

The Smyth County Board of Supervisors held its regular meeting on Thursday, January 11, 2024 at 5:00 p.m. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

PRESENT: Atkins District Supervisor Charles Atkins; Rye Valley District Supervisor Jason Parris; Park District Supervisor Kristoper 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; Director of Community and Economic Development Kendra Hayden

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

1/11/2024 5:01 PM County Administrator Shawn Utt called the meeting to order and welcomed everyone.

1/11/2024 5:02 PM Auna Louthian led the Pledge of Allegiance and Pastor Lance Turner from Mt. Zion Temple Family Worship Center gave the invocation.

1/11/2024 5:02 PM Mr. Utt opened the floor for discussion and nominations for Board Chairperson for calendar year 2024.

- *Saltville District Supervisor Roscoe Call made a motion to nominate Atkins District Supervisor Charles Atkins as Chairperson for calendar year 2024 and close the floor for additional nominations. The motion was seconded by Chilhowie District Supervisor Michael Sturgill.*

After consideration, the motion PASSED by the following vote:

AYES: Rye Valley District Supervisor Jason Parris,
Royal Oak District Supervisor Courtney Widener,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff

NAYS: None.

ABSTAINERS: Atkins District Supervisor Charles Atkins

ABSENT: None.

1/11/2024 5:03 PM After thanking the other Board members for their support, Chair, Atkins District Supervisor Charles Atkins opened the floor for nominations for Vice Chairperson for calendar year 2024.

- *Royal Oak District Supervisor Courtney Widener made a motion to nominate Chilhowie District Supervisor Michael Sturgill as Vice Chairperson for calendar year 2024 and close the floor for nominations. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

- AYES:Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor, Jason Parris, and
Park District Supervisor Kristoper Ratliff
- NAYS:None.
- ABSTAINERS:Chilhowie District Supervisor Michael Sturgill
- ABSENT:None.

Chair, Atkins District Supervisor Charles Atkins opened the floor for nominations for Clerk and Deputy Clerk(s) for calendar year 2024.

- Saltville District Supervisor Roscoe Call made a motion to nominate Shawn Utt, County Administrator, as Clerk for calendar year 2024 and Lisa Richardson, Assistant County Administrator and Auna Louthian, Executive Assistant to each serve as Deputy Clerks for calendar year 2024 and to close the floor for nominations. Vice Chair, Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

- AYES:Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, 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.

1/11/2024 5:05 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the adoption of the Board of Supervisors meeting schedule for calendar year 2024 as presented. Vice Chair, Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

- AYES:Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, 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.

Smyth County Board of Supervisors

Meeting Schedule – 2024

January –	February –
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Legislative Meeting January 11 th Second Meeting January 25 th	Legislative Meeting February 8 th Second Meeting February 22 nd
March – Legislative Meeting March 14 th Second Meeting March 28 th	April – Legislative Meeting April 11 th Second Meeting April 25 th
May – Legislative Meeting May 9 th Second Meeting May 23 rd	June – Legislative Meeting June 13 th Second Meeting June 27 th
July – Legislative Meeting July 11 th Second Meeting July 25 th	August – Legislative Meeting August 8 th Second Meeting August 22 nd
September – Legislative Meeting September 12 th Second Meeting September 26 th	October – Legislative Meeting October 10 th Second Meeting October 24 th
November – Legislative Meeting November 14 th *Second Meeting November 21 st	December – Legislative Meeting December 12 th *Second Meeting December 19 th

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

1/11/2024 5:06 PM Chair, Atkins District Supervisor Charles Atkins opened the floor for discussion on any necessary updates to the Board’s *Rules of Procedures*. Mr. Utt noted in speaking with Mr. Farthing, there were a few minor changes that need to be made related to electronic meeting requirements. Mr. Utt discussed those and referenced a handout.

Participation by the absent member due to an emergency, personal matter, or disability shall be limited in each calendar year to **two (2) meetings or no more than** twenty-five (25) percent of the meetings of the Board of Supervisors held per calendar year rounded up to the next whole number, **whichever is greater**.

- A motion was made by Saltville District Supervisor Roscoe Call to amend the Smyth County Board of Supervisors Rules of Procedures with the recommended changes as presented. Vice Chair, Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

1/12/2024 5:07 PM A motion was made by Royal Oak District Supervisor Courtney Widener to adopt the state holiday schedule for 2024 as approved by the Governor and amended throughout the year with the addition of Friday, March 29, 2024 as an additional paid holiday. Vice Chair, Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, 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.

1/11/2024 5:08 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the minutes from the December 14, 2023, meeting as presented. Rye Valley 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.

1/11/2025 5:09 PM Assistant County Administrator, Lisa Richardson, reviewed the County financial information.

SMYTH COUNTY BOARD OF SUPERVISORS
THURSDAY, JANUARY 11, 2024

ACCOUNTS PAYABLE LISTING
December 2023

Request approval of the following payables:

<u>General County - Regular Checks</u>	\$1,282,210.43
<u>Fund 4 EDA - Regular Checks</u>	\$11,547.10
Fund 302 Public Safety Radio	\$1,196.95
Fund 505 Transfer Station-Regular Checks	
Accounts Payable Listing - December 2023	\$1,294,954.48
<u>Fund Accounts - Manual Checks</u>	
Fund 501 Water Deposit Refunds	\$100.00
Fund 747 Sheriff State Asset Forfeiture	\$2,911.07
Fund 748 Sheriff Purchase of Equipment	
Fund 749 Recovery Court	\$38.51
Fund 760 Commonwealth Attorney Federal Drug Asset	
Fund 770 Circuit Court Clerk - Holding Account	
Total Fund Accounts	\$3,049.58
TOTAL ACCOUNTS PAYABLE - December 2023	\$1,298,004.06

1/11/2023 5:09 PM *A motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing 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,
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.

1/11/2024 5:13 PM Mr. Utt presented a partnership request form the Southwest Virginia Legal Aid Society in relation to their proposed grant application to the Virginia Opioid Abatement Authority. He also read the following resolution for the Board’s consideration:

**RESOLUTION OF SUPPORT FOR PROJECT PATHFINDER AND
PROVIDING SIGNATORY AUTHORITY FOR THE PROPOSAL FOR
GRANT FUNDING FROM THE VIRGINIA OPIOID ABATEMENT
AUTHORITY**

WHEREAS, the Smyth County Board of Supervisors seeks to mitigate and abate the impacts of the opioid epidemic throughout Smyth County; and

WHEREAS, the mission of the Virginia Opioid Abatement Authority (OAA) is to

abate and remediate the opioid epidemic in the Commonwealth through financial support in the form of grants, donations, or other assistance; and

WHEREAS, the OAA has invited each city and county in Virginia to submit proposals for grants to support efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in the Commonwealth; and

WHEREAS, the financial assistance offered by the OAA is needed to provide opioid mitigation and abatement efforts in Smyth County; and

WHEREAS, Smyth County has prepared a grant proposal to fund Project Pathfinder for fiscal years 2024 through 2027 that accepts the terms and conditions required by the OAA; and,

WHEREAS, the Smyth County Board of Supervisors voluntarily agree to meet the OAA’s “Gold Standard” requirements in return for a 25% increase in OAA funding eligibility during these four fiscal years; and

WHEREAS, Smyth County’s grant request for fiscal years 2024 through 2027 seeks a total of \$1,468,000 in grant funding from the OAA, including the incentive amount.

NOW THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors hereby authorizes the County Administrator to execute the grant application to the Virginia Opioid Abatement Authority, to accept the grant award, and to execute all documents in connection therewith.; and,

ADOPTED this 11th day of January, 2024.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

1/11/2024 5:09 PM *A motion was made by Saltville District Supervisor Roscoe Call to approve the Resolution of Support for Project Pathfinder and Providing Signatory Authority for the proposal for grant funding from the Virginia Opioid Abatement Authority. 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.*

Director of SWVA Legal Aid Joey Carrico shared his appreciation for the Board’s support.

1/11/2024 5:19 PM Chair, Atkins District Supervisor Charles Atkins opened citizen’s time.

1/11/2024 5:19 PM Christin Long of 2268 Little Walker Way expressed her concern for her road not having access to public water. Ms. Long shared that the request has been discussed with county staff and testing had been done which caused concern with traces of sulfur in their water as well as other more harmful concerns. Additionally, Ms. Long shared that two of her neighbors have zero access to water.

1/11/2024 5:22 PM Joyce Davidson also of Little Walker Way discussed her concern as well with no public access to public water on their road.

1/11/2024 5:30 PM Mr. Williams noted that he had discussed the request with Ms. Davidson. He also reminded the Board that a grant application had been submitted to the Mt. Rogers Water/Sewer Grant fund but it was placed on a waiting list for funding. Mr. Utt recommended the Board to forward the issue to the Water and Sewer Committee to hopefully identify alternative funding options that would potentially help move the project forward as well as begin conversations with VDH. Mr. Utt also agreed to develop a cost analysis on the project.

1/11/2024 5:34 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen’s time.

1/11/2024 5:35 PM Shawn Utt, County Administrator presented the calendar year 2024 Miscellaneous Committee Appointments. Following discussion, the following motions were made:

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the appointments as presented for the Community Policy Management Team for CY-2024. Royal Oak District Supervisor Courtney Widener seconded the motion.*

Community Policy Management Team (CPMT) – Recommend reappointing the following to 1-year terms (1-1-2024 through 12-31-2024):

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

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *Vice Chair, Chilhowie District Supervisor Michael Sturgill.*

ABSENT: *None.*

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the appointment of Manuel Street to the board for Keep Southwest Virginia Beautiful for CY-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,
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.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the appointment of Manuel Street to the board of Southwest Virginia Regional Recycling & Solid Waste Working Group for CY-2024. 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,
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.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to appoint Kendra Hayden to represent Smyth County as the voting member for the Marion Downtown Revitalization Committee for CY-2024. 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,
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.

- *A motion was made by Park District Supervisor Kristopher Ratliff to re-appoint Lea Meadows to the Planning Commission for an additional 4 -year term to end 1-31-2028. 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.

- *A motion was made by North Fork District Supervisor Rick Billings to re-appoint Robert Campbell to the Planning Commission for an additional 4 -year term to end 1-31-2028. 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.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to recommend the re-appointment of Daniel Sturgill to the Board of Zoning Appeals to an additional 5-year term to end 1-31-2029. 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.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to appoint Jimmy Frye to the Board of Zoning Appeals to a 5-year term to end 1-31-2029. 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.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to appoint Dennis Greer to the Board of Zoning Appeals to a 2-year term to end 1-31-2026. 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.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to appoint Chad Ellis to the Local Board of Building Code Appeals to a 4-year term to end 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.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to appoint Greg Blevins to the Local Board of Building Code Appeals to a 2-year term to end 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.

- A motion was made by Royal Oak District Supervisor Courtney Widener to appoint Michael Sturgill to the Chamber of Commerce Board to an additional 3-year term to end 12-31-2026. Park District Supervisor Kristopher Ratliff seconded the motion.*

After consideration, the motion PASSED by the following vote:

- AYES:* Chair, Atkins District Supervisor Charles Atkins,
Park District Supervisor Kristoper Ratliff.
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings,
Saltville District Supervisor Roscoe Call,
Rye Valley District Supervisor Jason Parris, and
- NAYS:* None.
- ABSTAINERS:* Vice Chair, Chilhowie District Supervisor Michael Sturgill.
- ABSENT:* None.

- A motion was made by Saltville District Supervisor Roscoe Call to appoint James H. “Hal” Campbell to the Economic Development Authority to an unexpired term ending 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.

- A motion was made by Royal Oak District Supervisor Courtney Widener to appoint Phillip Blevins to the Southwest VA Community Corrections Criminal Justice Board. 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.

- A motion was made by Chilhowie District Supervisor Michael Sturgill to appoint Becca Creasy to Zoning Administrator and Clegg Williams as Deputy Zoning Administrator. 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.

1/11/2024 5:53 PM Mr. Utt presented the draft budget calendar for the Board’s information and asked for consideration of adopting it for the FY24/25 calendar year.

Budget forms distributed to Departments	January 12, 2024
Budget request notification published in newspaper/websites	January 12, 2024
Budget requests due to County Administrator’s Office from Departments	February 9, 2024
Budget requests due to County Administrator’s Office from Agencies	February 6, 2024
Revenue Projections (County Admin., Treasurer, Commissioner)	February 23, 2024
First Budget Draft to Budget Committee / Budget Committee Work Session	March 7, 2024
Budget Committee Work Session (with SCSB Budget Comm./Superintendent)	March 21, 2024
Budget Committee Work Session	April 4, 2024
Present Full Budget to Board of Supervisors	April 11, 2024
Budget Committee Work Session	April 18, 2024
Budget Committee Work Session (if needed)	April 25, 2024
Budget Committee Work Session (if needed)	May 2, 2024
Public Hearing(s) – (draft budget and any potential rate/tax adjustments?)	May 9, 2024
Adopt County Budget for FY24/25 (tentative)	May 23, 2024
Adopt Tax Levies for FY24/25 (tentative)	May 23, 2024
Adopt CIP for FY24/25 (tentative)	May 23, 2024

- *Chilhowie District Supervisor Michael Sturgill made a motion to adopt the budget calendar for FY24/25 as presented. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

1/11/2024 5:55 PM Mr. Utt discussed the need for a supplemental appropriation of \$8,000 in Fund 738 (Sheriff's Office E-Summons Fund) that was missed during third quarter appropriation requests.

- *Saltville District Supervisor Roscoe Call made a motion to appropriate \$8,000 for Fund 738. 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.

1/11/2024 5:55 PM Mrs. Hayden shared a request she received from Smyth County Machine for an additional 1-year extension (making the total grant term a six-year term) for their Tobacco Region Opportunity Fund performance agreement. She noted that officials from the Tobacco Commission have approved the request in concept.

- *Chilhowie District Supervisor Michael Sturgill made a motion to approve the Tobacco Region Opportunity Fund (TROF) 1-year extension for Smyth County Machine and Fabrications Performance Agreement 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,
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.

1/11/2024 5:57 PM Mr. Utt discussed Board Retreat options to update goals for the Board of Supervisors. Mr. Utt shared that the previous facilitator of the 2021 retreat won't be available for a few months but would like to contract the same company. Other options that needed to be considered include the timing (1-day vs 2-day) and logistics. He noted he would report back at a future meeting.

1/11/2024 6:00 PM County Attorney Report -

County Attorney, Scot Farthing stated he had nothing new to report at this time.

1/11/2024 6:00 PM County Administrator Report -

Mr. Utt updated the Board on the Town of Marion's recreation league football equipment has been formally donated to the County for County Recreation use and is in the process of being re-certified. Mr. Utt also reminded the Board of the requirements to fill out *Statements of Economic Interest* by February 1st.

1/11/2024 6:00 PM Supervisor Comment Time -

Park District Supervisor Kristopher Ratliff welcomed the two new Board members, and shared he was looking forward to a productive 2024.

Royal Oak District Supervisor Courtney Widener also welcomed the new members of the Board. Mr. Widener also thanked the staff for all their hard work.

Atkins District Supervisor Charles Atkins welcomed the new members and thanked staff for useful and meaningful information that is provided.

Rye Valley District Supervisor Jason Parris shared the welcoming experience he had received from staff and other Board members.

Saltville District Supervisor Roscoe Call shared he was happy to be at the meeting as well as congratulated the new Board members.

North Fork District Supervisor Rick Billings stated it was unbelievable how welcoming and great the staff and other board members have been. Mr. Billings thanked everyone for the opportunity to serve and looks forward to being part of the future for Smyth County.

Chilhowie District Supervisor Michael Sturgill shared information about the Healthcare Excellence program in the school system as well as great use of the Smyth Promise program.

1/11/2024 6:18 PM With no further business to discuss, the meeting was adjourned.



The Smyth County Board of Supervisors held its regular meeting on Thursday, January 25th, 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: Chair, Atkins District Supervisor Charles Atkins; Park District Supervisor Kristopher Ratliff; Rye Valley District Supervisor Jason Parris; Royal Oak District Supervisor Courtney Widener; Vice Chair Chilhowie District Supervisor Michael Sturgill; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Rick Billings.

ABSENT: None.

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

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

1/25/2024 5:03 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order.

1/25/2024 5:03 PM Public Safety Administrative Assistant/ Billing Lead Paula Clark then led the pledge of allegiance.

1/25/2024 5:03 PM Assistant Director of IT Heather Street, led the invocation.

1/25/2024 5:04 PM Lynda Helton, Executive Director of the Smyth County Foundation provided the Board with an update on the *Smyth Promise Program*. Mrs. Helton highlighted that Wytheville Community College had a 40% increase in enrollment and Virginia Highlands Community College had an 18% increase in enrollment since the program began. Mrs. Helton also mentioned that while students were only required to volunteer for 10 hours, many chose to continue to volunteer with various organizations long after the 10 hours were over. She shared her appreciation for all who were involved in making the program happen. She presented each Board member with a framed certificate noting the County was the recipient of the "2023 Building Pathways Award" given by the Smyth Community Foundation.

1/25/2024 5:34 PM David Rose with Davenport & Associates discussed funding options for the initial phase of the building needs assessment implementation. Mr. Rose requested authorization to move forward with the next phase of Capital funding, including applying to

the Virginia Resources Authority's pooled bond finance program as well as working through the traditional bank RFP project. He clarified this is not anything set in stone but he would bring back options for the Board's consideration at a future meeting.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to authorize County staff to work with Davenport & Associates to continue seeking options for capital funding. 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,
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.

1/25/2024 5:34 PM VDOT Representatives Pam Heath and Jeff Harrison addressed questions the Board members provided to them in advance. Mrs. Heath shared that some of the requests will need to be sent to different divisions of VDOT or require a field review but will continue to follow up. Rye Valley District Supervisor Jason Parris requested crash data comparisons with other counties, specifically along Interstate 81. The Board thanked Mrs. Heath and Mr. Harrison for a continued line of open communication.

1/25/2024 5:58 PM Mr. Utt gave a summary of Budget Amendment #5 and provided the following public hearing notice:

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, January 25, 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 \$3,506,766.00 for additional School Board related expenditures/funding, various capital improvement projects and overall operational costs. The new total budget amount will be \$139,978,572.

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, January 25, 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 SMYTH
COUNTY, VIRGINIA**

Shawn M. Utt, County Administrator

1/25/2024 5:58 PM Chair Atkins District Supervisor Charles Atkins opened the Public Hearing.

1/25/2024 5:58 PM With no citizens wishing to speak Chair Atkins District Supervisor Charles Atkins closed the Public Hearing.

1/25/2024 5:58 PM Due to the School Board's budget deadlines, Mr. Utt requested the Board to consider waiving the rules of public hearings and taking action this evening.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to waive the rules of the public hearing. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
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.

