed to carry out the obligations imposed by the Support Agreement on the County Administrator.
6. All actions previously taken by representatives or agents of the County in furtherance of the Project and issuance of the VRA Bond are hereby ratified and approved.
7. This resolution shall take effect immediately.

Members of the Board of Supervisors during an open meeting voted as follows:

<u>Present:</u>	Vote:
Charles E. Atkins	_____
Roscoe D. Call	_____
W Jason Parris	_____
Kristopher S. Ratliff, DPh	_____
Rick A. Billings	_____
Michael L. Sturgill	_____
S. Courtney Widener	_____

Absent:

Adopted this 13th day of June, 2024.

Clerk, Board of Supervisors of Smyth County, Virginia

- *North Fork District Supervisor Rick Billings made a motion to approve the Resolution of the Board of Supervisors in regard to the Town of Saltville sewer project as presented. 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, Chilhowie District Supervisor Michael Sturgill,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: Non

The Board then discussed next steps for the Town of Saltville water projects that will be revisited after the budget process for this fiscal year is completed.

6/13/2024 5:38 PM Sheriff's Office Relocation Bids: Mr. Utt shared two contractors placed bids for the relocation of the Sheriff's Office and are both being reviewed by AECOM but would like to accept the lower bid once negotiations have been completed.

- *Saltville District Supervisor Roscoe Call made a motion to accept the lowest bid for the Sheriff's Office relocation and authorize County Administrator to execute any related documents pending architectural review. 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, Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: Royal Oak District Supervisor Courtney Widener.

ABSENT: None.

5/13/2024 5:51 PM Mr. Utt shared a current need for storage due to different offices moving. An option that has come about is the Wagon Wheel Building that the Marion EDA currently owns and is willing to lease the second floor for \$550 a month and would be deferred until December 2025.

- *Chilhowie District Supervisor Michael Sturgill made a motion to approve the Wagon Wheel lease with the Town of Marion for 18 months and allow County Administrator to execute all documents. Rye Valley District Supervisor Jason Parris seconded the motion, and it was unanimously approved.*

After consideration, the Animal Control Committee recommendation PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Saltville District Supervisor Roscoe Call,*

*Vice Chair, Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: North Fork District Supervisor Rick Billings.

ABSENT: None.

6/13/2024 5:57 PM County Attorney Report

Sheriff Shuler shared the campers have been removed from Churchland drive which does have a current nuisance complaint on it. The campers were on the road and the owners were given a specific amount of time to relocate them but were not moved, resulting in the campers being towed. Mr. Farthing shared he does have an upcoming hearing on this property as well.

6/13/2024 6:00 PM County Administrator Report -

Mr. Utt shared a need for an additional \$2,000 in appropriations for the 748 fund due to two pending bills.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to appropriate an additional \$2,000 in fund 748. 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, Chilhowie District Supervisor Michael Sturgill,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: Royal Oak District Supervisor Courtney Widener.

ABSENT: None.

Mr. Utt then requested review of an Animal Control Damage claim that the department has requested to be paid out of this fiscal year.

- Royal Oak District Supervisor Courtney Widener made a motion to approve the Animal Control Damage claim in the amount of \$300.00 to Charlie Heath of 2260 Riverside Rd, Marion, VA. North Fork District Supervisor Rick Billings seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins, Vice Chair, Chilhowie District Supervisor Michael Sturgill, Royal Oak District Supervisor Courtney Widener, North Fork District Supervisor Rick Billings, Saltville District Supervisor Roscoe Call, Rye Valley District Supervisor Jason Parris, and Park District Supervisor Kristoper Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Mr. Utt then requested a review of the current freeze of penalties and services charges on five large flat rate sewer accounts. The Board elected to freeze these charges for a 6-month term, which is currently up. One of the accounts has been paid in full, two are actively on payment plans and the other accounts have been referred to the County Attorney.

- Royal Oak District Supervisor Courtney Widener made a motion to freeze penalties and service charges on the 4 outstanding large flat rate sewer accounts indefinitely. North Fork District Supervisor Rick Billings seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins, Vice Chair, Chilhowie District Supervisor Michael Sturgill, Royal Oak District Supervisor Courtney Widener, North Fork District Supervisor Rick Billings, Saltville District Supervisor Roscoe Call, Rye Valley District Supervisor Jason Parris, and Park District Supervisor Kristoper Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Mr. Utt then discussed various appointments that have come to term. After discussion the following motions were made:

- *Chilhowie District Supervisor Courtney Widener made a motion to appoint Gwen Beattie to the VA Highlands Community College Board for a 4-year term set to expire 6/30/2028. 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, Chilhowie District Supervisor Michael Sturgill, Royal Oak District Supervisor Courtney Widener, North Fork District Supervisor Rick Billings, Saltville District Supervisor Roscoe Call, Rye Valley District Supervisor Jason Parris, and Park District Supervisor Kristoper Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