- *A motion was made by Saltville District Supervisor Roscoe Call to approve Budget*

Amendment #5 in the amount of \$3,506,766 as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

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

**RESOLUTION
SMYTH COUNTY BUDGET FISCAL YEAR 2023/24 – AMENDMENT #5**

WHEREAS, the Smyth County Board of Supervisors, on June 8th, 2023 adopted the Fiscal Year 2023/24 Budget in the original amount of \$132,444,641; and

WHEREAS, in the meeting of August 24th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #1) for Fiscal Year 2023/24 in the amount of \$135,536,020; and

WHEREAS, in the meeting of September 14th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #2) for Fiscal Year 2023/24 in the amount of \$135,436,104; and

WHEREAS, in the meeting of November 9^h, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #3) for Fiscal Year 2023/24 in the amount of \$135,839,906; and

WHEREAS, in the meeting of December 14^h, 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, the aggregate amount of budget amendment #5 is \$3,506,766 which would increase the Fiscal Year 2023/24 budget to a total of \$139,978,572 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 \$139,978,572.

BE IT FURTHER RESOLVED, the approval of this budget amendment #5 shall indeed constitute an appropriation of the same funds.

Adopted this the 25th day of December 2023

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

Exhibit A
FY2023/24
Budget Amendment #5 (1-25-2024)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	State Grant Funds	001-021100-0043	VOEM N9311 Grant	\$ -	\$ (200,000)	\$ (200,000)	NIG 911 CMI Handling Equipment Grant for Dispatch
Fund 001	Rev. from the Commonwealth	001-021010-0035	Health Dept. Refund	\$ -	\$ (21,037)	\$ (21,037)	Retain from FY23
Fund 001	Local Funds Transfer	001-040000-0002	Smynh County School Board	\$ 12,837,393	\$ 47,344	\$ 12,903,539	Adopted fund to maintain 1.07%
Fund 001	Local Funds Transfer	001-040000-0003	Use of Fund Balance	\$ (300,000)	\$ (97,244)	\$ (397,244)	Schools, Parks/Recreation
Fund 009	Smynh County Schools	009-021010-0006	Basic Aid	\$ (34,394,876)	\$ (3,110,589)	\$ (37,505,465)	
Fund 009	Smynh County Schools	009-021010-0072	Federal money passed thru	\$ (9,207,459)	\$ (15,824)	\$ (9,223,283)	
Fund 009	Smynh County Schools	009-021000-0001	Local Funds Transfer From	\$ (10,833,340)	\$ (9,007)	\$ (10,692,247)	
Fund 301	Water/Sewer Fund	301-013001-0001	Water Payments	\$ (1,699,048)	\$ (60,000)	\$ (1,759,048)	Kewanna Road Water Booster
Total Revenues With Amendment				\$ (136,471,806)	\$ (3,506,766)	\$ (139,978,572)	

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget	Notes
Fund 001	BS112/Dispatch	001-031040-5885-12	NIG 911 CMI Handling Grant	\$ -	\$ 200,000	\$ 200,000	NIG 911 CMI Handling Equipment Grant for Dispatch
Fund 001	Parks & Recreation	001-043030-3004	Equipment & Supplies	\$ -	\$ 30,000	\$ 30,000	New Park Program - Foodcalf Overseeing
Fund 001	Health Dept. Building Maintenance	001-043030-3004	Repair And Maintenance	\$ -	\$ 31,037	\$ 31,037	
Fund 009	Smynh County School Operations	009-099990-3801	Instruction (61000)	\$ 42,693,883	\$ 2,846,311	\$ 45,544,394	
Fund 009	Smynh County School Operations	009-099990-3802	Administration/Attendance (61000)	\$ 1,991,419	\$ 28,069	\$ 2,019,488	
Fund 009	Smynh County School Operations	009-099990-3803	Transportation (63000)	\$ 3,034,863	\$ 161,035	\$ 3,195,900	
Fund 009	Smynh County School Operations	009-099990-3804	Operations & Maintenance (64000)	\$ 6,303,483	\$ 48,443	\$ 6,351,926	
Fund 009	Smynh County School Operations	009-099990-3805	Food Service (65000)	\$ 4,132,481	\$ 44,573	\$ 4,177,056	
Fund 009	Smynh County School Operations	009-099990-3806	Technology (68000)	\$ 1,703,723	\$ 15,096	\$ 1,718,821	
Fund 301	Utility Fund Capital Projects	301-023060-	Kewanna Booster Pump Station	\$ -	\$ 60,000	\$ 60,000	
Total Expenditures With Amendment				\$ 136,471,806	\$ 3,506,766	\$ 139,978,572	

Revenues	\$	(136,471,806)	\$	(3,506,766)	\$	(139,978,572)
Expenditures	\$	136,471,806	\$	3,506,766	\$	139,978,572
Difference	\$	-	\$	-	\$	-

1/25/2024 6:03 PM Minutes from the January 11th, 2024 meeting.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to approve the meeting minutes of the January 11th, 2024 meeting as amended. 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.

1/25/2024 6:04 PM Chair, Atkins District Supervisor Charles Atkins opened Citizens Time.

1/25/2024 6:04 PM With no one wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizens' time.

1/25/2024 6:04 PM Mr. Utt read the minutes from the January 18th, 2024 Ordinance Committee meeting and presented the following committee recommendation:

- *A motion was made Atkins District Supervisor Charlie Atkins to recommend scheduling a public hearing on February 22nd at 5:00pm or shortly thereafter regarding the proposed revisions to the County's Dangerous Dog Ordinance. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

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

AYES: 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.

1/25/2024 6:07 PM Saltville District Supervisor Roscoe Call read the minutes from the January 18th, 2024 Appointment Committee meeting and presented the following committee recommendations:

- *A motion was made by Atkins District Supervisor Charlie Atkins to recommend appointing Royal Oak District Supervisor Courtney Widener to the Southwest Virginia Community Corrections Criminal Justice Board. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: Royal Oak District Supervisor Courtney Widener.

ABSENT: None.

- *A motion was made by Atkins District Supervisor Charlie Atkins to recommend appointing Rye Valley District Supervisor Jason Parris to the Workforce Development Consortium Board. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
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: Rye Valley District Supervisor Jason Parris.

ABSENT: None.

- *A motion was made by Atkins District Supervisor Charlie Atkins to recommend appointing John Clair (Marion Police Chief) to the Mount Rogers Community Services Board to a 4-year term to*

expire December 31, 2027. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair 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.

1/25/2024 6:13 PM County Administrator Shawn Utt read the minutes of the Solid Waste Committee Meeting held on January 11th, 2024 and presented the following recommendation:

- *A motion was made Saltville District Supervisor Roscoe Call to recommend the purchase of Dicky's Knob Convenience Station for up to \$15,500 out of supplemental appropriation and allow County Administrator to execute all documents. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair 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.

1/25/2024 6:13 PM County Administrator Shawn Utt read the minutes of the Surplus Committee Meeting held on January 11th, 2024 and presented the following recommendation:

- *A motion was made by Saltville District Supervisor Roscoe Call to place the 0.10 acre parcel with tax map number 41B-A-7A in surplus as is and authorize the County Administrator to*

dispose of the property by any means available. Rye Valley District Supervisor Jason Parris seconded the motion, and it was unanimously approved.

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair 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.

1/25/2024 6:16 PM Saltville District Supervisor Roscoe Call read the minutes of the Water and Sewer Committee Meeting held on January 11th, 2024 and presented the following recommendation:

- *A motion was made Rye Valley District Supervisor Jason Parris to recommend directing staff to look for other grant opportunities to offset the cost of extending waterlines along Little Walker Way. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair 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.

- *A motion was made Rye Valley District Supervisor Jason Parris to recommend directing the County Attorney to pursue legal action against Kim Griffey for the two (2) unpaid flat rate sewer accounts. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair 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.

1/25/2024 6:19 PM Mr. Utt shared a draft resolution for the reimbursement for expenses related to the Teleperformance building. The Resolution is to inform citizens that once the bond is closed, the County will reimburse itself from the bond proceeds.

RESOLUTION DECLARING AN OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF BONDS

WHEREAS, The Board of Supervisors of Smyth County (the “Board”) may make capital expenditures (the “Expenditures”) in connection with the Teleperformance Building Renovation—Sheriff Office Project (the “Project”); and

WHEREAS, The Board has determined that the funds advanced to pay Expenditures are or will be available for only a temporary period and it will be necessary or advisable to reimburse those Expenditures with the proceeds of an issue of obligations (the “Bonds”).

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. It is found and declared that the Board reasonably expects to reimburse Expenditures made with respect to the Project with proceeds of the Bonds.
2. The maximum, aggregate principal amount of the Bonds expected to be issued for the Project is \$7,000,000.00.
3. To the extent required under applicable law, the Board will make a reimbursement allocation, which is a written allocation that evidences the use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the latter of (a) the date on which the Expenditure is paid or (b) the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure is paid. It is recognized that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” and expenditures for construction projects of at least five years.
4. This resolution is intended to constitute the “official intent” of the Board under Section 1.150-2 of the regulations promulgated under the Internal Revenue Code of 1986, as amended.

The undersigned Clerk of the Board of Supervisors of Smyth County, Virginia, certifies that the foregoing constitutes a true, complete and correct copy of a resolution adopted on January 25, 2024 by the Board of Supervisors at a regularly scheduled meeting of the Board of Supervisors, at which a quorum was present.

WITNESS MY HAND and the seal of the Board of Supervisors of Smyth County, Virginia, this ___ day of January 2024.

(SEAL)

Clerk of the Board of Supervisors
of Smyth County, Virginia

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to accept the Reimbursement Resolution for the Teleperformance Building expenditures. 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,
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.*

1/25/2024 6:21 PM County Attorney Report:

County Attorney Scot Farthing stated he had nothing new to report at this time.

1/25/2024 6:21 PM County Administrator Report:

Mr. Utt shared Board retreat option dates (April 18th & 19th). Mr. Utt also presented Saltville District Supervisor Roscoe Call with a pair of embroidered Smyth County overalls in appreciation of all his hard work and dedication.

1/25/2024 6:21 PM Supervisor Comment Time

Saltville District Supervisor Roscoe Call thanked the staff for all they do and wished everyone a safe trip home.

Rye Valley District Supervisor Jason Parris thanked VDOT for their attendance tonight as well

as their working relationship with the County. Mr. Parris thanked staff for their willingness to help as well as encouraging any citizens that can to attend Board meetings.

Vice Chair, Chilhowie District Supervisor Michael Sturgill shared information about the upcoming Manufacturers' Excellence program, similar to the Healthcare Excellence program that will start February 9th. Mr. Sturgill also complimented VDOT for keeping Smyth County roads clear and thanked everyone for working together.

Park District Supervisor Kristopher Ratliff spoke about the mental health crisis and not having enough impatient beds to admit citizens who may need them.

North Fork District Rick Billings shared he was impressed with VDOT and their willingness to help. Mr. Billings also commented on the Board working together and his appreciation for everyone's hearts and minds being in the right place.

Royal Oak District Supervisor Courtney Widener thanked staff for their heard work and dedication. Mr. Widener shared he believes being on the Board carries a lot of weight in making the right decisions and it can't be achieved without a desire to help.

Chair, Atkins District Supervisor Charles Atkins thanked staff for always providing the correct information that allows the Board to make informed decisions.

1/25/2024 6:39 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)(7) – Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation pertaining to the Jerico case. 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.

1/25/2024 7:08 PM *Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

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

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

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

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
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.

7:08 p.m. – Joint Public Hearing with Planning Commission and Board of Supervisors

BOARD OF SUPERVISORS PRESENT:

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

PLANNING COMMISSIONERS PRESENT:

Hazel Wagoner, Chairperson, Atkins District; Graham Davidson Jr., Vice-Chairman, Chilhowie District; Robert Campbell, North Fork

District; Lea Meadows, Park District; Tony Dean, Royal Oak District; Paul Shepherd, Rye Valley District; David Spence, Saltville District.

ABSENT: None.

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

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

1/25/2024 7:08 PM Chair, Atkins District Supervisor Charles Atkins and Hazel Wagoner, Chair of the Planning Commission, called the joint public hearing to order.

- *A motion was made by Saltville District Supervisor Roscoe Call to waive the reading of the rules for the public hearings. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
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.

1/25/2024 7:10 PM Mr. Williams read the following legal advertisement:

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

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct joint public hearings on Thursday, January 25, 2024, at 7:00 P.M. or as soon after 7:00 P.M. as each application described below may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, for the Planning Commission to consider whether to recommend the approval and adoption of the following applications, and the Board of Supervisors to consider whether to accept the Planning Commission recommendations on the following applications to the Zoning Ordinance of Smyth County, Virginia:

- 1) *An application from Charles W. Bridgers which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map at Marion, Virginia, to rezone approximately 6.2 acres from Residential to Agricultural/Rural. The Smyth County Comprehensive Plan does not identify a density range and the general usage of this portion of the property has most recently been vacant. The property is located beside 2082 Scratch Gravel in Marion, Virginia, and is identified as the eastern portion of Tax Map No. 56-A-48K.*
- 2) *An application from Debusk Farms LLC for a Special Use Permit for a Recreational Vehicle Park. The property is located between 1528 & 1366 Buckeye Hollow Road in Saltville, identified as Tax Map No. 41-A-109B and zoned Agricultural/Rural.*
- 3) *An application from James Craig Harper for a Special Use Permit for a Service Business. The property is located beside 174 South Wood Lane, Saltville Virginia, identified as Tax Map Number 41A-4-2 and zoned Agricultural/Rural.*

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

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

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

Smyth County fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Discrimination Complaint Form, contact (276) 783-3298 or at <https://www.smythcounty.org>.

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

Shawn Utt, County Administrator

Hazel Wagoner, Chairperson of the Planning Commission

1/25/2024 7:13 PM Mr. Williams presented an application for Charles W. Bridgers to rezone his property to Agricultural/Rural. Mr. Bridges and his wife own lots 8, 9 and 10 of the Muriel S. Terry Estate Subdivision located on Scratch Gravel Road in Marion. The subdivision was originally subdivided as an exception to our ordinance under 2.3(4) - two acre lots. In 2008, a former owner of Lots 9 and 10 rezoned the property to Residential. The current owner, Mr. Bridgers, has vacated the property lines and now wishes to rezone his property to Agricultural/Rural. Smyth County has identified this property as Rural Residential on the Future Land Use Map in the 2013 Comprehensive Plan. Mr. Williams stated notice of this public hearing was advertised in the Smyth County News on January 13th and 20th and he sent letters to all the adjoining property owners for which an affidavit to that effect is on file. He did not receive any comments regarding the application.

1/25/2024 7:13 PM Mr. Williams then introduced Mr. Bridgers.

1/25/2024 7:16 PM Mr. Bridgers shared the purpose of this application was to allow them to build their home on the property. Mr. Bridgers also commented on the staff for their hard work and helpfulness.

1/25/2024 7:17 PM Mr. Bridgers application received no public comments.

1/25/2024 7:17 PM Mr. Williams presented an application for Debusk Farms LLC. Debusk Farms LLC was approved for a special use permit to establish a recreational vehicle park on a tract of land they own on Buckeye Hollow Road on April 10, 2018. An expiration of six years was placed on the SUP. They are now reapplying to continue their operation. Mr. Williams stated notice of this public hearing was advertised in the Smyth County News on January 13th and 20th and he sent letters to all the adjoining property owners for which an affidavit to that effect is on file. He did not receive any comments regarding the application.

1/25/2024 7:18 PM Mr. Williams then introduced the property owner, John Debusk. He spoke on the success of the RV park and shared his wishes to continue the operation. Saltville District Supervisor Roscoe Call asked Mr. Debusk if they had any noise complaints or any complaints. Mr. Debusk clarified he has not had any, the property has been peaceful.

1/25/2024 7:23 PM Chair, Atkins District Supervisor Charles Atkins opened the floor for public comments.

1/25/2024 7:24 PM Blaine Warden, 1371 Buckeye Hollow Road, Chad Totten, of 832 Apex Lane, Tiphney Evans of 209 Timber Brook Drive, Randy Una of 1396 Buckeye Hollow Road, and Larry and Andrea Miller of 1366 Buckeye Hollow Road all shared concern of an ATV trail going onto the property.

1/25/2024 7:27 PM Mr. Debusk assured the application was not to make any changes, to only continue operation as is and no ATV trail was going onto the property.

1/25/2024 7:28 PM Andrea Gameson of 1366 Buckeye Hollow Road shared her concern for fire safety at the RV park.

1/25/2024 7:29 PM Mr. Williams presented an application for James Haper applying for a special use permit to establish a service (towing) business on a tract of land located beside 174 South Wood Lane in Saltville. The proposed plan will have a 50' x 50' fenced area for vehicle storage and 50' x 50' garage with tax map number 41A-4-2. Mr. Williams stated notice of this public hearing was advertised in the Smyth County News on January 13th and 20th and he sent letters to all the adjoining property owners for which an affidavit to that effect is on file. He then referenced codes that allow businesses with special use permits in this district. He did not receive any comments regarding the application. Mr. Williams shared that Mr. Harper was unable to attend the public hearing.

1/25/2024 7:32 PM Royal Oak District Supervisor Courtney Widener asked what caused Mr. Harper to reapply with the previous application three years ago being declined. Mr. Williams shared Mr. Harper thought his neighbors may have had a change in heart. Mr. Widener asked who maintains the private drive/roadway. Mr. Williams clarified it is the property owner's responsibility.

1/25/2024 7:35 PM Mr. Dean shared that after Mr. Harper was previously declined, he did establish a pig farm on the property.

1/25/2024 7:36 PM Saltville District Supervisor Roscoe Call asked if the stored vehicles on the property would be limited. Mr. Williams shared that could be made a stipulation, but Mr. Harper stated that no more than six vehicles would be stored on the property at the same time.

1/25/2024 7:40 PM Jim Carter of 130 Valley Road shared that he is unhappy with the pig farm and the smell, as well as the trash on the property. He also voiced concern Mr. Harper may store more vehicles on the property than the Special Use permit would allow.

1/25/2024 7:45 PM Nanine Woodward of 174 South Wood Lane commented she was hoping to hear from Mr. Harper at the meeting. Mrs. Woodward is concerned Mr. Harper may not abide by the stipulations of the SUP. Mrs. Woodward provided pictures of the property. She also shared concerns about the animals on the property not being properly cared for. Although she would prefer the wrecker business, she is concerned the property may turn into a junk yard. Mrs. Woodward asked if Mr. Harper would allow both the farm animals as well as the wrecker business on the property. Mr. Williams clarified the land is currently zoned Agricultural/Rural which allows farm animals by right, the Special Use Permit would allow for the business, so Mr. Harper would be able to have both. Mrs. Woodward asked if it could be stipulated that Mr. Harper would be unable to keep the farm animals or limit the number of vehicles. Mr. Williams shared that it was his opinion that it would contradict the Zoning ordinance to prohibit Mr. Harper from having farm animals on property that is zoned Agricultural/Rural. Currently, farm vehicles are exempt from the automobile graveyard definition. However, he noted that should the special use permit be approved, a condition can be placed on the approval limiting the number of vehicles.

1/25/2024 7:51 PM Bill Woodward of 174 South Wood Lane asked if Mr. Harper says he won't put animals on the property could that be upheld? Mr. Williams clarified, it could not.

1/25/2024 7:52 PM Mike Morgan of 175 South Wood Lane shared he is unsure how the drive will meet VDOT standards and requirements of waste disposal and public water to the business. He also shared concern about how this business may negatively impact neighbors if Mr. Harper does not maintain the property. Mr. Morgan stated both sides of South Wood Drive have a main power line that feeds Chilhowie which limits Mr. Harpers' ability to utilize the entire easement width if VDOT requires an improvement to the entrance.

1/25/2024 7:58 PM Dotty Carter of 130 Valley Rd. shared she has lived at her residence for 45 years and does not want anything to negatively affect the value of her property. Mrs. Carter shared her concern about the animals currently on the property not being taken care of. If Mr. Harper builds a privacy fence, Mrs. Carter would like for it to be all the same material and color and built to fully enclose the lot.

1/25/2024 8:12 PM Mr. Campbell commented that due to more vehicles being electric that causes concern if a fire were to happen.

1/25/2024 8:16 PM Mr. Davidson asked if the Special Use Permit could have a stipulation that the animals be removed. Mr. Williams referred to his earlier comments.

1/25/2024 8:19 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins Closed the public hearings and adjourned the Board of Supervisors portion of the meeting.

The Smyth County Board of Supervisors held its regular meeting on Thursday, February 8, 2024 at 5:00 p.m. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

PRESENT: Atkins District Supervisor Charles Atkins; Rye Valley District Supervisor 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 News & Messenger; Smyth County Sheriff’s Deputy and citizens

2/8/2024 5:01 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

2/8/2024 5:02 PM Kenneth Pennington led the Pledge of Allegiance and Pastor Alan Gray gave the invocation.

2/8/2024 5:04 PM *A motion was made by Royal Oak District Supervisor Courtney Widener to approve the minutes from the January 25, 2024, meeting as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
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.

2/8/2025 5:09 PM Assistant County Administrator, Lisa Richardson reviewed the following County financial information:

SMYTH COUNTY BOARD OF SUPERVISORS

THURSDAY, FEBRUARY 8, 2024

ACCOUNTS PAYABLE LISTING

January 2024

Request approval of the following payables:

General County - Regular Checks	\$2,392,490.52
Fund 4 EDA - Regular Checks	\$9,473.17
Fund 302 Public Safety Radio	\$0.00
Fund 505 Transfer Station-Regular Checks	\$24,025.00
Accounts Payable Listing - December 2023	\$2,425,988.69
Fund Accounts - Manual Checks	

Fund 501 Water Deposit Refunds	\$0.00
Fund 747 Sheriff State Asset Forfeiture	\$350.49
Fund 748 Sheriff Purchase of Equipment	\$2,741.54
Fund 749 Recovery Court	\$3,411.48
Fund 760 Commonwealth Attorney Federal Drug Asset	\$0.00
Fund 770 Circuit Court Clerk - Holding Account	\$237.33
Total Fund Accounts	\$6,740.84
TOTAL ACCOUNTS PAYABLE - January 2024	\$2,432,729.53

2/8/2024 5:09 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing 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,
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.

2/8/2024 5:09 PM Chair, Atkins District Supervisor Charles Atkins opened citizen’s time.

2/8/2024 5:09 PM Chair, Atkins District Supervisor Charles Atkins entered the following letters into the record:

1549 Laurel Valley Road
Troutdale, VA 24378 (Smyth County)
February 8, 2024

Smyth County Board of Supervisors
Marion VA 24354
Washington County Board of Supervisors
Abingdon, VA 24210

To Whom It May Concern:

We want to voice our concerns about you even considering closing the Konnarock Waste Station.
This is very important to our community. The community needs this station. We feel that Smyth and Washington County need to continue working together for the benefit of all concerned in this matter. Konnarock should be just as important as any other community.
We implore you to keep the Konnarock Waste Station open.
Thank you for your consideration in this very important matter.

Sincerely,

Regina Roop
276-623-7152 

June Roop
276-388-3962 

Re: Laurel Valley Rd - 24378

Smyth County Board of Supervisors Feb 3, 2024
and County Administrator
121 Bagley Circle, 24354

To whom this concerns:

The project being promoted by the power company, that will result in the loss of our trash dumpsters, is short-sighted. It took us years to clean up these roads. Taking our trash to Sugar Grove is simply not realistic. Neither is Washington County's Love's Mill. It's just not practical or fair.

Pushing this project as a solution to the poor service that we consistently receive from our landline telephones and internet is a bully tactic. We pay enough already to stay connected. The loss of our trash dumpsters is not necessary, and will cause undue hardship in this community. Please prevent this project from being set up on our trash site. There must be other options.

Most Sincerely,
D. Partridge 24378



Deborah Partridge
824 Days Bottom Ln
Troutdale, VA 24378

2/8/2024 5:13 PM Tom Hosteler of 226 Swamp Road, Troutdale, Brenda Shepherd, and Patty Blevins all spoke with concern regarding Washington County closing the convenience station in Konnarock as well as cell phone service in the area.

2/8/2024 5:18 PM Roby Parks Jr. of 187 Churchland Drive, Atkins VA asked for updates regarding the nuisance complaint across the street with continued concern for the health and safety of himself and his neighbors. Mr. Farthing updated that he is working though extended family for property ownership to serve the correct people with the violation.

2/8/2024 5:30 PM Commissioner of Revenue Bradley Powers updated the Board on his first month in office and offered to answer any questions at any time.

2/8/2024 5:30 PM Anna Lee Debord of 343 College St. Marion, VA. Mrs. Debord is a volunteer member for the Smyth County Museum. Mrs. Debord updated the Board about the

civil war uniform and upcoming schedule with the museum. Mrs. Debord thanked the Board for their continued support.

2/8/2024 5:42 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen’s time.

2/8/2024 5:42 PM Mr. Utt read the minutes from the January 31st Budget Committee meeting and presented the following recommendations:

Item #1:

- Royal Oak District Supervisor Courtney Widener made a motion to recommend approving budget amendment #6 in the amount of \$81,072 for FY23/24 as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion and it was unanimously approved.*

RESOLUTION
SMYTH COUNTY BUDGET FISCAL YEAR 2023/24 – AMENDMENT #6

WHEREAS, the Smyth County Board of Supervisors, on June 8th, 2023 adopted the Fiscal Year 2023/24 Budget in the original amount of \$132,444,641; and

WHEREAS, in the meeting of August 24th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #1) for Fiscal Year 2023/24 in the amount of \$135,536,020; and

WHEREAS, in the meeting of September 14th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #2) for Fiscal Year 2023/24 in the amount of \$135,436,104; and

WHEREAS, in the meeting of November 9^h, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #3) for Fiscal Year 2023/24 in the amount of \$135,839,906; and

WHEREAS, in the meeting of December 14^h, 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, the aggregate amount of budget amendment #6 is \$81,072 which would increase the Fiscal Year 2023/24 budget to a total of \$140,059,644 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 \$140,059,644.

BE IT FURTHER RESOLVED, the approval of this budget amendment #6 shall indeed constitute an appropriation of the same funds.

Adopted this the 8th day of February 2024

ATTEST:

SMYTH COUNTY
BOARD OF SUPERVISORS

Shawn M. Utt, Clerk

Charles Atkins, Chair

Exhibit A

FY2023/24

Budget Amendment #6 (02-08-2024)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	Interest on Investments	001-013010-0002	Interest on Investments	\$ (844,000)	\$ 6,632	\$ (837,368)	Balance budget between Fund 001 and Fund 301
Fund 001	State Grant Money	001-021100-0038	ARRA Law Enforcement Equipment Grant	\$ (481,000)	\$ (60,000)	\$ (541,000)	Add'l grant funding for SCSD Capital needs
Fund 001	Permits & Other Licenses	001-013030-0004	Land Use Application Fees	\$ (300)	\$ (21,072)	\$ (21,372)	Use this to cover costs below (\$30k last reassessment)
Fund 301	Payments from Customers	301-013001-0002	Sewer Payments	\$ (264,000)	\$ (6,632)	\$ (270,632)	Balance budget between Fund 001 and Fund 301
Total Revenues With Amendment				\$ (139,978,572)	\$ (81,072)	\$ (140,059,644)	

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget Amount	Notes
Fund 001	Commissioner of Revenue	001-013090-3301	Postal Services	\$ 4,300	\$ 2,300	\$ 7,000	Increased mailing costs
Fund 001	Commissioner of Revenue	001-013090-3401	Office Supplies	\$ 2,300	\$ 10,372	\$ 13,072	Office furniture and misc supplies
Fund 001	Commissioner of Revenue	001-013090-3803	Professional Serv. (NADA)	\$ 4,000	\$ 8,000	\$ 12,000	New requirements for NADA evaluations
Fund 001	Capital Improvements	001-070000-3888-78	Sheriff-Vehicle Replacements	\$ 440,000	\$ 60,000	\$ 500,000	Add'l grant funding for SCSD Capital needs
Total Expenditures With Amendment				\$ 139,978,572	\$ 81,072	\$ 140,059,644	

Revenues	\$ (139,978,572)	\$ (81,072)	\$ (140,059,644)
Expenditures	\$ 139,978,572	\$ 81,072	\$ 140,059,644
Difference	\$ -	\$ -	\$ -

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.*

Item #2:

Mr. Utt also discussed a VRS option the County can provide to Law Enforcement Officers (aka, LEOs) as an enhanced multiplier for hazardous duty benefit. The benefit would increase the multiplier from 1.7% to 1.85% and cost is based on all county employee salaries. Due to Mr. Widener’s employment with the Smyth County Sheriff’s Office, he requested the item go to the full Board without a formal recommendation from the Budget Committee.

- Chilhowie District Supervisor Michael Sturgill made a motion to approve the VRS enhanced hazardous duty retirement benefit multiplier option of 1.85% for all Smyth County Law Enforcement Officers effective July 2024. 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,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings, and
Park District Supervisor Kristopher Ratliff.*
- NAYS: None.*
- ABSTAINERS: Royal Oak District Supervisor Courtney Widener.*
- ABSENT: None.*

2/8/2024 5:49 PM Royal Oak District Supervisor Courtney Widener read the minutes from the January 31st Public Safety Committee meeting. Informational only, no action taken at this time.

2/8/2024 5:51 PM Mr. Williams presented the following recommendations from the Planning Commission from their meeting held on January 25, 2024:

Charles Bridgers rezone request:

- After discussion, Mr. Spence made a motion to recommend the Board of Supervisors approve Mr. Charles Bridgers request for a map amendment to rezone his property from Residential to Agriculture/Rural. The property is identified a s tax map number 65-A-48K and is located across from 2121/beside 2085 Scratch Gravel Road, Marion. The motion was seconded by Ms. Meadows and unanimously approved by the Planning Commission.*

After review and consideration, the following motion was made:

- *Royal Oak District Supervisor Courtney Widener made a motion to follow the Planning Commission’s recommendation and approve the request of Mr. Charles Bridgers for a map amendment to rezone his property from Residential to Agriculture/Rural. The property is identified a s tax map number 65-A-48K and is located across from 2121/beside 2085 Scratch Gravel Road, Marion. 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.

DeBusk Farms LLC special use permit for recreational vehicle park:

- *Mr. Spence made a motion to recommend the Board of Supervisors approve DeBusk Farms LLC’s special use permit for a Recreational Vehicle Park on property identified as tax map number 41-A109B, located between 1528 and 1366 Buckeye Hollow Road, Saltville, with the condition it expires in six years. The motion was seconded by Mr. Campbell and unanimously passed.*

After review and consideration, the following motion was made:

- *A motion was made by Royal Oak District Supervisor Courtney Widener to follow the Planning Commission’s recommendation and approve DeBusk Farms LLC’s special use permit for a Recreational Vehicle Park on property identified as tax map number 41-A-109B, located between 1528 and 1366 Buckeye Hollow Road, Saltville, with the condition it expires in six years. 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.

James Harper special use permit for service business:

- *Mr. Spence made a motion to recommend the Board of Supervisors decline the special use permit requested by Mr. James Craig Harper for a service business on property identified as tax map number 41A-4-2, located beside 74 South Wood Lane, Saltville. The motion was seconded by Mr. Campbell and unanimously passed.*

- After further discussion, Mr. Davidson Jr. made a motion to recommend the Board of Supervisors schedule a public hearing to consider a map amendment to rezone Mr. Harper’s property from Agricultural/Rural to Commercial. The motion was seconded by Mr. Spence, and the following vote was recorded.

2/8/2024 5:54 PM Mr. Williams introduced Mr. Haper who was unable to attend the Public Hearing to hear comments on his request. Mr. Harper shared his frustrations with neighbors not in agreeance with any business he attempts to put in. Mr. Harper stated he did approach all the surrounding neighbors prior to purchasing the property to make sure they would be okay with the service business he planned to locate on the property. Mr. Utt then read the following letter from the neighbors who were not in attendance into the record:

Board of Supervisors
Bagley Circle
Marion, VA 24354

Members of the Board of Supervisors:

This letter is in regards to Mr. James Craig Harper’s request for a Special Use Permit for a Service Business. As adjoining landowners, we are seeking your help in maintaining the land’s current zoning as Agricultural/Rural. Under the current zoning, the property maintains its natural esthetics. Mr. Harper has a plan with little sustenance. There is simply a 50’ building with a 50’x50’ storage lot. We have great concerns that no stipulations will be set in place to protect us or the extended community and fear that our beautiful community will take on the appearance of other such business properties that Mr. Harper owns and operates. We rest assured that the Board of Supervisors will handle this in an appropriate manner.

<u>Bill Woodward</u> Printed Name	<u>[Signature]</u> Signature
<u>Nanine Woodward</u> Printed Name	<u>[Signature]</u> Signature
<u>James Carter</u> Printed Name	<u>[Signature]</u> Signature
<u>Dottie Carter</u> Printed Name	<u>[Signature]</u> Signature
<u>Michael D Morgan</u> Printed Name	<u>[Signature]</u> Signature
<u>Teresa T. Morgan</u> Printed Name	<u>[Signature]</u> Signature
<u>John Dinsmore</u> Printed Name	<u>[Signature]</u> Signature
<u>Tammy Dinsmore</u> Printed Name	<u>[Signature]</u> Signature

- Chilhowie District Supervisor Michael Sturgill made a motion to table the current request for Special Use Permit and to schedule a joint public hearing for consideration of rezoning Mr. Craig Harper’s properties located beside 74 South Wood Lane, Saltville from Agricultural/Rural to Commercial and table the special use permit request made by Mr. Harper. 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.

2/8/2024 6:15 PM Mr. Utt presented an updated resolution for Project Pathfinder in partnership with the Legal Aid Society of Southwest Virginia. Mr. Utt shared the Board had approved a similar resolution for this project in January but Mr. Carico has been directed by the Virginia Opioid Abatement Authority to reapply for a regional effort for Project Pathfinder and needs a revised resolution to reflect that.

***RESOLUTION OF SUPPORT FOR VIRGINIA OPIOID ABATEMENT AUTHORITY
COOPERATIVE PARTNERSHIP GRANT FUNDING***

WHEREAS, the Smyth County Board of Supervisors seeks to mitigate and abate the impacts of the opioid epidemic throughout Smyth County; and

WHEREAS, the mission of the Virginia Opioid Abatement Authority (OAA) is to abate and remediate the opioid epidemic in the Commonwealth through financial support in the form of grants, donations, or other assistance; and

WHEREAS, the OAA operates a financial assistance program to support certain cooperative partnerships of cities and/or counties in Virginia that implement regional efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids; and

WHEREAS, Smyth County joins other Southwest Virginia counties who have committed to work together to develop and jointly submit an application for regional cooperative partnership funding from the OAA for **Project Pathfinder** operated by the nonprofit organization **Southwest Virginia Legal Aid**; and

WHEREAS, all Southwest Virginia partnership counties are located within the same region, Region 3, of the Department of Behavioral Health and Developmental Services; and

WHEREAS, Smyth County agrees they will execute a legally binding operational agreement formalizing the cooperating partnership if the application for financial assistance is approved; and

WHEREAS, Smyth County has agreed to serve as the fiscal agent for the cooperative partnership if it is awarded; and

WHEREAS, Smyth County supports the request for grant funding from the OAA for Fiscal Year 2025, with plans by the partnership to apply for renewal funds for fiscal years 2026-2029; and

WHEREAS, in support of this cooperative partnership, Smyth County has agreed to allocate **\$10,000.00** of its Direct Distribution OAA funds for Fiscal Year 2025 and has agreed to review the allocation amount annually in support thereof.

NOW, THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors hereby authorizes Shawn Utt, Smyth County Administrator to execute the grant application to the Virginia Opioid Abatement Authority, to accept the grant award, and to execute all documents in connection therewith.

ADOPTED this 8 day of February, 2024.

ATTEST:

SMYTH COUNTY
BOARD OF SUPERVISORS

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

- Chilhowie District Supervisor Michael Sturgill made a motion to approve the Resolution of Support for Project Pathfinder and Providing Signatory Authority for the proposal for grant funding from the Virginia Opioid Abatement Authority. 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,
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.

2/8/2024 6:19 PM County Attorney Report -

County Attorney, Scot Farthing shared he has prepared the deed for the Saltville Rescue Squad property and is requesting the formal acceptance from the Board.

- Royal Oak District Supervisor Courtney Widener made a motion to accept ownership of 126 Battle Ground Avenue, Saltville, VA 24370 identified as tax map number 28A4-A-10. 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 Kristoper Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

2/8/2024 6:22 PM County Administrator Report -

Mr. Utt updated the Board on VDOT projects that were previously requested as well as a reassessment update.

2/8/2024 6:28 PM Supervisor Comment Time -

Park District Supervisor Kristopher Ratliff thanked everyone for their hard work.

North Fork District Supervisor Rick Billings shared his appreciation for the staff.

Atkins District Supervisor Charles Atkins shared his condolences for Jesse Choate's family. Mr. Atkins also thanked staff for organizing the recent VACO trip and appreciated the chance to go speak on behalf of Smyth County.