- *Saltville District Supervisor Roscoe Call made a motion to appoint Jane Hess to the Department of Social Services Board for a 4-year term set to expire 6/30/2028. North Fork District Supervisor Rick Billings seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins, Vice Chair, Chilhowie District Supervisor Michael Sturgill, Royal Oak District Supervisor Courtney Widener, North Fork District Supervisor Rick Billings, Saltville District Supervisor Roscoe Call, Rye Valley District Supervisor Jason Parris, and Park District Supervisor Kristoper Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

- *Royal Oak District Supervisor Courtney Widener made a motion to appoint Justine Bradley to the Department of Social Services Board for a 4-year term set to expire 6/30/2028. 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, Chilhowie District Supervisor Michael Sturgill,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

- Royal Oak District Supervisor Courtney Widener made a motion to appoint Sheriff Schuler and County Administrator Shawn Utt to the Southwest VA Community Corrections Criminal Justice Board for a 2-year term set to expire 6/30/2026. 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, Chilhowie District Supervisor Michael Sturgill,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

- Rye Valley District Supervisor Jason Parris made a motion to appoint James McNeil to the Economic Development Authority for a 4-year term set to expire 6/30/2028. 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, Chilhowie District Supervisor Michael Sturgill,
Royal Oak District Supervisor Courtney Widener,*

*North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

- *Rye Valley District Supervisor Jason Parris made a motion to appoint Clegg Williams to the Transportation Rural Technical Committee for a 2-year term set to expire 6/30/2026. 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, Chilhowie District Supervisor Michael Sturgill,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

6/13/2024 6:16 PM Supervisor Comment Time -

North Fork District Supervisor Rick Billings shared his appreciation to everyone working on the budget. Mr. Billings also thanked citizens who came to share all comments, good and bad.

Saltville District Supervisor Roscoe Call shared gave thanks to all who came as well as thanking Ms. Linkins for the incredible job she does for the libraries.

Royal Oak District Supervisor Courtney Widener thanked the Sheriff for coming and speaking on behalf of the fallen police officers. Mr. Widener shared they had left behind a legacy, and it is a sad time for the departments, their friends and their families. Mr. Widener then thanked Mr. Graham for his dedication to the ACH building. He then spoke about the Sheriff's office being hit by lightning about two weeks ago and spoke highly of all emergency management staff who were there to resolve all issues.

Rye Valley District Supervisor Jason Parris thanked all for coming out as well as Ms. Linkins for all she does for the community. Mr. Parris also shared that David Bradley, one of the fallen officers helped found the Adwolfe Fire Department and that was a huge accomplishment and commitment to his community.

Park District Supervisor Kristopher Ratliff thanked the Budget Committee and Mr. Utt for their hard work balancing such a large budget and for constantly looking for value in cost.

Chair, Atkins District Supervisor Charlie Atkins thanked everyone for their attendance as well as HS Williams for their bid. Mr. Atkins shared his appreciation for keeping work of this magnitude local.

Chilhowie District Supervisor Michael Sturgill congratulated the Smyth County teams who had an incredible season.

6/13/2024 6:41 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 purposes, or of the disposition of publicly held real property regarding EMS Building. Saltville District Supervisor Roscoe Call seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

6/13/2024 7:07 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 Jason Parris 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 Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

- *Royal Oak District Supervisor Courtney Widener made a motion to allow County Administrator to execute the lease for Station Two pending County Attorney review. 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 Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: None.

ABSTAINERS: North Fork District Supervisor Rick Billings.

ABSENT: None.

6/13/2024 7:10 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.



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

Charles E. Atkins
Michael L. Sturgill
Rick A. Billings
Kristopher S. Ratliff, DPh
S. Courtney Widener
W. Jason Parris
Roscoe D. Call

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

Shawn M. Utt
Lisa Richardson
Clegg Williams

**A RESOLUTION SETTING 2025 PROPERTY TAX RATES
FOR THE PERIOD OF JULY 1, 2024 THROUGH JUNE 30, 2025**

WHEREAS, the Smyth County Board of Supervisors is required by the Code of Virginia will hereby adopt a budget for the fiscal year ending June 30, 2025; and

WHEREAS, the Board of Supervisors is required to establish tax rates and set a levy sufficient to meet the expenditure requirements of the budget.

THEREFORE, BE IT RESOLVED that the Board of Supervisors make the following property tax rates for July 1, 2024 through June 30, 2025:

Real Estate	\$0.59 per hundred dollars of assessed valuation
Tangible Personal Property	\$2.30 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

BE IT FURTHER RESOLVED that the Board of Supervisors hereby sets the Personal Property Tax Relief Act (PPTRA) rate of 38% for the July 1, 2024 through June 30, 2025 tax year as recommended by the Smyth County Commissioner of Revenue.