Rye Valley District Supervisor Jason Parris also shared his condolences for Mr. Choate's family. Mr. Parris also thanked staff for organizing VACO and said he believes it was a successful trip. He then thanked Mrs. Deel for her impact she had on the community being Rye Valley's representative the past four years.

Chilhowie District Supervisor Michael Sturgill shared information about the Teachers for Tomorrow program as well as the State Superintendent for VA making a trip to Smyth County next week with hopes of rolling out a similar program throughout the state. Mr. Sturgill shared his condolences for Mr. Choate's family. Mr. Sturgill shared his appreciation of the impact Mr. Choate had on his community as a public servant with a true heart for students.

Royal Oak District Supervisor Courtney Widener shared his appreciation for the well-organized VACO trip. Mr. Widener also shared his condolences for Mr. Choate's family and his appreciation for the special place Mr. Choate will always hold in the community and hopes to carry on in a direction he would appreciate. He thanked the Board for their willingness to work together and always put citizens first.

Saltville District Supervisor Roscoe Call thanked staff and shared his condolences for Mr. Choate's family. Mr. Call wished everyone a safe trip home.

2/8/2024 6:45 PM With no further business to discuss, the meeting was adjourned.



The Smyth County Board of Supervisors held its regular meeting on Thursday, February 22nd, 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: Chair, Atkins District Supervisor Charles Atkins; Park District Supervisor Kristopher Ratliff; Rye Valley District Supervisor Jason Parris; Royal Oak District Supervisor Courtney Widener; Vice Chair Chilhowie District Supervisor Michael Sturgill; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Rick Billings.

ABSENT: None.

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

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

2/22/2024 5:01 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order.

2/22/2024 5:01 PM Building Inspector Kenneth Pennington then led the pledge of allegiance.

2/22/2024 5:01 PM Utilities Department Billing Manager Jessica Davidson, led the invocation.

2/22/2024 5:02 PM Commonwealth Attorney Phillip Blevins recognized Deputy Gale Greer with a challenge coin he has given to officers that go "Above the blue line". Although Mr. Blevins could not discuss the matter due to ongoing investigations, he believes Deputy Greer is very deserving of this award.

2/22/2024 5:05 PM Executive Director of Mount Rogers Regional Partnership, Nichole Hair gave a year in review summary of the partnership with Smyth County.

2/22/2024 5:15 PM Chad Wyatt of Pearson's Appraisal gave a brief update of the property reassessment process within the County. Mr. Wyatt shared that all fieldwork has been completed and notices with new property assessments were sent out on February 15th. He also shared the current deadline for administrative appeal is set on March 4th but could be extended for as long as needed to allow for appointments to be made and for all appeals to be

heard. Mr. Wyatt shared the goal is to get each property assessment to 100% of fair market value. Mr. Wyatt did assure the citizens the assessors do live within Smyth County and are familiar with the area.

2/22/2024 5:28 PM Mr. Utt gave a summary of the proposed amendments to the County's *Dangerous Dog Ordinance* which will update the County code to mirror the Code of Virginia as it relates to fees and administrative charges and provided the following public hearing notice:

Notice of Public Hearing

In compliance with the Code of Virginia of 1950, and amendments thereto, the Smyth County Board of Supervisors will conduct a public hearing to consider amending Chapter 8, Article V Section 8-132, entitled "Renewal of dangerous dog registration" of the Smyth County Code of Ordinances to mirror VA State Code Article 6 Section 3.2-6542.1. The Board of Supervisors shall hear comments from citizens concerning the amendments to this section of the Smyth County Code of Ordinances.

The public hearing shall be held on Thursday, February 22nd, 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 proposed amendments of Article V.

All interested persons may express their views by emailing alouthian@smythcounty.org prior to the scheduled public hearing. Written comments may also be mailed or delivered to County Administrator, 121 Bagley Circle, Suite 100, Marion VA 24354, or by fax to (276) 783-9314. All emails, written comments and faxes must be received by 2:00pm on Thursday, February 22nd, 2024.

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

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

Smyth County fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Discrimination Complaint Form, contact (276) 783-3298 or at <https://www.smythcounty.org>.

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

2/22/2024 5:28 PM Chair Atkins District Supervisor Charles Atkins opened the Public Hearing.

2/22/2024 5:28 PM Chair Atkins District Supervisor Charles Atkins entertained a motion to waive the reading of the rules for the public hearing.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to waive the reading of the rules for the public hearing. 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,
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.

2/22/2024 5:29 PM With no citizens wishing to speak Chair Atkins District Supervisor Charles Atkins closed the public hearing.

2/22/2024 5:29 PM Minutes from the February 8th, 2024 meeting.

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the meeting minutes of the February 8th, 2024 meeting. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
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.

2/22/2024 5:30 PM Chair, Atkins District Supervisor Charles Atkins opened Citizens Time.

2/22/2024 5:31 PM

Mr. Utt began by reading the rules of citizens time and sharing he knew most of the citizens in attendance were at the Board meeting due to the reassessment notices and shared the following statement:

As many folks now know, Smyth County has been working through the reassessment process. The state code requires the County to do this reassessment at least once every 6 years (Smyth County has chosen to continue with a 4-year interval). Normally, using the shorter timeframe concept helps to avoid drastic changes in property values and minimizes the tax increase burden. The previous assessment was conducted prior to the Covid pandemic and as I am sure you are aware, things in the country have greatly changed since then. Home values have increased much higher than expected, not just locally, but regionally and nationally with many new home buyers choosing to pay well above appraised value for homes. In doing so, this causes the market value of neighboring properties to increase which resulted in the much higher assessments this year. The Board of Supervisors had anticipated an increase and partnered with our local news outlets to help to get the word out early in the process. We have also begun discussions on how the current rate of \$0.74/\$100 can be adjusted to lower the overall effect on the taxpayers. Please know that as with any reassessment process, some will undoubtedly pay more this year than in previous years while some will pay less and even others will likely pay nearly the same in taxes. Also, we ask that you keep in mind that while we have all personally experienced the effects of inflation on everything we purchase in our daily lives, please know the County has experienced those increases in the overall operations of the County as well. The Board will work to balance that overall need of minimizing the effect on property owners while also ensuring the financial needs of operating the County are met.

Sheriff Chip Shuler of 1815 Rye Valley Lane, Sugar Grove shared his appreciation to the Board for the recently approved increase to the VRS multiplier for the Smyth County Officers and presented each Board member with a letter of gratitude on behalf of the department.

Joseph Guthrey of 142 Rabbit Hill Lane– Bill Stamper of 659 Spruce, Roger Boman of 844 Edmond Drive, Timothy McClusky of 1067 St. Clairs Creek, Ralph Price of 721 Dogwood Lane, Christina Haynes of 1341 Matson Drive, Tonya Bower of 216 Church Ave., Patricia Wyatt of 728 Lincoln Ave., Ann Still of 720 Lincoln Ave., and Steve Rue of 516 Pearl Ave. all spoke about concerns with the property tax reassessment.

2/22/2024 6:19 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizens' time and called for a brief recess.

2/22/2024 6:29 PM Chair, Atkins District Supervisor Charles Atkins called the Board of Supervisors meeting back to order.

2/22/2024 6:29 PM Mr. Utt read the minutes from the February 15th, 2024 Appointment Committee meeting and presented the following committee recommendation:

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend appointing Doug Armstrong, Vickie Stamper, Lou Don, Norman Sparks, and Tom Copenhaver to the Board of Equalization to a term to expire one year after the effective date of the assessment of 2024. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

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

After discussion the following motion was made:

- *Rye Valley District Supervisor Jason Parris made a motion to appoint Joe Robinson to the Board of Equalization to expire one year after the effective date of the assessment of 2024. 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,
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.

2/22/2024 6:32 PM Park District Supervisor Kristopher Ratliff read the minutes from the February 15th, 2024 Parks and Recreation Committee meeting. The meeting was informational only, no action taken.

2/22/2024 6:35 PM North Fork District Supervisor Rick Billings read the minutes from the February 15th, 2024 Transportation Committee meeting and presented the following committee recommendation:

- *A motion was made by Rye Valley District Supervisor Jason Parris to schedule a public hearing for April 11th at 5pm or shortly thereafter to hear comments on the proposed continuation of the 6 Year Plan with no additional roadways to be added at this time. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

2/22/2024 6:38 PM County Attorney Report:

County Attorney Scot Farthing stated he had nothing new to report at this time.

2/22/2024 6:38 PM County Administrator Report:

Mt. Utt shared he had nothing new to report at this time.

2/22/2024 6:38 PM Supervisor Comment Time

Royal Oak District Supervisor Courtney Widener shared we are all in the reassessment process together and is thankful to see citizens coming to share their concerns. Mr. Widener also thanked staff.

Saltville District Supervisor Roscoe Call thanked the staff for all they do and also shared that everyone is in this together.

Park District Supervisor Kristopher Ratliff shared he knows the burden of taxes but the County is required to provide a reassessment, but we are all in the same boat.

North Fork District Rick Billings shared he was glad to see so many citizens come to the meeting. He encouraged citizens to stay informed and ask questions.

Vice Chair, Chilhowie District Supervisor Michael Sturgill shared information about the upcoming Manufacturers' Excellence trip planned. Mr. Sturgill also congratulated Dennis Carter on being named the Region 7 Superintendent of the Year. He also thanked everyone for working together towards common goals.

Rye Valley District Supervisor Jason Parris encouraged citizens to do their homework and not just read what they see on the internet. He asked that they stay informed and continue to come to meetings.

Chair, Atkins District Supervisor Charles Atkins thanked staff and shared his appreciation for citizens being kind and orderly and assured everyone the Board would do all they could to ease the burden on taxpayers.

2/22/2024 6:53 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)(7) – Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation pertaining to the Jerico case. 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.*

2/22/2024 6:57 PM *Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

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

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

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

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
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.

2/22/2024 6:57 PM *With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins recessed until the joint meeting with the Planning Commission at 7pm.*

The Smyth County Board of Supervisors held its regular meeting on Thursday, March 14, 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 News & Messenger; Smyth County Sheriff’s Deputy and citizens

3/14/2024 5:02 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

3/14/2024 5:02 PM Becca Creasy, Zoning Administrator led the Pledge of Allegiance and Pastor Justin Hall gave the invocation.

3/14/2024 5:03 PM *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the amendments to the agenda to include 3)c Tracy Thompson to give update on Lincoln Theatre, 3)d Kendra Hayden- Hotel Market Feasibility Study, and remove item 12) Closed session. 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 Kristoper Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

3/14/2024 5:03 PM Glade Spring Town Council member Dirk Moore spoke to the Board about a possible partnership for a wellness and development center geared towards citizens in Substance Use Disorder recovery. The grant being applied for does require a joint effort from at least two localities and is requesting support from Washington County as well as Smyth County. Mr. Moore explained that Washington County would be the fiscal agent and it is not a requirement for Smyth County to allocate funds towards the project but Smyth was being asked to provide a show of support. Mr. Moore also mentioned that the plans are for this

center to not take away anything from the existing Wellness Center in Saltville, but to work together.

- *Saltville District Supervisor Roscoe Call made a motion to approve a letter of support and partnership with the Town of Glade Spring and Washington County, VA for a Wellness Recovery and Development center located in the Town of Glade Spring, VA. 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.

3/14/2024 5:10 PM Tracy Thompson, Executive Director of the Lincoln Theatre gave an update on the current successes of the Theatre. Ms. Thompson thanked the Board for their continued support. Ms. Thompson then announced Bob Watkins will be stepping into her existing role as Executive Director following her pending retirement and believes he will do very well. The Board thanked Ms. Thompson for her hard work and dedication.

3/14/2024 5:14 PM Mrs. Hayden presented a proposal for a Hotel Market Feasibility Study from RevPAR with options for multiple sites to be included. Mrs. Hayden noted this will be a joint effort with Smyth County Tourism, the Towns of Marion and Chilhowie, and a request will be submitted to each. A Memorandum of Understanding has been drafted that details the joint efforts and financial contribution of each participant and will be signed upon approval.

- *A motion was made by Saltville District supervisor Roscoe Call to approve the RevPAR proposal and a financial contribution of up to \$8,900. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS:None.

ABSTAINERS:None.

ABSENT:None.

3/14/2024 5:17 PM Vice Chair, Chilhowie District Supervisor Michael Sturgill read the following resolution for the Board’s consideration:



SMYTH COUNTY

BOARD OF SUPERVISORS

**RESOLUTION OF APPRECIATION TO DR. DENNIS CARTER,
SUPERINTENDENT OF SMYTH COUNTY SCHOOLS FOR BEING NAMED
REGION 7 SUPERINTENDENT OF THE YEAR**

WHEREAS, Dr. Dennis Carter has served the Smyth County School System for 29 years with the past seven (7) as our School Superintendent; and

WHEREAS, Dr. Carter has been recognized for his exceptional leadership, dedication and contributions to education as Region 7's Superintendent of the Year; and

WHEREAS, Dr. Carter has consistently demonstrated a commitment to excellence in educational practices, fostering a positive learning environment for students, and supporting the professional development of educators, both current and future; and

WHEREAS, Dr. Carter has exhibited outstanding leadership skills, vision and innovation in addressing the challenges faced by educators throughout the Region 7 area; and

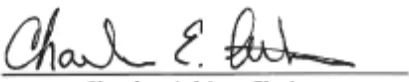
WHEREAS, Dr. Carter has earned the respect, admiration and gratitude of his peers and many other stakeholders for his tireless efforts and unwavering commitment to the success and well-being of students and educators alike; and

WHEREAS, Dr. Carter's creativity and ingenuity have been on prime display most recently through the development and expansion of the *Smyth Promise Program* into the *Teachers for Tomorrow* partnership between the local community colleges, Emory & Henry College and the Smyth County Community Foundation by building our future workforce now.

NOW THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors hereby congratulate Dr. Carter on being named Region 7 Superintendent of the Year and express our deepest appreciation for his exemplary leadership, dedication and service to the field of education.

ADOPTED this 14th day of March, 2024.

ATTEST: 
Shawn M. Utt, Clerk of the Board

SMYTH COUNTY
BOARD OF SUPERVISORS

Charles Atkins, Chair

- *Chilhowie District Supervisor Michael Sturgill made a motion to adopt the resolution of Appreciation to Dr. Dennis Carter. 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,
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.

3/14/2024 5:17 PM Mr. Utt read the following resolution for the Board’s consideration:



**SMYTH COUNTY
BOARD OF SUPERVISORS**

**RESOLUTION OF SUPPORT FOR VIRGINIA OPIOID ABATEMENT
AUTHORITY COOPERATIVE PARTNERSHIP GRANT FUNDING**

WHEREAS, the Smyth County Board of Supervisors seeks to mitigate and abate the impacts of the opioid epidemic throughout Smyth County; and

WHEREAS, the mission of the Virginia Opioid Abatement Authority (OAA) is to abate and remediate the opioid epidemic in the Commonwealth through financial support in the form of grants, donations, or other assistance; and

WHEREAS, the OAA operates a financial assistance program to support certain cooperative partnerships of cities and/or counties in Virginia that implement regional efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids; and

WHEREAS, Smyth County joins other Southwest Virginia cities/counties who have committed to work together to develop and jointly submit an application for regional cooperative partnership funding from the OAA for the nonprofit organization, *the Appalachian Center for Hope, Inc.*, which will provide treatment for substance use disorder; and

WHEREAS, all Southwest Virginia partnership cities/counties are located within the same region, Region 3, of the Department of Behavioral Health and Developmental Services; and

WHEREAS, Smyth County agrees they will execute a legally binding operational agreement formalizing the cooperating partnership if the application for financial assistance is approved; and

WHEREAS, Smyth County has agreed to serve as the fiscal agent for the cooperative partnership if it is awarded; and

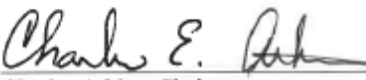
WHEREAS, Smyth County supports the request for grant funding from the OAA for Fiscal Year 2025, with plans by the partnership to apply for renewal funds for fiscal years 2026-2029; and

NOW, THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors hereby authorizes Shawn Utt, Smyth County Administrator to execute the grant application to the Virginia Opioid Abatement Authority, to accept the grant award, and to execute all documents in connection therewith.

ADOPTED this 14 day of March, 2024.

ATTEST:

Shawn M. Utt, Clerk

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Charles Atkins, Chair

- *Chilhowie District Supervisor Michael Sturgill made a motion to adopt the resolution of Support for Virginia Opioid Abatement Authority Cooperative Partnership Grant Funding. 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 Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

3/14/2024 5:28 PM Executive Director of Smyth County Libraries Rose Likins shared upcoming events and continued successes in the library. Chilhowie District Supervisor Michael Sturgill thanked Ms. Likins for her continued dedication.

3/14/2024 5:34 PM Bond Public Hearing:
Mr. Utt read the following notice that was advertised in the local newspaper on February 29th and March 7th -

**NOTICE OF PUBLIC HEARING
OF PROPOSED ISSUANCE OF BONDS
BY SMYTH COUNTY, VIRGINIA**

The Board of Supervisors of Smyth County, Virginia (the “Board of Supervisors”) will hold a public hearing on the proposed issuance of bonds by Smyth County (the “County”) at one time or from time to time. The estimated maximum amount of such bonds is \$13,450,000. The proposed uses of the bond proceeds are to pay costs of acquiring, improving, and equipping land and buildings for use by various County offices and departments, to pay costs of capital improvements to the County’s solid waste transfer station, and to pay costs of issuing the bonds. The public hearing which may be continued or adjourned, and at which persons may appear and present their views on the proposed issuance, will be held at 5:00 p.m., or shortly thereafter as may be heard, on March 14, 2024, before the Board of Supervisors in the Board of Supervisors Meeting Room at 121 Bagley Circle, Suite 100, Marion, Virginia.

All interested persons may express their views by emailing alouthian@smythcounty.org prior to the scheduled public hearing. Written comments may also be mailed or delivered to Shawn M. Utt, County Administrator, 121 Bagley Circle, Suite 100, Marion, VA 24354, or by fax to (276) 783-9314. All emails, written comments and faxes must be received by 2:00 p.m. on Thursday, March 14, 2024.

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

Smyth County fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Discrimination Complaint Form, contact (276) 783-3298 or at <https://www.smythcounty.org>.

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

- *Saltville District Supervisor Roscoe Call made a motion to waive the reading of the rules for the public hearing. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

- AYES:

Chair, Atkins District Supervisor Charles Atkins,
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.

3/14/2024 5:34 PM Ben Wilson with Davenport & Company gave a presentation to include options for bond financing. He noted it was Davenport’s recommendation to move forward with the Virginia Resources Authority proposal.