Adopted this the ___ day of _____, 2024

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair



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

Charles E. Atkins
 Michael L. Sturgill
 Rick A. Billings
 Kristopher S. Ratliff, DPh
 S. Courtney Widener
 W. Jason Parris
 Roscoe D. Call

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

Shawn M. Utt
 Lisa Richardson
 Clegg Williams

**A RESOLUTION APPROVING THE SMYTH COUNTY SCHOOL BOARD
 BUDGET FOR THE FISCAL YEAR OF JULY 1, 2024 THROUGH JUNE 30, 2025
 BY EXPENDITURE CLASSIFICATION/CATEGORY**

WHEREAS, the Smyth County School Board has approved and presented to the Board of Supervisors a budget for FY 2024-25 totaling \$70,093,793; 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 20th day of June, 2024 the Smyth County School Board FY2024-25 budget is hereby approved as follows:

<u>EXPENDITURES/EDUCACTION CATEGORY</u>	<u>2024-25</u>
Instruction	\$47,316,508
Administration, Attendance & Health	\$ 2,098,953
Transportation	\$ 3,333,884
Operations/ Maintenance	\$ 6,510,056
Facilities	\$ 2,110,000
Food Service	\$ 5,074,164
Technology	\$ 1,734,903
Debt and Fund Transfers	\$ 1,915,325
TOTAL FUNDS BUDGETED	\$70,093,793

THIS RESOLUTION is hereby adopted this 20th day of June, 2024, 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



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

*Charles E. Atkins
Michael L. Sturgill
Rick A. Billings
Kristopher S. Ratliff, DPh
S. Courtney Widener
W. Jason Parris
Roscoe D. Call*

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

*Shawn M. Utt
Lisa Richardson
Clegg Williams*

**A RESOLUTION ADOPTING THE BUDGET FOR
THE COUNTY OF SMYTH, VIRGINIA FOR THE FISCAL YEAR OF
JULY 1, 2024 THROUGH JUNE 30, 2025**

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, 2024 and ending June 30, 2025;

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ENACTED that there is hereby levied a tax of \$0.59 on each \$100.00 of assessed value of real estate and improvements situated thereon in the County; a tax of \$2.30 per \$100.00 on assessed value of tangible personal property assessed by the County and segregated pursuant to Title 15.2, Chapter 25 of the Code of Virginia, and amendments thereto including tangible personal property of public utilities located and doing business with the County and upon all other properties subject to taxation by the County and herein otherwise provided for; a tax of \$1.55 per \$100.00 of assessed value on machinery and tools; and a tax of \$0.40 per \$100.00 of assessed value on Merchant's Capital;

NOW, THEREFORE, BE IT LASTLY RESOLVED AND ENACTED by the Smyth County Board of Supervisors that all other assessments, taxes and fees previously imposed by the County unless repealed 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 20th day of June, 2024, in the County of Smyth, Virginia, by the Smyth County Board of Supervisors and shall be effective July 1, 2024.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

REVENUE WORKSHEET
FY24/25

FUND 001 - General Fund

Real Property Taxes	(13,495,597.00)
Public Services	(1,725,000.00)
Minerals	(7,000.00)
Personal Property	(5,173,209.00)
Machinery & Tools	(2,161,716.00)
Merchants Capital	(352,500.00)
Lodging Tax	(110,000.00)
Meals Tax	(150,000.00)
Cigarette Tax	(220,000.00)
Penalties & Interest	(695,000.00)
Franchise License Taxes	-
Motor Vehicle License	(480,000.00)
Rolling Stock	(35,000.00)
Utility Licenses Tax	(98,431.00)
Consumer Utility Taxes	(1,050,800.00)
Permits & Other License	(93,500.00)
Fine & Forfeitures	(105,000.00)
Interest on Investments	(960,000.00)
Use of Property	(180,074.00)
Court Cost	(10,000.00)
Charges for Commonwealth Atty	(4,000.00)
Charges for Sanitation & Waste	(1,275,000.00)
Expenditure Refunds	(3,604,263.00)
Miscellaneous	(857,000.00)
State Grant Money	(5,798,680.00)
Revenue from the Commonwealth	(1,079,700.00)
Opioid Abatement Authity Direct Distribution	(41,666.00)
PPTRA	(1,804,316.00)
Comprehensive Services Act	(2,240,459.00)
Commonwealth Attorney (Comp. Board)	(850,000.00)
Sheriff (Comp. Board)	(2,741,500.00)
Commissioner of Revenue (Comp. Board)	(248,000.00)
Treasurer (Comp. Board)	(223,000.00)
Registrar/Electoral Board	(90,000.00)
Clerk & Employee (Comp. Board)	(510,200.00)
Transfer from Local Sales	(3,036,575.00)
Categorical Aid - Other	(206,707.00)
Payment in lieu of Taxes	(222,806.00)
Special Assessments	(8,500.00)
Transfer to Other Funds	14,053,835.00