- *Saltville district Supervisor Roscoe Call made a motion to waive the rules of the public hearing and vote. 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.

- *Saltville District Supervisor Roscoe Call made a motion to adopt the Resolution Authorizing the Issuance of General Obligation Bonds of Smyth County in a Principal Amount to not Exceed \$13,450,000. 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.

3/14/2024 5:48 PM Minutes of the February 22nd Board of Supervisors meeting:

- A motion was made by Royal Oak District Supervisor Courtney Widener to approve the minutes from the February 22, 2024, meeting as presented. 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.

3/14/2025 5:48 PM Assistant County Administrator, Lisa Richardson reviewed the following County financial information:

SMYTH COUNTY BOARD OF SUPERVISORS

THURSDAY, MARCH 14, 2024

ACCOUNTS PAYABLE LISTING

February 2024

Request approval of the following payables:

General County - Regular Checks	\$1,840,087.61
Fund 4 EDA - Regular Checks	\$43,275.17
Fund 302 Public Safety Radio	\$69,544.20
Fund 505 Transfer Station-Regular Checks	\$0.00
Accounts Payable Listing - February 2024	\$1,952,906.98
Fund Accounts - Manual Checks	
Fund 501 Water Deposit Refunds	\$100.00
Fund 747 Sheriff State Asset Forfeiture	\$0.00
Fund 748 Sheriff Purchase of Equipment	\$0.00
Fund 749 Recovery Court	\$41,833.91
Fund 760 Commonwealth Attorney Federal Drug Asset	\$0.00
Fund 770 Circuit Court Clerk - Holding Account	\$0.00

Total Fund Accounts	\$41,933.91
TOTAL ACCOUNTS PAYABLE - February 2024	\$1,994,840.89

3/14/2024 5:49 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

- AYES:

Chair, Atkins District Supervisor Charles Atkins,
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.

3/14/2024 5:51 PM Chair, Atkins District Supervisor Charles Atkins opened citizen’s time.

Charles Hayden of 726 South Church St., Marion, spoke about concerns he has with the reassessment as well as his concern for the housing shortage information presented. Mr. Williams offered to provide Mr. Hayden with a copy of the most recent regional housing study.

David Fulton of 423 Pearl Ave., Marion, questioned Animal Control and their ability to enforce code in the Town of Marion. Mr. Utt clarified that Smyth County Animal Control can enforce County Code in the towns but not Marion’s code itself.

Matt Prater of 123 First Avenue, Saltville, spoke concerning the dilapidated sewer pipe in the Town of Saltville and asked the Board to consider assisting the Town to repair the pipes.

Greg Armstrong of 490 Wassona Drive, Marion, shared he would like a task force formed in case immigrants were to be dropped off within the County.

Timothy McCluskey 1067 St. Clairs Creek, Chilhowie, spoke regarding trash pickup locations being further out within the County and would like to see more benefits in his area.

Sara Taylor 603 E. Coyner, Marion, spoke about issues she has faced since reassessment has started. Ms. Taylor requested information regarding licensing for each assessor.

3/14/2024 6:32 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen’s time and called for a break.

3/14/2024 6:54 PM Chair, Atkins District Supervisor Charles Atkins called the meeting back to order. Royal Oak District Supervisor Courtney Widener read the minutes from the February 27th and March 7th Public Safety Committee meetings and presented the following recommendation:

- *Rye Valley District Supervisor Jason Parris made a recommendation to approve and authorize the County Administrator to execute the Mobile Communications America (MCA) Sales and Service Agreement as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

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

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

3/14/2024 6:55 PM Mr. Utt read the minutes from the March 7th Budget Committee meeting and presented the following recommendations:

Item #1: Budget Amendment #7

- Chilhowie District Supervisor Michael Sturgill made a motion to recommend approving budget amendment #7 in the amount of \$230,000 for FY23/24 as presented. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.



**SMYTH COUNTY
BOARD OF SUPERVISORS**

**RESOLUTION
SMYTH COUNTY BUDGET FISCAL YEAR 2023/24 – AMENDMENT #7**

WHEREAS, the Smyth County Board of Supervisors, on June 8th, 2023 adopted the Fiscal Year 2023/24 Budget in the original amount of \$132,444,641; and

WHEREAS, in the meeting of August 24th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #1) for Fiscal Year 2023/24 in the amount of \$135,536,020; and

WHEREAS, in the meeting of September 14th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #2) for Fiscal Year 2023/24 in the amount of \$135,436,104; and

WHEREAS, in the meeting of November 9^h, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #3) for Fiscal Year 2023/24 in the amount of \$135,839,906; and

WHEREAS, in the meeting of December 14^h, 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 the aggregate amount of budget amendment #7 is \$230,000 which would increase the Fiscal Year 2023/24 budget to a total of \$140,289,644 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 \$140,289,644.

BE IT FURTHER RESOLVED, the approval of this budget amendment #7 shall indeed constitute an appropriation of the same funds.

Adopted this the 14th day of March 2024

ATTEST: 
Shawn M. Utt, Clerk

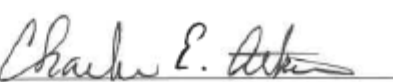
**SMYTH COUNTY
BOARD OF SUPERVISORS**

Charles Atkins, Chair

Exhibit A

FY2023/24

Budget Amendment #7 (03-14-2024)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	Expenditure Refunds	018030-0007	Insurance Recoveries	\$	(50,000)	\$	(100,000) Additional insurance claim payouts
Fund 001	Miscellaneous	039010-0010	EMS Billing Revenues	\$	(750,000)	\$	(770,000) Additional reimbursements to AMB
Fund 001	Local Funds Transfer	001-040000-0005	Use of Fund Balance	\$	(2,473,655)	\$	(2,633,655) Finalize reassessment contract
					\$	\$	-
					\$	\$	-
					\$	\$	-
Total Revenues With Amendment				\$	(140,059,644)	\$	(140,289,644)

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget	Notes
Fund 001	Board of Supervisors	001-011010-8900	Insurance Recoveries	\$	50,000	\$	100,000 Additional insurance claim payouts
Fund 001	Assessor	001-012100-3000-1	Professional Services	\$	160,000	\$	360,000 Finalize reassessment contract
Fund 001	Smyth County Fire & Rescue	001-032050-5803	EMS Overpayments	\$	20,000	\$	27,000 Additional reimbursements to AMB
					\$	\$	-
Total Expenditures With Amendment				\$	230,000	\$	140,289,644

Revenues	\$	(140,059,644)	\$	(230,000)	\$	(140,289,644)
Expenditures	\$	140,059,644	\$	230,000	\$	140,289,644
Difference	\$	-	\$	-	\$	-

After consideration, the 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.

Item #2: Saltville Moral Obligation Request – Mr. Utt shared he would circle back to this matter at the end of the Budget Committee report.

Item #3: Loader Financing

- Royal Oak District Supervisor Courtney Widener made a motion to recommend accepting the Bank of Marion financing offer and authorizing the County Administrator to complete all acts necessary for the purchase and financing of a Volvo Loader in the total amount of \$267,262.00 pending financial review by Davenport & Associates. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.

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

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

Item #4: Mount Rogers Health District OAA Fiscal Agent Request

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend approving the partnership agreement and agreeing to serve as the Fiscal Agent for Mount Rogers Health District for their Opioid Abatement Grant. Chilhowie District Supervisor Michael Sturgill seconded the motion. Atkins District Supervisor Charles Atkins was opposed but the motion passed on a vote of 2-1.*

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

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

*NAYS: Chair, Atkins District Supervisor Charles Atkins, and
North Fork District Supervisor Rick Billings.*

ABSTAINERS: None.

ABSENT: None

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend approving a \$50k contribution from Smyth County's Opioid Abatement Direct Distribution funds to Mount Rogers Health District to be used toward the mobile clinic project. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

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

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

Item #5: United Health Care (UHC) EMS Billing Rates

	County Rate	UHC Rate	Write-off
Basic Life Support	\$ 800.00	\$439.64	\$360.36
Advanced Life Support-1	\$1,000.00	\$522.08	\$477.92
Advanced Life Support-2	\$1,200.00	\$755.64	\$444.36
Ground Transport Mileage	\$17.00 / mile	\$8.94 / mile	\$8.06 / mile

- Royal Oak District Supervisor Courtney Widener made a motion to recommend approving the UHC proposed rate structure as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.

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

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

Item #6: Open Door Community Request

- Chilhowie District Supervisor Michael Sturgill made a motion to recommend approving the grant in the amount of \$1,350.50 to Open Door Community for reimbursement of 2023 taxes paid to Smyth County. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.

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

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

Item #7: Parks and Recreation Football and Cheerleading Stipend

- Royal Oak District Supervisor Courtney Widener made a motion to allocate a \$1,500 stipend for a Cheerleading Director as well as \$1,500 stipend for a Football Director for the upcoming 2024 season. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

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

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

Item #2: Saltville Moral Obligation Request. Mr. Utt provided the following report from the Budget Committee meeting:

Mr. Utt discussed a request from the Town of Saltville to assist with a Moral Obligation for at least two utility projects that will help the Town move forward on them. Mayor Young and Darian Musick (Crossroads Engineering) attended the Budget Committee meeting virtually to answer questions for the Committee. Mr. Musick noted the water project included a \$1,314,656 loan along with a \$330,000 grant while the sewer project had a \$87,450 loan along with \$262,350 in grant funding. They noted the request came as a result of conversations with the funding agency, Virginia Resources Authority (VRA). They town has been experiencing issues with getting their auditor to complete the audits in a timely manner and the audit for June 30, 2022 had only recently been finalized. Rather than waiting for the audit for June 30, 2023 to be complete, which no one knew how long that may be, the staff with VRA suggested the Town reach out to the County to potentially provide for a Moral Obligation to help stabilize the credit of the Town. The committee asked Mr. Utt to review options with the staff at VRA to see what kind of responses the Town had been able to provide to VRA’s credit questions. After reviewing the provided documentation, the Committee recommended reviewing the matter with the full Board without recommendation at this time. After discussion the following motion was made:

Following the report, the Board members discussed the request and heard more information regarding the sewer project, which included the replacement of an aerial sewer line over the North Fork bridge near the sewer treatment plant. According to citizen reports, this line was in drastic need of replacement and was worrisome to many of the neighboring owners. Following discussion, the Board directed staff to invite representatives of Davenport & Company to a future Budget Committee meeting to discuss the requests. The consensus was that the sewer replacement project was a high enough priority and an low enough risk to move forward on agreeing to a Moral Obligation for that project at this time and awaiting guidance from Davenport for the remaining request.

- *A motion was made by Saltville District supervisor Roscoe Call to approve moving forward with the Moral Obligation for the Town of Saltville's sewer project in the amount of \$87,450. 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.

3/14/2024 7:34 PM Royal Oak District Supervisor Courtney Widener read the minutes from the March 7th Appointment Committee meeting. Informational only, no action taken.

3/14/2024 7:34 PM Old Business. Dangerous Dog Ordinance. Mr. Utt shared that the public hearing was held on February 22nd for the update to the Dangerous Dog Ordinance to mirror the State Code. Those proposed changes are as follows (in red):

Sec. 8-132. Control of dangerous or vicious dogs.

- (a) Any animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or a vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provision of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of section 8-131.
- (b) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because of its particular breed. No animal shall be found to be a dangerous or vicious dog if the threat, injury or damage was sustained by a person who was:
 - (1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
 - (2) Committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian; or
 - (3) Provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused or assaulted the animal at other times.

No police dog which was engaged in performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or custodian's property shall be found to be a dangerous dog or a vicious dog.

- (c) The owner of any animal found by a court to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the animal control officer for an initial registration fee of ~~\$50.00~~ **\$150.00** in addition to other fees that may be authorized by law. The local animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner

shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this section shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the state veterinarian.

- (d) By January 31st of each year, until the animal is deceased, the owner of an animal found to be a dangerous dog pursuant to Code of Virginia § 3.2-6540, as amended, shall update and renew the dangerous dog registration certificate obtained pursuant to § 3.2-6540.01, as amended for a fee of \$85.00 in the same manner as the initial certificate was obtained. However, if the dangerous dog adjudication occurred within 60 days of the end of the calendar year, the first renewal shall be included in the initial registration at no additional charge to the owner.
- (e) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence of the animal's current rabies vaccination, if applicable, that the animal has been neutered or spayed, and that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, the owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000.00 that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.00.
- ~~(e)~~(f) While on the property of its owner, an animal found by a court to be a dangerous dog shall be confined indoors or in a securely closed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found by a court to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- ~~(f)~~(g) The owner of any dog found to be dangerous shall register the animal with the Commonwealth's Dangerous Dog Registry, as established under Code of Virginia, § 3.1-796.93:3, within 45 days of such a finding by a court of competent jurisdiction. The owner shall also cause the animal control officer to be promptly notified of:
- (1) The names, addresses, and telephone numbers of all owners;
 - (2) All of the means necessary to locate the owner and the dog at any time;
 - (3) Any complaints or incidents of attack by the dog upon any person or cat or dog;
 - (4) Any claims made or lawsuits brought as a result of any attack;
 - (5) Tattoo or chip identification information or both;
 - (6) Proof of insurance or surety bond; and
 - (7) The death of the dog.
- ~~(g)~~(h) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal:
- (1) Is loose or unconfined;
 - (2) Bites a person or attacks another animal; or
 - (3) Is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within ten days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.
- ~~(h)~~(i) If the owner of an animal found by a court to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with the requirements of this section.
- ~~(i)~~(j) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of:
- (1) A Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person.
 - (2) A Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury.

The provisions of this subsection (i) shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's

- property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.
- ~~(j)~~(k) The owner of any animal which has been found by a court to be a dangerous dog who willfully fails to comply with the requirements of this section shall be guilty of a Class 1 misdemeanor.
- ~~(k)~~(l) All fees collected pursuant this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by the section, shall be paid into a special dedicated fund in the treasury of the county for the purpose of paying the expenses of any training course required for such animal control officer under the Code of Virginia, § 3.1-796.104:1.

(Ord. of 10-8-1996, § 10-59.3)

State law reference(s)—Similar provisions, Code of Virginia, § 3.1-796.93:1.

- *Royal Oak District Supervisor Courtney Widener made a motion to accept the changes to the Dangerous Dog Ordinance as presented effective immediately. 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.*

3/14/2024 7:39 PM County Attorney Report

County Attorney, Scot Farthing shared various updates of projects he is in the process of completing.

3/14/2024 7:39 PM County Administrator Report -

Mr. Utt provided the Board with several invitation dates as well as an update from Edward Wright, Area Ranger on expected timelines for Grindstone Campground Septic lines to be repaired. Mr. Williams then shared a new monthly report format and asked the Board to give feedback on things they would like to keep updated on or highlighted.

3/14/2024 7:42 PM Supervisor Comment Time -

Rye Valley District Supervisor Jason Parris thanked the citizens who attended. Mr. Parris also thanked staff for their hard work and helpfulness.

Saltville District Supervisor Roscoe Call thanked the staff and wished everyone a safe trip home.

Chilhowie District Supervisor Michael Sturgill thanked the public for their input and attendance.

Royal Oak District Supervisor Courtney Widener shared his appreciation for the citizens in attendance and encouraged them to speak to their Board members about any issues they might have.

Park District Supervisor Kristopher Ratliff requested dates be added to the Board of Supervisors team calendar.

North Fork District Supervisor Rick Billings shared his appreciation for those in attendance. He shared the Board is here to help citizens and he believes things are going in the right direction.

Atkins District Supervisor Charles Atkins thanked the citizens in attendance. He shared the Board does listen and encouraged people to follow up. Mr. Atkins also shared March 17th through the 21st is National Ag week and shared his support for all those that work in the industry.

3/14/2024 7:59 PM With no further business to discuss, the meeting was adjourned.



The Smyth County Board of Supervisors held its regular meeting on Thursday, March 28th, 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: Chair, Atkins District Supervisor Charles Atkins; Rye Valley District Supervisor Jason Parris; Royal Oak District Supervisor Courtney Widener; Vice Chair Chilhowie District Supervisor Michael Sturgill; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Rick Billings.

ABSENT: Park District Supervisor Kristopher Ratliff; Royal Oak District Supervisor Courtney Widener.

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

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

3/28/2024 5:01 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order.

3/28/2024 5:01 PM Executive Assistant, Auna Louthian then led the pledge of allegiance.

3/28/2024 5:01 PM Director of Community and Economic Development, Kendra Hayden, led the invocation.

3/28/2024 5:02 PM Chair, Atkins District Supervisor Charles Atkins introduced Gina Waddle from Evergreen Soil and Water Conservation District. Mrs. Waddle thanked the Board for their annual contribution to Evergreen Soil and Water Conservation District. Mrs. Waddle spoke about the impact of programs and activities they are participating in that benefit Smyth County. Mrs. Waddle provided a list to the Board of current projects. The Board thanked Mrs. Waddle for all that Evergreen Soil and Water Conservation District does for the well-being of Smyth County.

3/28/2024 5:13 PM Chair, Atkins District Supervisor Charles Atkins introduced Patty Youngman with the Rich Valley Fair. Ms. Youngman gave an update on various projects in progress, noting the HVAC units were coming along and they are still working to get the contractor finalized for the new kitchen. Ms. Youngman thanked the Board as well as the EDA for their continued support.

3/28/2024 5:19 PM Mr. Utt shared representatives from Davenport & Company will attend the April 4th Budget Committee meeting but have sent over the Resolution Authorizing the sale and award of the General Obligation Bond, in a principal amount to not exceed \$13,450,000 as well as the Local Bond Sale and Financing Agreement for review and consideration.

- A motion was made by Chilhowie District Supervisor Michael Sturgill to authorize County Administrator to execute any and all documents to close the General Obligation Bond. North Fork District Supervisor Rick Billings 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,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

3/28/2024 5:21 PM Minutes from the March 14th, 2024 meeting.

- A motion was made by Saltville District Supervisor Roscoe Call to approve the meeting minutes of the March 14th, 2024 meeting. 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,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

3/28/2024 5:22 PM Chair, Atkins District Supervisor Charles Atkins opened Citizens Time.

3/28/2024 5:22 PM David Fulton of 423 Pearl Ave., Marion, requested an update on the progress of the truck stop project at exit 39. Mr. Williams shared the property owner will give a formal update to the Board of Supervisors soon.