FY24/25 Revenues (cont'd)

Pre-Paid Taxes (Fund 002)	-
Animal License (Fund 003)	(16,500.00)
EDA Funds (Fund 004)	(2,905,943.00)
Court Reimbursements to Towns (Fund 006)	(8,000.00)
County Insurance Fund (Fund 007)	-
State/Federal School Funds (Fund 009)	(56,695,619.00)
Local Funds Transfer (Fund 009)	(13,398,174.00)
State/Federal Social Service Funds (Fund 013)	(6,060,785.00)
Local Social Service Funds (Fund 013)	(1,155,661.00)
School Text Book Revenue (Fund 037)	(635,000.00)
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)	(9,000,000.00)
CDBG Grant (Fund 303)	-
Building Study Construction Fund (Fund 305)	(12,775,000.00)
Courthouse Construction Fund (Fund 399)	-
Water / Sewer Revenues (Fund 501)	(2,860,636.00)
Transfer from General Fund (Fund 502)	-
Grant Revenues (Fund 502)	-
Transfer Station Construction (Fund 505)	(1,500,000.00)
Special Welfare SSI Revenues (Fund 734)	(15,000.00)
Special Welfare Collections (Fund 735)	(70,610.00)
Comm. Atty. Drug Asset (Fund 737)	(50,000.00)
Sheriff Restitution (Fund 738)	(20,000.00)
DARE Revenue (Fund 739)	(15,000.00)
DMV Highway Safety Revenue (Fund 740)	(25,000.00)
Courthouse Security (Fund 742)	(320,451.00)
Asset Forfeiture (Fund 743)	(125,000.00)
Police Activity Revenue (Fund 744)	(582,000.00)
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)	(178,498.00)
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)	-
TOTAL - COUNTY REVENUES	(146,645,737.00)

EXPENDITURE WORKSHEET
FY24/25

FUND 001 - General Fund

Board of Supervisors	1,422,457
County Administration	461,028
County Attorney	100,000
Commission of Revenue	575,614
Assessor	10,000
Treasurer	506,870
Accounting Department	183,533
Information Systems	1,045,540
Registrar	301,117
Circuit Court	266,070
General District Court	11,930
Juvenile & Domestic Relations	105,372
Clerk of the Court	816,854
Sheriff	4,729,379
Law Library	1,000
Sheriff School Resource Officer Grant	312,456
Commonwealth Attorney's Office	951,988
Victim Witness Assistance Program	117,305
Central Dispatch	4,000
Smyth County Basic 911	843,293
Volunteer Fire Departments	658,376
Ambulance & Rescue Services	794,500
Forestry (Fire Service)	8,747
Smyth Co. Fire & Rescue	1,348,518
Public Safety Communications	283,807
Southwest Virginia Regional Jail	2,374,298
Building & Zoning	544,003
Animal Control	405,906
Medical Examiner - Coroner	500
Emergency Management Coordinator	176,946
Collection & Disposal	2,007,552
Convenience Stations	535,480
Rye Valley Water Co.	25,995
Smyth County Tourism Assoc.	90,471
Courthouse Maintenance	346,680
Health Department Building Maintenance	119,930
County Office Building Maintenance	401,240
Cornerstone Building Maintenance	-
Vehicle Maintenance Garage	254,934
Local Health Department (Contribution)	385,650
Mental Health (Contribution)	205,782

FY24/25 Expenditures (cont'd)

OAA Grant Funded Position	73,207
OAA Direct Distribution	41,666
OAA Cooperative Partnerships	3,924,119
Welfare & Social Services	4,200
Contributions - Other	835,367
Community College	195,999
Capital Improvements	1,199,408
Debt Service	3,384,965
Recreation Support	75,000
Parks & Recreation	151,090
Explorer's After-School Program	67,090
Library Administration	797,500
Planning Commission	4,800
Community Development	196,777
County Engineer	-
Economic Development Authority	642,567
Soil & Water Conservation	30,000
Cooperative Extension Program	115,649
Comprehensive Services Act	2,416,839
Animal Control (Fund 003)	
	16,500
General EDA Expenses (Fund 004)	
	2,905,943
Court Reimbursements to Towns (Fund 006)	
	8,000
County School Op's & Capital - Non-Local Funds (Fund 009)	
	56,695,619
County School Op's & Capital - Local Funds (Fund 009)	
	11,482,849
County School Debt Service - Local Funds (Fund 009)	
	1,915,325
Dept. of Social Services (Fund 013)	
	7,216,446
School Textbook Fund (Fund 037)	
	635,000
Emergency Dispatch Supp. (Fund 038)	
	196,496
COVID Grant Money (Fund 040)	
	-
Courthouse Maintenance Fund (Fund 301)	
	-
Public Safety Comm. Bond (Fund 302)	
	9,000,000
CDBG Grant (Fund 303)	
	-
Building Study Construction Fund (Fund 305)	
	12,775,000
Courthouse Construction Fund (Fund 399)	
	-
Water/Sewer Operational Expense (Fund 501)	
	1,718,496
Water/Sewer Debt Retirement (Fund 501)	
	938,480
County Funded Projects (Fund 501)	
	50,000
Lead Service Line Project (Fund 501)	
	153,660
Capital Projects (Fund 502)	
	-
Transfer Station Construction (Fund 505)	
	1,500,000
Social Security Funds (Fund 734)	
	15,000
Social Security Funds (Fund 735)	
	70,610
Drug Asset Expense (Fund 737)	
	50,000

FY24/25 Expenditures (cont'd)

Sheriff Restitution (Fund 738)	20,000
Sheriff DARE Program (Fund 739)	15,000
Sheriff DMW Safety Grant (Fund 740)	25,000
Courthouse Security (Fund 742)	320,451
Asset Forfeiture (Fund 743)	125,000
Police Activity Expenses (Fund 744)	582,000
Sheriff Drug Asset Expenses (Fund 746)	60,000
Sheriff Drug Asset Expenses (Fund 747)	30,000
Purchase of Equipment (Fund 748)	30,000
Recovery Court (Fund 749)	178,498
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)	-
TOTAL - COUNTY OPERATING EXPENDITURES	146,645,737

General County Fund	Adopted FY25 Budget	FY2024/25 1st Quarter Appropriation
Board of Supervisors	1,422,457	
County Administration	461,028	
County Attorney	100,000	
Commission of Revenue	575,614	
Assessor	10,000	
Treasurer	506,870	
Accounting Department	183,533	
Information Systems	1,045,540	
Registrar	301,117	
Circuit Court	266,070	
General District Court	11,930	
Juvenile & Domestic Relations	105,372	
Clerk of the Court	816,854	
Sheriff	4,729,379	
Law Library	1,000	
Sheriff School Resource Officer Grant	312,456	
Commonwealth Attorney's Office	951,988	
Victim Witness Assistance Program	117,305	
Central Dispatch	4,000	
E911/Dispatch	843,293	
Volunteer Fire Departments	658,376	
Ambulance & Rescue Services	794,500	
Forestry (Fire Service)	8,747	
Smyth Co. Fire & Rescue	1,348,518	
Public Safety Communications	283,807	
Southwest Virginia Regional Jail	2,374,298	
Building & Zoning	544,003	
Animal Control	405,906	
Medical Examiner - Coroner	500	
Emergency Management Coordinator	176,946	
Collection & Disposal	2,007,552	
Convenience Stations	535,480	
Rye Valley Water Co.	25,995	
Smyth County Tourism Assoc.	90,471	
Courthouse Maintenance	346,680	
Health Department Building Maintenance	119,930	
County Office Building Maintenance	401,240	
Cornerstone Building Maintenance	-	
Vehicle Maintenance Garage	254,934	
Local Health Department (Contribution)	385,650	
Mental Health (Contribution)	205,782	
OAA Grant Funded Position	73,207	
OAA Direct Distribution	41,666	
OAA Cooperative Partnerships	3,924,119	
Welfare & Social Services	4,200	
Contributions - Other	835,367	
Community College	195,999	
Capital Improvements	1,199,408	
Debt Service	3,384,965	
Recreation Support	75,000	
Parks & Recreation	151,090	
Explorer's After-School Program	67,090	
Library Administration	797,500	
Planning Commission	4,800	
Community Development	196,777	
County Engineer	-	
Economic Development Authority	642,567	
Soil & Water Conservation	30,000	
Cooperative Extension Program	115,649	
Comprehensive Services Act	2,416,839	
Animal Control (Fund 003)	16,500	
Court Reimbursements to Towns (Fund 006)	8,000	
Emergency Dispatch Supp. (Fund 038)	196,496	
COVID Grant Money (Fund 040)	-	
Courthouse Maintenance Fund (Fund 301)	-	
Building Study Construction Fund (Fund 305)	12,775,000	
Water/Sewer Operational Expense (Fund 501)	1,715,996	
Water/Sewer Debt Retirement (Fund 501)	938,480	
County Funded Projects (Fund 501)	50,000	
Lead Service Line Project (Fund 501)	153,660	
Capital Projects (Fund 502)	-	
CWA Drug Asset Expense (Fund 737)	50,000	
Sheriff Restitution (Fund 738)	20,000	
Sheriff DARE Program (Fund 739)	15,000	
Sheriff DMW Safety Grant (Fund 740)	25,000	
Courthouse Security (Fund 742)	320,451	
Asset Forfeiture (Fund 743)	125,000	
Police Activity Expenses (Fund 744)	582,000	
ARPA Funding (Fund 777)	-	
SUB-TOTAL GENERAL COUNTY	54,882,947	13,720,737