3/28/2024 5:25 PM Mr. Utt read the minutes from the March 21st, 2024 Insurance Committee meeting and presented the following recommendation:

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to recommend maintaining The Local Choice health insurance proportional rates (80% County, 20% employee) with the 11% increase. Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

3/28/2024 5:27 PM Mr. Utt read the minutes from the March 21st, 2024 Personnel Committee meeting and presented the following recommendation:

- *A motion was made by Rye Valley District Supervisor Jason Parris to recommend approving the personnel policy changes as presented with the exception of the social media and travel policies. Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

3/28/2024 5:30 PM Mr. Utt read the minutes from the March 21st, 2024 Budget Committee meeting and presented the following recommendations:

4th QUARTER APPROPRIATIONS

• General County	\$10,500,000	Fund 001
• Schools – Operating Fund	\$12,873,794	Fund 009
• Public Safety Radio Bond	\$ 2,000,000	Fund 302
• Water/Sewer Department Refund	\$ 2,500	Fund 501
• Department of Social Services	\$ 1,646,733	Fund 013
• Recovery Court	<u>\$ 43,400</u>	<u>Fund 749</u>

Total for 4th Qtr. – FY23/24 \$27,066,427

Following discussion, the subsequent motion was made:

- *Motion was made by Rye Valley District Supervisor Jason Parris to recommend approving the requested 4th Quarter Appropriations in the total amount of \$27,066,427 as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

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

AYES: *Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend adopting the resolution for Bristol Improvement Commission and Use of Casino Tax Revenues. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the Committee recommendation 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,

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

- A motion was made by Chilhowie District Supervisor Michael Sturgill to recommend approving a check made payable to Wythe County for half of the taxes on Airplanes collected in 2023 totaling \$6,765.69. Royal Oak District Supervisor Courtney Widener seconded the motion, as it was unanimously approved.

After consideration, the Committee recommendation 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,

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

3/28/2024 5:38 PM County Attorney Report:

County Attorney Scot Farthing stated he had nothing new to report at this time.

3/28/2024 5:38 PM County Administrator Report:

Mr. Utt shared a request he received to appoint Veronica Goade to replace Regina Eller to represent The Family Resource Center on the County's Community Policy Management Team.

- A motion was made by Chilhowie District Supervisor Michael Sturgill to recommend appointing Verica Goade to fill the unexpired term of Regina Pack Eller to the Community Policy Management Team. Royal Oak District Supervisor Courtney Widener seconded the motion, as it was unanimously approved.

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,*

NAYS: None.

ABSTAINERS: None.

*ABSENT: Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

Mr. Utt noted that staff had been working with the owner of the convenience station in Camp that we currently lease. She is willing to sell, and we are working through the variance process with the Board of Zoning Appeals due to the relatively small size of the property. He plans to be able to report more at the next Solid Waste Committee meeting.

3/28/2024 5:39 PM Supervisor Comment Time

Saltville District Supervisor Roscoe Call thanked the staff for all they do and shared he was glad to see everyone.

Rye Valley District Supervisor Jason Parris thanked all those in attendance. He shared his wish to do what is best for the betterment of the County.

Vice Chair, Chilhowie District Supervisor Michael Sturgill thanked Sarah Gillispie, Executive Director of the Smyth County Chamber of Commerce for her work and dedication to the Manufacturing Excellence Program and the organization of the graduation ceremony.

North Fork District Rick Billings thanked staff for keeping him informed and feels as if the County is going in the right direction.

Chair, Atkins District Supervisor Charles Atkins shared it is nice to see Smyth County being showcased in positive lights.

3/28/2024 5:47 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins recessed until the joint public hearing with the Planning Commission at 7:00pm.

3/28/2024 7:18 PM Mr. Atkins called the Board of Supervisors meeting back to order.

3/28/2024 7:18 PM Mr. Williams presented the Planning Commission's recommendation after tonight's joint public hearing.

3/28/2024 7:18 PM Rye Valley District Supervisor, Jason Parris asked how long Mr. Harper has to remove the hogs. Mr. Williams answered that they would work on a plan of action with Mr. Harper.

3/28/2024 7:19 PM Mr. Utt stated Mr. Harper's special use permit was previously tabled and if the Board approves the map amendment, then the special use permit will be null and void.

3/28/2024 7:19 PM Mr. Atkins opened the floor for a motion to be made to rezone Mr. Harper's property from Agricultural/Rural to Commercial. He also expressed concern about the special use permit allowing the Board to make conditions, while rezoning does not.

3/28/2024 7:33 PM Mr. Billings asked if Mr. Harper will still be required to obtain VDOT approval for an entrance if the property is rezoned Commercial. Mr. Williams confirmed he would.

3/28/2024 7:34 PM

- *Saltville District Supervisor Roscoe Call made a motion to accept the Planning Commission recommendation to rezoning the properties at the intersection of Hwy 107, Valley Road, and South Wood Lane (Tax Map Nos. 41A-4-1 and 41A-4-2) from A/R to Commercial. 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,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

3/28/2024 7:35 PM

- *Chilhowie District Supervisor Michael Sturgill made a motion to follow the Planning Commission's recommendation and deny the Special Use Permit request for a Service Business located at the intersection of Hwy 107, Valley Road, and South Wood Lane (Tax Map Nos. 41A-4-1 and 41A-4-2). 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,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,*

NAYS: None.

ABSTAINERS: None.

*ABSENT: Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

3/28/2024 7:36 PM Mr. Atkins adjourned the Board of Supervisors meeting.

The Smyth County Board of Supervisors held its regular meeting on Thursday, April 11, 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 News & Messenger; Smyth County Sheriff's Deputy and citizens

4/11/2024 5:02 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

4/11/2024 5:02 PM Becca Creasy, Zoning Administrator led the Pledge of Allegiance and Pastor David Cross gave the invocation.

4/11/2024 5:03 PM Mrs. Richardson read the following resolution for the Board's consideration:

Animal Care and Control Appreciation Week

***WHEREAS**, the National Animal Care & Control Association (NACA) is committed to setting the standard of professionalism in animal welfare and public safety through training, networking, and advocacy; and,*

***WHEREAS**, animal care and control professionals dedicate their lives to the health and safety of at-risk and helpless animals; and,*

***WHEREAS**, animal care and control professionals work to rescue and protect animals from injury, disease, abuse, and starvation; and,*

WHEREAS, NACA has designated the second full week of April as Animal Care and Control Officer Appreciation Week; and,

WHEREAS, federal, state, and local government officials throughout the nation take this time to recognize, thank, and commend all animal care and control professionals for the dedicated services they perform and for fulfilling the commitment to providing the highest and most efficient level of customer service; and,

NOW, THEREFORE the Smyth County Board of Supervisors declares the week of April 14th through 20th, 2024, to be National Animal Care and Control Appreciation Week in Smyth County.

Adopted This 11th day of April, 2024

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS:**

Shawn M. Utt, Clerk

Charlie Atkins, Chair

- Saltville District Supervisor Roscoe Call made a motion to approve adopt the Resolution in Support of Animal Care and Control Appreciation week April 14th through April 20th, 2024. 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 Kristoper Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

4/11/2024 5:06 PM Royal Oak District Supervisor Courtney Widener read the following resolution for the Boards consideration:

**RESOLUTION IN RECOGNITION OF THE SECOND WEEK OF APRIL AS NATIONAL PUBLIC SAFETY
COMMUNICATOR WEEK**

WHEREAS, emergencies can occur at any time that require law enforcement, fire or emergency medical services; and,

WHEREAS, when an emergency occurs the prompt response of law enforcement officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

WHEREAS, the safety of our law enforcement officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who contact the Smyth County emergency communications center; and,

WHEREAS, Public Safety Telecommunicators (also known locally as our Dispatchers) are the first and most critical contact our citizens have with emergency services; and,

WHEREAS, Public Safety Telecommunicators are the single vital link for our law enforcement officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and,

WHEREAS, Public Safety Telecommunicators of Smyth County have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients in need; and,

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

NOW, THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors declares the week of April 14 through 20, 2024, to be National Public Safety Telecommunicators Week in Smyth County, in honor of the men and women whose diligence and professionalism keep our County and citizens safe.

Adopted this the 11th day of April, 2024.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

- Royal Oak District Supervisor Courtney Widener made a motion to adopt the Resolution in Support of National Public Safety Communicator Appreciation week April 14th through April 20th, 2024. 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

4/11/2024 5:10 PM Chair, Atkins District Supervisor Charles Atkins introduced Bailey Robertson, Smyth County 4-H Agent. Mr. Robertson spoke to the Board about the importance of students having the opportunity to attend 4-H Camp and the financial struggles parents might be faced with, leaving children unable to attend camp. Mr. Robertson invited three 4-H students to give testimonies of the positive impacts 4-H has had on them. Following those presentations, Mr. Robertson requested the Board's financial assistance with scholarships for this summer's 4-H program. He noted that last year, just under 40 participants received some level of support but didn't have a final number yet since there were several weeks to register. The Board members all noted support for the request and the following motion was offered:

- *Atkins District Supervisor Charles Atkins made a motion to fill the gap after fundraising efforts for 4-H Camp Scholarships out of Supplemental Appropriations. 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,
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.

4/11/2024 5:22 PM Director of Community and Economic Development Kendra Hayden provided the Board an update of current projects and recent successes including the Marion Automotive relocation to retain a vital business within the County. Mrs. Hayden also discussed the importance of a job in general and the amount of revenue it circulates within the community. The Board thanked Mrs. Hayden for her dedication and the work she puts into each project.

4/11/2024 5:39 PM Mr. Utt read the following advertisement for the VDOT 6 Year secondary road plan:

**NOTICE OF PUBLIC HEARING
6 YEAR VDOT PLAN
BY SMYTH COUNTY, VIRGINIA**

The Virginia Department of Transportation and the Board of Supervisors of Smyth County, in accordance with Section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing in the Board Meeting Room of the Smyth County Government Center Building, 121 Bagley Circle, Marion, Virginia 24354 at 5:00 p.m. or as soon thereafter as possible on April 11th, 2024. The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2024/25 through 2029/30 in Smyth County and on the Secondary System Construction Budget for Fiscal Year 2024/25. Copies of the proposed Plan and Budget may be reviewed by contacting the Abingdon Residency Office of the Virginia Department of Transportation at (276) 676-5582 or at the Smyth County offices located at 121 Bagley Circle, Marion, Virginia 24354.

All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds.

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

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>.

4/11/2024 5:45 PM Chair, Atkins District Supervisor Charles Atkins opened the public hearing.

4/11/2024 5:46 PM Rachael Brown, VDOT Land Use Engineer from the Abingdon office offered a brief summary of the proposed 6-year plan noting it did not include new projects but only updated cost estimates for projects already in the plan.

With no citizens wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

- *Chilhowie District Supervisor Michael Sturgill made a motion to waive the rules of the public hearing. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
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.

- *Chilhowie District Supervisor Michael Sturgill made a motion to approve the Secondary 6-Year Road Plan as presented with no new additions. 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,
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.

4/11/2024 5:51 PM Minutes of the March 28th Board of Supervisors meeting:

- *A motion was made by Park District Supervisor Kristopher Ratliff to approve the minutes from the March 28, 2024, meeting as amended. 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,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: Royal Oak District Supervisor Courtney Widener.

ABSENT: None.

4/11/2025 5:52 PM Assistant County Administrator, Lisa Richardson reviewed the following County financial information:

SMYTH COUNTY BOARD OF SUPERVISORS
THURSDAY, APRIL 11, 2024

ACCOUNTS PAYABLE LISTING

[March 2024](#)

Request approval of the following payables:

<u>General County - Regular Checks</u>	\$1,838,340.10
<u>Fund 4 EDA - Regular Checks</u>	\$42,913.16
Fund 302 Public Safety Radio	\$34,000.00
Fund 505 Transfer Station-Regular Checks	\$0.00
Accounts Payable Listing - March 2024	\$1,915,253.26
<u>Fund Accounts - Manual Checks</u>	
Fund 501 Water Deposit Refunds	\$700.00
Fund 747 Sheriff State Asset Forfeiture	\$0.00
Fund 748 Sheriff Purchase of Equipment	\$1,370.85
Fund 749 Recovery Court	\$4,747.59
Fund 760 Commonwealth Attorney Federal Drug Asset	\$0.00
Fund 770 Circuit Court Clerk - Holding Account	\$0.00
Total Fund Accounts	\$6,818.44
TOTAL ACCOUNTS PAYABLE - <u>March 2024</u>	\$1,922,071.70

4/11/2024 5:56 PM *A motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing as presented. 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.*

4/11/2024 5:56 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

Mark Chaney, Commander of Post 18 American Legion in Marion spoke about the current services of the American Legion including vital support in Smyth County Veterans.

Sara Taylor, 603 E. Coyner, Marion, spoke about issues she has faced since reassessment has started.

Charles Hayden, 726 South Church St., Marion, spoke about concerns he has with the reassessment as well as his concern for the housing shortage information presented. Mr. Hayden referred to the housing study that was provided to him.

4/11/2024 6:19 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

4/11/2024 6:19 PM Royal Oak District Supervisor Courtney Widener read the minutes from the April 4th Public Safety Committee meeting. The meeting was informational only, no action taken.

4/11/2024 6:21 PM Mr. Utt read the minutes from the April 4th Budget Committee meeting. The meeting was informational only, no action taken.

4/11/2024 6:22 PM Mr. Williams read the minutes from the Planning Commission's March 28th meeting. He noted Saltville District Representative David Spence made a motion to recommend approval of the Comprehensive Plan as amended. Rye Valley District Representative Paul Shepherd seconded the motion, and it was unanimously approved by the Planning Commission.

- *After consideration, a motion was made by Chilhowie District Supervisor Michael Sturgill to approve and adopt the 2044 Comprehensive Plan 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,
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.

4/11/2024 6:23 PM In an effort to clarify the Board's decisions from the March 28, 2024 joint public hearing regarding the Special Use Permit and Map Amendment of Craig Harper's properties, Mr. Williams recommended the Board reiterate their votes. He then reminded the Board of the Planning Commission's recommendations stating they ultimately recommended the Board deny the Special Use Permit request for a Service Business and approve the Map Amendment and rezone the properties from Agricultural/Rural to Commercial.

- *Saltville District Supervisor Roscoe Call made a motion to accept the Planning Commission recommendation to rezoning the properties at the intersection of Hwy 107, Valley Road, and South Wood Lane (Tax Map Nos. 41A-4-1 and 41A-4-2) from A/R to Commercial. 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.

- *Chilhowie District Supervisor Michael Sturgill made a motion to follow the Planning Commission's recommendation and deny the Special Use Permit request for a Service Business located at the intersection of Hwy 107, Valley Road, and South Wood Lane (Tax Map Nos. 41A-4-1 and 41A-4-2). 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 Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

4/11/2024 6:25 PM Mr. Utt shared a memo he received from Mrs. Hayden requesting an amendment to the existing revenue share agreement between the County and the EDA regarding the SIG (Scholle) expansion. The request to amend the agreement stems from a significant price change in the overall rail project due to the length of time it has taken to get the rail project designed and permitted, increasing the construction costs by \$87,200 in total. Mrs. Hayden asked for a \$20,000 increase in the amount of Personal Property tax revenue paid by the Board.

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the amendment to the original Revenue Share Agreement between Smyth County Board of Supervisors and Economic Development Authority to increase the personal property tax revenue share payment by \$20,000 for a total payment of \$75,000. Royal Oak District*

Supervisor Courtney Widener seconded the motion, and it was unanimously approved.

After consideration, the motion PASSED by the following vote:

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

4/11/2024 6:28 PM County Attorney Report

County Attorney, Scot Farthing had nothing to report at this time.

4/11/2024 6:28 PM County Administrator Report -

Mr. Utt provided the Board with several invitation dates of local events.

4/11/2024 6:32 PM Supervisor Comment Time -

Chilhowie District Supervisor Michael Sturgill mentioned the news article featuring the graduation for the Manufacturing Excellence Program. Mr. Sturgill also made the following motion:

- *A motion was made by Chilhowie District Supervisor Mike Sturgill to reappoint Nellie Harmon as the Chilhowie Representative on the Smyth County Library Board for a 4-year term to expire 6/30/2028. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

- *A motion was made by North Fork District Supervisor Rick Billings to reappoint Christin Long as the Saltville Representative on the Smyth County Library Board for a 4-year term to expire 6/30/2028. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

Park District Supervisor Kristopher Ratliff noted the discussion that has been reported regarding the extension of passenger rail to the New River Valley and ultimately to Bristol. He requested staff to look into a rail stop in Smyth County and what the likelihood of that occurring.

Saltville District Supervisor Roscoe Call congratulated Mr. Utt on being awarded County Administrator of the Year by the PDC. The Board all shared their congratulations as well.

North Fork District Supervisor Rick Billings shared he looks forward to all the positive things coming to Smyth County.

Royal Oak District Supervisor Courtney Widener shared his appreciation for Mrs. Hayden and all she does to move the County forward. Mr. Widener also thanked the members of the American Legion for the vital role they offer to the community.

Rye Valley District Supervisor Jason Parris shared his appreciation for being part of a community that shares prayer before meetings.

Atkins District Supervisor Charles Atkins thanked Mrs. Hayden for her hard work and dedication. Mr. Atkins also thanked staff for all the responsibilities they take on. Finally, Mr. Atkins shared his appreciation for Bailey Robertson for the positive changes he has made in the 4-H program.

4/11/2024 6:52 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)1 Personnel Matters; Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public offers, appointees, or employees any public body regarding the Mount Rogers Community Services Appointment and include Christin Long in this portion of closed session as well as Code of Virginia Section 2.2-3711(a)(7) – Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation pertaining to the McClure lawsuit. 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.

4/11/2024 7:55 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.

4/11/2024 7:56 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins recessed the meeting until April 17th for the Board Retreat.

 The Smyth County Board of Supervisors held its regular meeting on Thursday, April 25th, 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: Chair, Atkins District Supervisor Charles Atkins; Rye Valley District Supervisor Jason Parris; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Rick Billings; Park District Supervisor Kristopher Ratliff (electronically).

ABSENT: Vice Chair Chilhowie District Supervisor Michael Sturgill.

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

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

4/25/2024 5:04 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order.

4/25/2024 5:05 PM County Administrator, Shawn Utt lead the pledge of allegiance.

4/25/2024 5:01 PM Executive Assistant, Auna Louthian led the invocation.

4/25/2024 5:04 PM Chair, Atkins District Supervisor Charles Atkins entertained a motion to allow Park District Supervisor Kristopher Ratliff to join the Board of Supervisors meeting electronically.

- A motion was made by Royal Oak District Supervisor Courtney Widener to allow Park District Supervisor Kristopher Ratliff to join the meeting electronically. Rye Valley District Supervisor Jason Parris seconded the motion.

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair Chilhowie District Supervisor Michael Sturgill and

Park District Supervisor Kristopher Ratliff.

4/25/2024 5:05 PM Chair, Atkins District Supervisor Charles Atkins entertained a motion to add two items to the agenda: Certificate of Refunding of Local School Bond and Fiscal Agent Memorandum for Recovery Court.