Ancilliary Funds	Adopted FY25 Budget	FY2024/25 1st Quarter Appropriation
General EDA Expenses (Fund 004)	2,905,943	725,000
SCSB - Instruction (Fund 009)	47,316,508	
SCSB - Admin/Attendance (Fund 009)	2,098,953	
SCSB - Transportation (Fund 009)	3,333,884	
SCSB - Op's & Maint. (Fund 009)	6,510,056	18,627,117
SCSB - Food Service (Fund 009)	5,074,164	
SCSB - Technology (Fund 009)	1,734,903	
SCSB - CAPITAL PROJECTS (Fund 009)	2,110,000	
SCSB - Debt Service (Fund 009)	1,915,325	1,915,325
Dept. of Social Services (Fund 013)	7,216,446	1,780,923
School Textbook Fund (Fund 037)	635,000	635,000
Public Safety Comm. Bond (Fund 302)	9,000,000	2,000,000
CDBG Grant (Fund 303)	-	-
Water / Sewer Refunds (Fund 501)	2,500	2,500
Transfer Station Construction (Fund 505)	1,500,000	375,000
Social Security Funds (Fund 734)	15,000	15,000
Social Security Funds (Fund 735)	70,610	70,610
Sheriff Drug Asset Expenses (Fund 746)	60,000	15,000
Sheriff Drug Asset Expenses (Fund 747)	30,000	7,500
Sheriff - E-Summons (Fund 748)	30,000	7,500
Recovery Court (Fund 749)	178,498	44,625
Commonwealth Atty Federal Funds (Fund 760)	20,000	5,000
Expenses Circuit Court (Fund 770)	5,000	5,000
SUB-TOTAL ANCILLIARY FUNDS	91,762,790	26,231,100
TOTAL	146,645,737	39,951,836

Total Requested 1st Quarter Appropriation	\$ 39,951,836
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121 Bagley Circle
Suite 200
Marion, VA 24354



Chris Austin
Director
(276) 783-8148
FAX (276) 783-6327

Smyth County Department of Social Services

TO: SMYTH COUNTY BOARD OF SUPERVISORS

FROM: CHRISTOPHER L. AUSTIN, DIRECTOR

DATE: JUNE 13, 2024

A handwritten signature in black ink that reads "Christopher L. Austin".

Appropriation Request for checks written July 1st, 2024 thru
September 30th, 2024:

\$1,780,923.00

General County Fund	Adopted FY25 Budget	FY2024/25 1st Quarter Appropriation
Board of Supervisors	1,422,457	
County Administration	461,028	
County Attorney	100,000	
Commission of Revenue	575,614	
Assessor	10,000	
Treasurer	506,870	
Accounting Department	183,533	
Information Systems	1,045,540	
Registrar	301,117	
Circuit Court	266,070	
General District Court	11,930	
Juvenile & Domestic Relations	105,372	
Clerk of the Court	816,854	
Sheriff	4,729,379	
Law Library	1,000	
Sheriff School Resource Officer Grant	312,456	
Commonwealth Attorney's Office	951,988	
Victim Witness Assistance Program	117,305	
Central Dispatch	4,000	
E911/Dispatch	843,293	
Volunteer Fire Departments	658,376	
Ambulance & Rescue Services	794,500	
Forestry (Fire Service)	8,747	
Smyth Co. Fire & Rescue	1,348,518	
Public Safety Communications	283,807	
Southwest Virginia Regional Jail	2,374,298	
Building & Zoning	544,003	
Animal Control	405,906	
Medical Examiner - Coroner	500	
Emergency Management Coordinator	176,946	
Collection & Disposal	2,007,552	
Convenience Stations	535,480	
Rye Valley Water Co.	25,995	
Smyth County Tourism Assoc.	90,471	
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Health Department Building Maintenance	119,930	
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Vehicle Maintenance Garage	254,934	
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OAA Grant Funded Position	73,207	
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Contributions - Other	835,367	
Community College	195,999	
Capital Improvements	1,199,408	
Debt Service	3,384,965	
Recreation Support	75,000	
Parks & Recreation	151,090	
Explorer's After-School Program	67,090	
Library Administration	797,500	
Planning Commission	4,800	
Community Development	196,777	
County Engineer	-	
Economic Development Authority	642,567	
Soil & Water Conservation	30,000	
Cooperative Extension Program	115,649	
Comprehensive Services Act	2,416,839	
Animal Control (Fund 003)	16,500	
Court Reimbursements to Towns (Fund 006)	8,000	
Emergency Dispatch Supp. (Fund 038)	196,496	
COVID Grant Money (Fund 040)	-	
Courthouse Maintenance Fund (Fund 301)	-	
Building Study Construction Fund (Fund 305)	12,775,000	
Water/Sewer Operational Expense (Fund 501)	1,715,996	
Water/Sewer Debt Retirement (Fund 501)	938,480	
County Funded Projects (Fund 501)	50,000	
Lead Service Line Project (Fund 501)	153,660	
Capital Projects (Fund 502)	-	
CWA Drug Asset Expense (Fund 737)	50,000	
Sheriff Restitution (Fund 738)	20,000	
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Sheriff DMW Safety Grant (Fund 740)	25,000	
Courthouse Security (Fund 742)	320,451	
Asset Forfeiture (Fund 743)	125,000	
Police Activity Expenses (Fund 744)	582,000	
ARPA Funding (Fund 777)	-	
SUB-TOTAL GENERAL COUNTY	54,882,947	13,720,737