- A motion was made by Saltville District Supervisor Roscoe Call to add items to the agenda as presented. Royal Oak District Supervisor Courtney Widener seconded the motion.

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair Chilhowie District Supervisor Michael Sturgill.

4/25/2024 5:21 PM Minutes from the March 14th, 2024 meeting.

- A motion was made by Saltville District Supervisor Roscoe Call to approve the meeting minutes of the April 11th, 2024 meeting. Rye Valley District Supervisor Jason Parris seconded the motion.

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair Chilhowie District Supervisor Michael Sturgill.

4/25/2024 5:06 PM Chair, Atkins District Supervisor Charles Atkins opened Citizens Time.

Mark Chainey with the American Legion provided updates and thanked the Board for their continued support.

Dr. Casey Guthrie of 142 Rabbit Hill Lane, Sugar Grove invited everyone in attendance to the

grand opening of Guthrie Psychiatry on May 9th at 12pm.

4/25/2024 5:25 PM Mr. Utt read the minutes from the April 18th, 2024 Budget Committee meeting and presented the following recommendations:

- *Chilhowie District Supervisor Micheal Sturgill made a motion to recommend approving the National Purchasing Cooperative Interlocal Participation agreement with BuyBoard pending County Attorney review and approval. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved by the Committee.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair Chilhowie District Supervisor Michael Sturgill.

- *Chilhowie District Supervisor Micheal Sturgill made a motion to recommend approving a Resolution Opposing a Requested Rate Increase by AEP following the Pulaski County Board of Supervisors template to be sent to state legislators and the SCC. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved by the Committee.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair Chilhowie District Supervisor Michael Sturgill.

4/25/2024 5:13 PM Mr. Utt discussed the certificate of refunding of the local school bond that required signature prior to the Board meeting and is requesting ratification.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to ratify the Certificate of Refunding of Local School Bond. Rye Valley District Supervisor Jason Parris seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair Chilhowie District Supervisor Michael Sturgill.

4/25/2024 5:15 PM Mr. Utt shared the renewal of the Fiscal Agent Memorandum of Understanding Between Smyth County and Smyth County Recovery Court for grant application purposes. Mr. Utt shared this mirrors the previous MOU with a new ending date of September 30, 2028.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to approve the Fiscal Agent Memorandum of Understanding between Smyth County and Smyth County Recovery Court and allow County Administrator to execute all necessary documents related to the grant funding. North Fork District Supervisor Rick Billings seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair Chilhowie District Supervisor Michael Sturgill.

4/25/2024 5:17 PM Mr. Utt discussed the bid received from SIMCON for the Dispatch Center and Magistrate office relocation. Mr. Utt noted that although it was the only bid received, he along with the architects were comfortable with it and recommended proceeding further.

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the SIMCON bid of \$1,145,532 for the Dispatch Center and Magistrate office relocation project, the notice to proceed with a 150 day construction period and authorization of the County Administrator to execute all necessary documents related to the project. Rye Valley District Supervisor Jason Parris seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Jason Parris,
Park District Supervisor Kristopher Ratliff,
Saltville District Supervisor Roscoe Call, and
North Fork District Supervisor Rick Billings.

NAYS: None.

ABSTAINERS: Royal Oak District Supervisor Courtney Widener.

ABSENT: Vice Chair Chilhowie District Supervisor Michael Sturgill.

4/25/2024 5:21 PM County Attorney Report:

County Attorney Scot Farthing stated he had nothing new to report at this time.

4/25/2024 5:21 PM County Administrator Report:

Mr. Utt shared he had nothing to share at this time.

4/25/2024 5:39 PM Supervisor Comment Time

- Royal Oak District Supervisor Courtney Widener made a motion to re-appoint Margaret Linford to the Smyth County Library Board with a four-year term set to expire June 30th, 2028. Rye Valley District Supervisor Jason Parris seconded the motion, and it was unanimously approved.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair Chilhowie District Supervisor Michael Sturgill.

4/25/2024 5:23 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

The Smyth County Board of Supervisors held its regular meeting on Thursday, May 9th, 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

5/9/2024 5:02 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

5/9/2024 5:02 PM Kenneth Pennington, Building Inspector led the Pledge of Allegiance and Kendra Hayden, Director of Community and Economic Development gave the invocation.

5/9/2024 5:03 PM Chilhowie District Supervisor Michael Sturgill read the following resolution for the Board's consideration:

RESOLUTION IN SUPPORT OF ECONOMIC DEVELOPMENT WEEK

WHEREAS, more than 100,000 economic development or related professionals worldwide are committed to creating, retaining, and expanding top-tier opportunities that facilitate long-term, equitable community growth; and

WHEREAS, the economic development profession cultivates thriving neighborhoods, champions sustainability and resiliency, boosts economic prosperity, enhances the quality of life, and builds robust tax bases; and

WHEREAS, economic development professionals operate throughout diverse economic environments, including rural, suburban, and urban settings; local, state, provincial, and national governments; public-private partnerships; chambers of commerce; institutions of higher education; among many similar organizations and associations; and

WHEREAS, economic development professionals serve as stewards, bridging connections between community stakeholders such as residents, business leaders, elected officials, industry executives, and educational administrations, to collaborate in promoting job creation, community investment, infrastructure advancements, and an optimistic future; and

WHEREAS, economic developers contribute to the betterment and progress of all communities within Smyth County, Virginia, the Mt. Rogers Region, Southwest Virginia, and the Commonwealth of Virginia as a whole.

WHEREAS, since 1926, the International Economic Development Council has been a leader and driving force in advancing economic development initiatives, with a steadfast commitment to fostering growth and prosperity in communities of all sizes worldwide through equity, inclusion, sustainability, resilience, and innovation; and

NOW THEREFORE BE IT RESOLVED, that Smyth County, Virginia recognizes the week of May 6 through May 10, 2024, as Economic Development Week, and remind individuals of the importance of this community celebration which supports expanding opportunities, bettering lives, and moving society forward.

Resolved, this 9th day of May 2024.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

- Royal Oak District Supervisor Courtney Widener made a motion to adopt the Resolution in Support of Economic Development week May 6th through May 10th, 2024. 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 Kristoper Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5/9/2024 5:06 PM Royal Oak District Supervisor Courtney Widener read the following resolution for the Boards consideration:

***RESOLUTION OF THE SMYTH COUNTY BOARD OF SUPERVISORS IN HONOR OF
EMERGENCY MEDICAL SERVICES WEEK***

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services agencies are ready to provide life-saving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, in May of 1928, Julian Stanley Wise witnessed two persons in a capsized canoe in Roanoke, and with multiple bystanders with no training, saw the need for training and organization in EMS, started the first volunteer EMS agency in Roanoke in 1929.; and,

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their life-saving skills; and

WHEREAS, Smyth County prides itself in the five agencies of Smyth County that provides emergency medical services; The Town of Chilhowie, The Town of Marion, Sugar Grove Lifesaving Crew, Nebo Fire Department and Smyth County for their dedication, passion, and enthusiasm; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW, THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors declares the week of May 19th to May 25th, 2024, to be Emergency Medical Services Week in Smyth County, in honor of the men and women whose diligence and professionalism keep our County and citizens safe.

Adopted this the 9th day of May, 2024.

ATTEST:

***SMYTH COUNTY
BOARD OF SUPERVISORS***

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

- *Royal Oak District Supervisor Courtney Widener made a motion to adopt the Resolution in Support of Emergency Medical Services week May 12th through May 18th, 2024. 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 Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5/9/2024 5:12 PM North Fork District Supervisor Rick Billings read the following resolution for the Boards consideration:

***RESOLUTION OF THE SMYTH COUNTY BOARD OF SUPERVISORS IN HONOR OF
LAW ENFORCEMENT OFFICERS AND NATIONAL POLICE WEEK***

WHEREAS, *there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Smyth County Law Enforcement Agencies; and,*

WHEREAS, *since the first recorded death in 1786, more than 26,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and,*

WHEREAS, *the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC where the names of fallen heroes are being added to the National Law Enforcement Officers Memorial, including 137 officers killed in 2023 and 55 this year; and,*

WHEREAS, *the Candlelight Vigil is part of National Police Week, which will be observed this year May 12-18; and*

WHEREAS, *May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;*

WHEREAS, *Smyth County prides itself in the four agencies of Smyth County that protect and serve its citizens including The Smyth County Sheriff's Office, Town of Chilhowie Police Department, Town of*

Marion Police Department, Town of Saltville Police Department for their dedication, passion, and enthusiasm; and

WHEREAS, *it is appropriate to recognize the value and the accomplishments of Police Officers by recognizing National Police Week;*

NOW, THEREFORE, BE IT RESOLVED, *the Smyth County Board of Supervisors declares the week of May 12th to May 18th, 2024, to be National Police Week in Smyth County, in honor of the men and women whose diligence and professionalism keep our County and citizens safe.*

Adopted *this the 9th day of May, 2024.*

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

- *North Fork District Supervisor Rick Billings made a motion to adopt the Resolution in Support of National Police week May 12th through May 18th, 2024. 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.*

5/9/2024 5:13 PM Minutes of the April 25th Board of Supervisors meeting:

- *A motion was made by North Fork District Supervisor Rick Billings to approve the minutes from the April 25, 2024, meeting as presented. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

5/9/2024 5:14 PM Assistant County Administrator, Lisa Richardson reviewed the following County financial information:

SMYTH COUNTY BOARD OF SUPERVISORS
THURSDAY, MAY 9, 2024

ACCOUNTS PAYABLE LISTING

April 2024

Request approval of the following payables:

<u>General County - Regular Checks</u>	\$2,774,607.06
<u>Fund 004 EDA - Regular Checks</u>	\$33,688.31
Fund 302 Public Safety Radio	\$38,820.72
Fund 505 Transfer Station-Regular Checks	\$0.00
Accounts Payable Listing - April 2024	\$2,847,116.09
<u>Fund Accounts - Manual Checks</u>	
Fund 501 Water Deposit Refunds	\$200.00
Fund 747 Sheriff State Asset Forfeiture	\$0.00
Fund 748 Sheriff Purchase of Equipment	\$2,770.54
Fund 749 Recovery Court	\$36,803.06
Fund 760 Commonwealth Attorney Federal Drug Asset	
Fund 770 Circuit Court Clerk - Holding Account	
Total Fund Accounts	\$39,773.60
TOTAL ACCOUNTS PAYABLE - April 2024	\$2,886,889.69

5/9/2024 5:17 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
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.

5/9/2024 5:18 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

Mark Chaney, Commander of Post 18 American Legion in Marion spoke about the current services of the American Legion including vital support in Smyth County Veterans and invited the Board to upcoming events.

Rusty Hamm, Marion Fire Chief thanked the Board for the opportunity to serve in his current role. Mr. Hamm also invited everyone to a swearing-in ceremony for all employees on June 3rd.

5/9/2024 5:35 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

5/9/2024 5:36 PM Royal Oak District Supervisor Courtney Widener read the minutes from the May 2nd Public Safety Committee meeting and presented the following recommendations:

- *Rye Valley District Supervisor, Jason Parris made a motion to recommend approving the RFP for PPE/gear purchase and to allow Mr. Crawford to advertise. Chilhowie District Supervisor, Mike 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.

- *Chilhowie District Supervisor, Mike Sturgill made a recommendation to approve the Mt. Rogers MOU for shared emergency management services. Rye Valley District Supervisor, Jason Parris 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.

5/9/2024 5:38 PM Mr. Utt read the minutes from the May 2nd Budget Committee meeting and presented the following recommendations:

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend approving budget amendment #8 in the amount of \$375,000 of revenue in the Food Service reimbursement line. Atkins District Supervisor Charles Atkins seconded the motion, and it was approved by the Committee with Chilhowie District Supervisor Michael Sturgill abstaining.*

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

AYES: Chair, Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
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: Vice Chair, Chilhowie District Supervisor Michael Sturgill.

ABSENT: None.

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend approving MOU with Robinson, Farmer, Cox Associates, PLLC for audit services and authorize Vice Chair, Chilhowie District Supervisor Michael Sturgill and County Administrator to execute the document on behalf of the County. 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.

5/9/2024 5:38 PM Mr. Utt shared the Budget Committee requested the Vision Software contract be reviewed by the full Board and had no recommendation at that time. The Board reviewed the proposed agreement and discussed options with staff and Commissioner of Revenue, Bradley Powers. After discussion the following motion was rendered:

- *Chilhowie District Supervisor Michael Sturgill made a motion to update the current Stonewall software to Vision to include the proposed agreement pending County Attorney review and allow the County Administrator to execute any related documents. 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.

5/9/2024 5:50 PM Rye Valley District Supervisor Courtney Widener read the minutes from the May 2nd Animal Control Committee meeting and presented the following recommendation:

- *Saltville District Supervisor Roscoe Call made a motion to recommend approval of the Smyth County Damage Claim form in the amount of \$1,200 to James Ashby. North Fork District Supervisor Rick Billings 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,
North Fork District Supervisor Rick Billings,
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: None.

ABSENT: None.

5/9/2024 5:56 PM Mr. Utt presented the Board with the Motorola Radio project's Change Order #2 for review and consideration. Mr. Crawford explained the changes with market prices as well as moving the radio tower from Betty's Knob to Edgewood for a better location.

- *After consideration, a motion was made by North Fork District Supervisor Rick Billings to approve the Motorola Radio project Change Order #2 in the amount of \$1,566,268.88. 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 Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5/9/2024 6:13 PM County Attorney Report

County Attorney, Scot Farthing had nothing to report at this time.

5/9/2024 6:13 PM County Administrator Report -

Mr. Utt shared staff has applied for an updated special use permit with the National Forest for St. Clair's Creek water system. In case the formal approval by the Board of Supervisors is required, Mr. Utt would like authorization from the Board to proceed.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the application for a Special Use Permit to the National Forrest for the Saint Clair's Creek water system project and allow County Administrator to execute all related documents. 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 Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

5/9/2024 6:17 PM Supervisor Comment Time -

Chair, Atkins District Supervisor Charles Atkins thanked everyone for their attendance as well as his appreciation for the work the American Legion is putting into the veteran community.

Chilhowie District Supervisor Michael Sturgill thanked the veterans for all they have sacrificed as well as those in law enforcement, fire, and EMS. Mr. Sturgill also shared graduation dates and asked for prayers for the students.

Park District Supervisor Kristopher Ratliff shared he sat on a committee last week in Richmond concerning new regulations for fire and EMS, he shared the rough working copy with Mr. Utt as he was very impressed with the result.

Saltville District Supervisor Roscoe Call thanked everyone for their attendance and wished them a safe drive home.

North Fork District Supervisor Rick Billings shared he had two appointments to make:

- *North Fork District Supervisor Rick Billings made a motion to appoint Christin Long to the Mount Rogers Community Services Board for a 3-year term set to expire 5/1/2027. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

- *North Fork District Supervisor Rick Billings made a motion to appoint Ryan Cox to the Smyth County Services Board following the end of a current term for a 4-year term set to expire 5/31/2028. 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.

Royal Oak District Supervisor Courtney Widener shared his appreciation for Police, Fire, and EMS workers who each sacrifice so much to keep citizens safe. Mr. Widener also thanked Mr. Chainey for his work for the veterans and encouraged anyone who is able to help with the flag celebration in the Town of Marion at the Courthouse.

Rye Valley District Supervisor Jason Parris shared his appreciation for police, fire, and EMS employees. Mr. Parris also shared the end of school is near and advised parents to be on the

lookout for summer programs to keep kids busy. Mr. Parris wished all moms a happy Mother's Day.

5/9/2024 6:35 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

 The Smyth County Board of Supervisors held its regular meeting on Thursday, May 23rd, 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: Chair, Atkins District Supervisor Charles Atkins; Rye Valley District Supervisor Jason Parris; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Rick Billings; Vice Chair Chilhowie District Supervisor Michael Sturgill.

ABSENT: Park District Supervisor Kristopher Ratliff.

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

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

5/23/2024 5:01 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order.

5/23/2024 5:02 PM Public Safety Administrative Assistant, Paula Clark lead the pledge of allegiance.

5/23/2024 5:02 PM Executive Assistant, Auna Louthian led the invocation.

5/23/2024 5:03 PM Minutes from the May 9th, 2024 meeting.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to approve the meeting minutes of the May 9th, 2024 meeting. Rye Valley District Supervisor Jason Parris seconded the motion.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff

5/23/2024 5:03 PM Chair, Atkins District Supervisor Charles Atkins opened Citizens Time.

David Fulton of 423 Pearl Ave, Marion questioned parking issues on Main Street in Marion with possible new developments in the previous Wells Fargo Building. Mr. Utt assured that possibilities would be reviewed if a large tenant does go into the Wells Fargo Building.

Kenneth Browning of 5538 Megan Ln, Sugar Grove shared ideas of an arena to drive more development and growth within the County. Chilhowie District Supervisor Michael Sturgill shared it has been looked at and would have to be strategically planned and infrastructure built to support it but it would be wonderful for the county.

5/23/2024 5:09 PM Mr. Utt read the minutes from the April 18th, 2024 Budget Committee meeting and presented the following recommendations:

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend approving the SIMCON revised contract for the Courthouse construction project to include the additional \$102,615 for the HVAC errors. Atkins District Supervisor Charles Atkins seconded the motion with Royal Oak District Supervisor Courtney Widener abstaining.*

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

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

NAYS: None.

ABSTAINERS: Royal Oak District Supervisor Courtney Widener.

ABSENT: Park District Supervisor Kristopher Ratliff.