Ancilliary Funds	Adopted FY25 Budget	FY2024/25 1st Quarter Appropriation
General EDA Expenses (Fund 004)	2,905,943	725,000
SCSB - Instruction (Fund 009)	47,316,508	
SCSB - Admin/Attendance (Fund 009)	2,098,953	
SCSB - Transportation (Fund 009)	3,333,884	
SCSB - Op's & Maint. (Fund 009)	6,510,056	18,627,117
SCSB - Food Service (Fund 009)	5,074,164	
SCSB - Technology (Fund 009)	1,734,903	
SCSB - CAPITAL PROJECTS (Fund 009)	2,110,000	
SCSB - Debt Service (Fund 009)	1,915,325	1,915,325
Dept. of Social Services (Fund 013)	7,216,446	1,780,923
School Textbook Fund (Fund 037)	635,000	635,000
Public Safety Comm. Bond (Fund 302)	9,000,000	2,000,000
CDBG Grant (Fund 303)	-	-
Water / Sewer Refunds (Fund 501)	2,500	2,500
Transfer Station Construction (Fund 505)	1,500,000	375,000
Social Security Funds (Fund 734)	15,000	15,000
Social Security Funds (Fund 735)	70,610	70,610
Sheriff Drug Asset Expenses (Fund 746)	60,000	15,000
Sheriff Drug Asset Expenses (Fund 747)	30,000	7,500
Sheriff - E-Summons (Fund 748)	30,000	7,500
Recovery Court (Fund 749)	178,498	44,625
Commonwealth Atty Federal Funds (Fund 760)	20,000	5,000
Expenses Circuit Court (Fund 770)	5,000	5,000
SUB-TOTAL ANCILLIARY FUNDS	91,762,790	26,231,100
TOTAL	146,645,737	39,951,836

Total Requested 1st Quarter Appropriation	\$ 39,951,836
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SMYTH COUNTY SCHOOL BOARD

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

SUSAN B. WILLIAMS, CHAIRMAN
TODD S. WILLIAMS, VICE-CHAIRMAN
TARA E. FRENCH, CLERK
CHARLES M. BUCHANAN, JR.

GWYN COMBS
DR. PAUL L. GRINSTEAD
JOSEPH D. JOHNSON
DR. KYLE N. RHODES

June 10, 2024

TO: Smyth County Board of Supervisors
FROM: Smyth County School Board
SUBJECT: July-September 2024 Appropriation Request

COUNTY SCHOOL OPERATING FUND	\$18,627,117.00
COUNTY SCHOOL DEBT AND CAPITAL OUTLAY FUND	\$ 1,915,325.00
SCHOOL TEXTBOOK FUND	\$ 635,000.00

121 Bagley Circle
Suite 200
Marion, VA 24354



Chris Austin
Director
(276) 783-8148
FAX (276) 783-6327

Smyth County Department of Social Services

TO: SMYTH COUNTY BOARD OF SUPERVISORS

FROM: CHRISTOPHER L. AUSTIN, DIRECTOR

DATE: JUNE 13, 2024

A handwritten signature in black ink that reads "Christopher L. Austin".

Appropriation Request for checks written July 1st, 2024 thru
September 30th, 2024:

\$1,780,923.00

From: [Eric Barton](#)
To: [Shawn Utt](#); [Lisa Richardson](#)
Cc: jlc@clawfirm.net; scott@sfarthinglaw.com; [Kimberly Haugh](#); "Joey D Dumas"
Subject: Smyth County -- New Opioid Settlement Approval Needed (Kroger)
Date: Wednesday, June 12, 2024 11:38:09 AM
Attachments: [national opioid settlement notice settlement overview.pdf](#)

Smyth County team,

I am attaching a Notice you should have received directly within the past couple of weeks, pertaining to the **new Kroger national settlement** in the national Opioids litigation. Like other prior settlements, this requires each participating subdivision to affirmatively “opt in” to the settlement in order to receive any distributions from this settlement. The deadline to participate is **August 12, 2024**. So, approximately 60 days from now. Participating will likely require a two-step process: (1) get approval by resolution from your Board of Commissioners (so, this should be added to a meeting agenda as soon as possible), and (2) sign and return the documentation that you will receive from the Implementation Administrator at Rubris.

We strongly recommend that all of our clients participate in this settlement. It is the only way to benefit from this settlement, and as with prior settlements, all participants’ recoveries are maximized if Virginia reaches 100 percent participation.

Please let me know if you have any questions or need any further information, and please keep me posted on your progress in “opting in” to this Kroger settlement.

As the attached notice explains, if you need to change your county’s contact person for communications from Rubris, there is an email address in the notice that you can use to do so, and please let us know of any updated contact persons as well.

Best regards,

Eric

National Opioid Settlement: Kroger Co.

Chesapeake city, VA

Rubris Reference Number: CL-798776

***TO LOCAL POLITICAL SUBDIVISIONS:
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT A NEW
NATIONAL OPIOID SETTLEMENT.***

KROGER CO. SETTLEMENT OVERVIEW

A proposed nationwide settlement agreement (“Settlement”) has been reached that would resolve the legal claims of states and local political subdivisions against regional supermarket pharmacy Kroger Co. related to alleged misconduct related to opioids.

The Settlement requires Kroger Co. to pay over a billion dollars to abate the opioid epidemic. Of this amount, approximately \$1.2 billion will be used by participating states and subdivisions to remediate and abate the impacts of the opioid crisis. Depending on participation by states and subdivisions, the Settlement requires payments over eleven years after its effective date.

The Settlement also contains injunctive relief governing opioid dispensing practices and requires Kroger Co. to implement safeguards to prevent diversion of prescription opioids.

The proposed settlement has two key participation steps.

First, each eligible state decides whether to participate in each Settlement. A list of participating states for each settlement can be found at <https://nationalopioidsettlement.com>.

Second, eligible subdivisions within each participating state decide whether to participate in the Settlement. The more subdivisions that participate, the more funds flow to that state and its subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision’s state is settling and other participating subdivisions are sharing in settlement funds. If the state does not participate, the subdivisions in that state are not eligible to participate in the Settlement.

WHO IS RUBRIS INC. AND WHAT IS THE IMPLEMENTATION ADMINISTRATOR?

The Settlement provides that an Implementation Administrator will provide notice and manage the collection of participation forms. Rubris Inc. is the Implementation Administrator for this new Settlement and was also retained for the prior national opioid settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

Your state has elected to participate in the Settlement, and therefore your subdivision may participate in that Settlement. This notice is also sent directly to counsel for such subdivisions if the Implementation Administrator has their information.

*If you are represented by an attorney with respect to opioid claims, please contact them. **Subdivisions can participate in the Settlement whether or not they filed a lawsuit or are represented.***

WHERE CAN YOU FIND MORE INFORMATION?

Detailed information about the Settlement, including each settlement agreement, may be found at: <https://nationalopioidsettlement.com>. This website also includes information about how the Settlement are being implemented in most states and how funds will be allocated within your state.

You are encouraged to review the settlement agreement terms and discuss the terms and benefits with your counsel, your Attorney General's Office, and other contacts within your state. Information and documents regarding the Settlement and your state allocation can be found on the settlement website at <https://nationalopioidsettlement.com>.

Your subdivision will need to decide whether to participate in the proposed Settlement, and subdivisions are encouraged to work through this process before the **August 12, 2024**, deadline.

HOW DO YOU PARTICIPATE IN THE SETTLEMENT?

The Settlement requires that you take affirmative steps to "opt in" to the Settlement.

In the next few weeks, you will receive documentation and instructions from the Implementation Administrator or, in some cases, your Attorney General's Office. In order to participate in a settlement, a subdivision must sign and return the required Participation Form.

Please add the following email addresses to your "safe" list so emails do not go to spam / junk folders: dse_na3@docusign.net and opioidsparticipation@rubris.com. Please monitor your email for the Participation Form and instructions.

All required documentation must be signed and returned on or before **August 12, 2024**.