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend scheduling a public hearing on June 13th, 2024 at 5pm or thereafter to hear public comments for budget amendment #9 in the amount of \$3,143,275. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend approving the revised budget calendar as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was approved by the Committee.*

- Present Full Budget to Board of Supervisors May 30, 2024 (Special called meeting)
- Public Hearing(s) – (draft budget and rate/tax adjustments) June 13, 2024

- | | |
|-----------------------------------|--|
| ○ Adopt County Budget for FY24/25 | June 20, 2024 (Moved from June 27 th meeting) |
| ○ Adopt Tax Levies for FY24/25 | June 20, 2024 (Moved from June 27 th meeting) |
| ○ Adopt CIP for FY24/25 | June 20, 2024 (Moved from June 27 th meeting) |

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

5/23/2024 5:18 PM Chilhowie District Supervisor Michael Sturgill read the minutes from the April 18th, 2024 Ordinance Committee meeting and presented the following recommendations:

- *Atkins District Supervisor Charles Atkins made a motion to recommend scheduling a public hearing on June 20th, 2024 at 5 pm or thereafter to gain public comments on the current Floodplain Ordinance. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

- *Atkins District Supervisor Charles Atkins made a motion to recommend scheduling a public hearing on June 20th, 2024 at 5 pm or thereafter to gain public comments on the current Stormwater Management Ordinance. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

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

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

North Fork District Supervisor Rick Billings.
NAYS: *None.*
ABSTAINERS: *None.*
ABSENT: *Park District Supervisor Kristopher Ratliff.*

5/23/2024 5:21 PM Rye Valley District Supervisor Jason Parris read the minutes from the May 16th, 2024 Surplus Committee meeting and presented the following recommendations:

- A motion was made by North Fork District Supervisor Rick Billings to recommend placing the 6 vehicles, loader, and miscellaneous items in the courthouse in surplus as is and authorize the County Administrator to dispose of the 6 vehicles and loader by any means available as well as donate the miscellaneous items from the Courthouse to the Smyth County Historical Society. Rye Valley District Supervisor Jason Parris seconded the motion, and it was unanimously approved.*

Mr. Williams explained the Historical Society has declined the donation; however, he has spoken to the Smyth County Foundation who is willing to accept the items. Following the discussion the following actions were taken:

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

AYES: *None.*
NAYS: *Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Rye Valley District Supervisor Jason Parris,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call, and
North Fork District Supervisor Rick Billings.*
ABSTAINERS: *None.*
ABSENT: *Park District Supervisor Kristopher Ratliff.*

5/23/2024 5:27 PM Mr. Utt discussed the Board's retreat and related strategic work plan for the next three years that was developed during the retreat. He presented the draft plan and requested the Board to consider adopting the plan to give it more value.

- A motion was made by Chilhowie District Supervisor Michael Sturgill to adopt the three-year Strategic Work Plan adding auxiliary gyms and childcare initiatives as goals to be sought. Rye Valley District Supervisor Jason Parris seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Royal Oak District Supervisor Courtney Widener,
Rye Valley District Supervisor Jason Parris,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call, and
North Fork District Supervisor Rick Billings.*
NAYS: *None.*
ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristopher Ratliff.*

5/23/2024 5:39 PM County Attorney Report:

County Attorney Scot Farthing stated he had nothing new to report at this time.

5/23/2024 5:39 PM County Administrator Report:

Mr. Utt shared a request he received from the Town of Marion's Director of Community and Economic Development, Ken Heath, to share in the cost of a new historic marker at the courthouse that would cost roughly \$3,500.

- *Royal Oak District Supervisor Courtney Widener made a motion to approve sharing in half the cost for a new historic marker at the courthouse with the Town of Marion. 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,
Royal Oak District Supervisor Courtney Widener,
Rye Valley District Supervisor Jason Parris,
Vice Chair Chilhowie District Supervisor Michael Sturgill, and
North Fork District Supervisor Rick Billings.*

NAYS: *Saltville District Supervisor Roscoe Call.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristopher Ratliff.*

Mr. Utt also shared the Judicial Council of Virginia has given July 5th off to all court-related employees and he expected some of the Constitutional Offices would likely follow suit. He requested guidance from the Board about providing the additional holiday to county employees as well.

- *Chilhowie District Supervisor Michael Sturgill made a motion to provide an additional paid holiday to County employee for July 5, 2024. 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,
Royal Oak District Supervisor Courtney Widener,
Rye Valley District Supervisor Jason Parris,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call, and
North Fork District Supervisor Rick Billings.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristopher Ratliff.*

5/23/2024 5:56 PM Supervisor Comment Time

North Fork District Supervisor Rick Billings shared his appreciation for childcare advocacy with the

Board. Mr. Billings thanked staff and shared he looks forward to all good things coming.

Chair, Atkins District Supervisor Charles Atkins recommended everyone that is able to see the memorial for fallen soldiers at the Courthouse for Memorial Day. Mr. Atkins also shared his appreciation growth within the VFW.

Chilhowie District Supervisor Michael Sturgill reminded everyone of the Memorial Day parade and all three high schools will have students playing in a county band. Mr. Sturgill expressed his gratitude to the Board for working well together for the betterment of the County.

Saltville District Supervisor Roscoe Call shared his appreciation for an enjoyable Board meeting and is thankful to be getting things done.

Rye Valley District Supervisor Jason Parris shared two appointments he wished to make:

- *Rye Valley District Supervisor Jason Parris made a motion to appoint Derek Orr to the Smyth County Social Services Board to represent Rye Valley 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,
Royal Oak District Supervisor Courtney Widener,
Rye Valley District Supervisor Jason Parris,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call, and
North Fork District Supervisor Rick Billings.*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

- *Rye Valley District Supervisor Jason Parris made a motion to reappoint Montie Fleshman to the Smyth County Economic Development Authority to represent Rye Valley for a 1-year term set to expire 6/30/2025. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

Mr. Parris then shared his appreciation for Mr. Browning's idea and is thankful for continued growth in the County.

Royal Oak District Supervisor Courtney Widener spoke regarding the truck climbing lane on I81 North bound and his concern for the potential for accidents it has caused due to the trucks having to merge as soon as they get to the top of the hill. Mr. Widener also shared his appreciation for veterans who have paid the ultimate sacrifice and also encouraged citizens to see the memorial in front of the courthouse.

5/23/2024 6:16 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

The Smyth County Board of Supervisors held a special called meeting on Thursday, June 6th, 2024 at 5p.m. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

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

ABSENT: Park District Supervisor Kristopher Ratliff.

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

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

6/6/2024 5:00 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone. Mr. Atkins then entertained a motion to allow Royal Oak District Supervisor Courtney Widener to join the Board of Supervisors meeting electronically.

- A motion was made by Saltville District Supervisor Roscoe Call to allow Royal Oak District Supervisor Courtney Widener to join the meeting electronically. North Fork District Supervisor Rick Billings seconded the motion.

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, and
North Fork District Supervisor Rick Billings.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Royal Oak District Supervisor Courtney Widener and
Park District Supervisor Kristopher Ratliff.*

6/6/2024 5:03 PM Smyth County Schools Superintendent Dr. Dennis Carter presented the projected School Board Budget for FY24/25. Dr. Carter addressed initiatives including competitive salaries to recruit and retain quality staff, adding required reading specialists to the Middle Schools, and addressing rising utility costs. Mr. Carter shared efforts to address

each challenge and thanked Mr. Utt and the Board for a great working relationship.

6/6/2024 5:21 PM Royal Oak District Supervisor Courtney Widener entered in person.

6/6/2024 5:23 PM County Administrator Shawn Utt reviewed the draft budget for FY24/25 with goals to continue to implement recommendations from Davenport & Associates with a proposed utilities increase of up to 5%, as well as following the state's lead with a proposed 3% salary increase for County positions. He noted the Real Estate reassessment resulted in an overall increase of 39.3% in taxable values which will result in a decrease to the tax rate. Mr. Utt also mentioned large increases in funding related to Public Safety (Fire, EMS and Sheriff) due additional funding requirements and a vastly expanded EMS operation. Mr. Utt noted the next step in the budget development process would be to hold public hearings on the following items at the June 13th Board meeting: (1) County Operations & CIP; (2) School Board Operations and CIP; (3) Proposed increases to the Water and Sewer Rate Structure and (4) Real Estate Equalization Rate.

6/6/2024 5:35 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation regarding the Jericho suit. 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.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristopher Ratliff.*

6/6/2024 6:02 PM Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.

RESOLUTION CERTIFICATION OF CLOSED SESSION

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

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

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

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

6/6/2024 6:03 PM

- *Saltville District Supervisor Roscoe Call made a motion to agree to enter into a settlement agreement with Jericho and authorize County Administrator n to sign all documentation. 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,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings.*

NAYS: Royal Oak District Supervisor Courtney Widener.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristopher Ratliff.

6/6/2024 6:05 PM *With no other business to discuss The Board of Supervisors meeting adjourned*

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 Kristoper 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	001-010030-0007	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 (61000)	\$ 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 (66000)	\$ 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	960,000	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)	(14,017,260)	(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

<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	56,895,619	(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	8,886,932	7,216,448	329,514
School Textbook Fund Expense	135,000	635,000	500,000
Dispatch (Fund 38)	198,496	198,496	-
Courthouse Project	49,710	-	(49,710)
Water-Sewer Department Operations	1,659,910	1,718,496	58,586
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	696,835	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	127,901,196	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.

**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 the 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:

Present:**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.

 The Smyth County Board of Supervisors held its regular meeting on Thursday, June 20th, 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: Chair, Atkins District Supervisor Charles Atkins; Rye Valley District Supervisor Jason Parris; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call; Park District Supervisor Kristopher Ratliff; North Fork District Supervisor Rick Billings; Vice Chair Chilhowie District Supervisor Michael Sturgill.

ABSENT: None.

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

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

6/20/2024 5:00 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order.

6/20/2024 5:01 PM Executive Assistant, Auna Louthian lead the pledge of allegiance.

6/20/2024 5:01 PM Stephanie Porter led the invocation.

6/20/2024 5:01 PM Chair, Atkins District Supervisor entertained a motion to add closed session A.3 regarding EMS Building as well as the Building Study Implementation and Budget Amendment #10 into new business.

- *A motion was made by Saltville District Supervisor Roscoe Call to amend the agenda as presented. Rye Valley District Supervisor Jason Parris seconded the motion.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

6/20/2024 5:03 PM Public Hearing.

- *Royal Oak District Supervisor Courtney Widner made a motion to waive the reading of the rules for all public hearings on June 20, 2024. 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
Park District Supervisor Kristoper Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

6/20/2024 5:06 PM Assistant County Administrator, Clegg Williams reviewed the public hearing advertisement for Stormwater and Floodplain Ordinances.

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

6/20/2024 5:07 PM Chair, Atkins District Supervisor Charles Atkins opened the public hearing.

6/20/2024 5:07 PM With no citizens wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

6/20/2024 5:08 PM Minutes from the June 13th, 2024 meeting.

- *A motion was made by Saltville District Supervisor Courtney Widener to approve the meeting minutes of the June 13th, 2024 meeting as amended. North Fork District Supervisor Rick Billings 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,
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.

6/20/2024 5:08 PM Chair, Atkins District Supervisor Charles Atkins opened Citizens Time.

David Fulton of 423 Pearl Ave, Marion shared an upcoming event at the American Legion for a community breakfast by donation only and invited anyone who would like to attend.

6/20/2024 5:08 PM With no more citizens wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed Citizens Time.

6/20/2024 5:08 PM Mr. Utt read the following resolution establishing tax rates for FY 2024/25:

**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 to 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 20th day of June, 2024

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles E. Atkins, Chair

- *Royal Oak District Supervisor Courtney Widener made a motion to approve and adopt the Resolution Setting 2025 Property Tax Rates for the Period of July 1, 2024 through June 30, 2025 as amended. Chilhowie District Supervisor Michael Sturgill 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,
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.*

6/20/2024 5:11 PM Mr. Utt read the following resolution to approve the Smyth County School Board Budget for FY 2024/25:

**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 eight (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

- *Rye Valley District Supervisor Jason Parris made a motion to approve and adopt the Resolution Smyth County School Board Budget for FY 2024/25. Park District Supervisor Kristopher Ratliff seconded the motion.*

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

*AYES: Chair, Atkins District Supervisor Charles Atkins,
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: Vice Chair, Chilhowie District Supervisor Michael Sturgill.

6/20/2024 5:14 PM Mr. Utt read the following resolution to approve the Smyth County Budget for FY 2024/25:

**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

- *Chilhowie District Supervisor Michael Sturgill made a motion to approve and adopt the Resolution for the Smyth County Budget for FY 24/25. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

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

6/20/2024 5:17 PM Mr. Utt presented the First Quarter Appropriations as follows:

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

Ancillary 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**

- *Royal Oak District Supervisor Courtney Widener made a motion to approve the First Quarter Appropriations in the total amount of \$39,951,836 as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

6/20/2024 5:19 PM Mr. Utt shared a new settlement agreement with Kroger and 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. Mr. Utt presented the following resolution for consideration:

A RESOLUTION OF THE SMYTH COUNTY BOARD OF SUPERVISORS APPROVING OF THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST KROGER AND ITS RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY AND/OR THE COUNTY'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE SETTLEMENTS

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

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

WHEREAS, a settlement proposal has been negotiated that will cause Kroger to pay over a billion dollars nationwide to resolve opioid-related claims against it; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that this pending settlement with Kroger shall be considered a "Settlement" that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid

settlements entered into previously with the Distributors, Janssen, Teva, Allergan, Walmart, CVS, and Walgreens; and

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

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

NOW THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors, this 20th day of June, 2024, approves of the County's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directs the County Attorney to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against Kroger.

Adopted this the 20th day of June 2024

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

- *Royal Oak District Supervisor Courtney Widener made a motion to approve the Resolution Of The Smyth County Board Of Supervisors Approving Of The County's Participation In The Proposed Settlement Of Opioid-Related Claims Against Kroger And Its Related Corporate Entities, And Directing The County Attorney And/Or The County's Outside Counsel To Execute The Documents Necessary To Effectuate The County's Participation In The Settlements. 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,
Royal Oak District Supervisor Courtney Widener,
Rye Valley District Supervisor Jason Parris, and
Park District Supervisor Kristoper Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

6/20/2024 5:24 PM Mr. Utt then discussed Budget Amendment #10 in the amount of \$125,000 which

would increase the Smyth County Budget for FY23/24 to \$143,932,919 and explained the majority of the budget amendment is due to categorical shifts. Mr. Utt presented the following Resolution:

RESOLUTION
SMYTH COUNTY BUDGET FISCAL YEAR 2023/24 – AMENDMENT #10

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, in the meeting of June 13th, 2024 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #9) for Fiscal Year 2023/24 in the amount of \$143,807,919; and

WHEREAS the aggregate amount of budget amendment #10 is \$125,000 which would increase the Fiscal Year 2023/24 budget to a total of \$143,932,919 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 \$143,932,919.

Adopted this the 20th day of June 2024

ATTEST:

SMYTH COUNTY
BOARD OF SUPERVISORS

Shawn M. Utt, Clerk

Charles Atkins, Chair

Exhibit A
FY2023/24
Budget Amendment #10 (6-20-2024)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	Local Funds Transfer	001-040000-0003	Use of Fund Balance	\$ (2,674,516)	\$ (125,000)	\$ (2,799,516)	
Total Revenues With Amendment				\$ (143,807,919)	\$ (125,000)	\$ (143,932,919)	

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget Amount	Notes
Fund 001	Information Systems	001-011200-5001	Computer Hardware	\$ 233,233	\$ (30,000)	\$ 203,233	
Fund 001	Emergency Dispatch	001-031040-8888-28	911 Call Handling Grant	\$ 200,000	\$ (125,000)	\$ 75,000	
Fund 001	Ambulance & Rescue Services	001-032030-5604-3	Town of Marion EMS	\$ 180,000	\$ 270,000	\$ 450,000	
Fund 001	Ambulance & Rescue Services	001-032030-5604-4	Town of Chisholm EMS	\$ 220,000	\$ 60,000	\$ 280,000	
Fund 001	Smith Co. Fire & Rescue	001-032030-1003	Hospital/Medical Plans	\$ 170,872	\$ (50,000)	\$ 120,872	
Fund 001	Smith Co. Fire & Rescue	001-032030-5410	Uniforms & Wearing Apparel	\$ 30,000	\$ (16,172)	\$ 13,728	
Fund 001	Public Safety Communications	001-032060-3003	Services Contracts-Maintenance	\$ 178,654	\$ 16,172	\$ 194,826	
Fund 001	Smith County Schools	009-099990-1801	Instruction (\$1000)	\$ 43,807,734	\$ 495,000	\$ 46,302,734	
Fund 009	Smith County Schools	009-099990-1803	Transportation (\$3000)	\$ 3,336,726	\$ 48,000	\$ 3,384,726	
Fund 009	Smith County Schools	009-099990-1806	Technology (\$5000)	\$ 1,797,736	\$ 19,000	\$ 1,816,736	
Fund 009	Smith County Schools	009-099990-1807	Capital Outlay-Facilities (\$6000)	\$ 6,328,879	\$ (52,000)	\$ 5,766,879	
Total Expenditures With Amendment				\$ 143,807,919	\$ 125,000	\$ 143,932,919	

Revenues	\$ (143,807,919)	\$ (125,000)	\$ (143,932,919)
Expenditures	\$ 143,807,919	\$ 125,000	\$ 143,932,919
Difference	\$ -	\$ -	\$ -

- *Saltville District Supervisor Roscoe Call made a motion to approve Budget Amendment #10 in the amount of \$125,000 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
Park District Supervisor Kristoper Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

6/20/2024 5:26 PM County Attorney Report:

County Attorney Scot Farthing stated a motion has been filed to amend the complaint regarding Quail run to place a lien on the property and hearing date is set for July.

6/20/2024 5:28 PM County Administrator Report:

Mr. Utt had nothing new to report at this time.

6/20/2024 5:28 PM Supervisor Comment Time

Saltville District Supervisor Roscoe Call wished everyone a safe trip home.

Rye Valley District Supervisor Jason Parris thanked everyone for their hard work.

Chilhowie District Supervisor Michael Sturgill spoke about a remarkable school year with incredible improvement on test scores.

North Fork District Supervisor Rick Billings shared his appreciation for staff and the time it took to put the budget together.

Chair, Atkins District Supervisor Charles Atkins thanked everyone for their attendance and is hopeful citizens will be proud in the coming year that we have been good stewards of funds.

Royal Oak District Supervisor Courtney Widener thanked all who worked hard on the budget and was grateful to be a part of it. Mr. Widener also shared his condolences for Roger Frye's family, who was a member of the Smyth County School Board and a large part of the community.

Park District Supervisor Kristopher Ratliff thanked all who worked on the budget.

6/20/2024 5:33 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)3 Discussion or consideration of the acquisition of real property for public purposes, or of the disposition of publicly held real property regarding EMS Building and Building Study Implementation. 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.*

6/20/2024 6:23 PM *Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.*

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

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

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

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

After consideration, the motion PASSED by the following vote:

AYES: *Chair, Atkins District Supervisor Charles Atkins,
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 6:23 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

The Smyth County Board of Supervisors held its regular meeting on Thursday, July 11th, 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; Chilhowie District Supervisor Michael Sturgill; Saltville District Supervisor Roscoe Call.

ABSENT: Park District Supervisor Kristopher Ratliff; Royal Oak District Supervisor Courtney Widener; North Fork District Supervisor Rick Billings.

STAFF: Assistant County Administrator – Operations Lisa Richardson; Executive Assistant Auna Louthian; County Attorney Scot Farthing.

OTHERS: Smyth County Sheriff's Deputy and citizens

7/11/2024 5:02 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

7/11/2024 5:02 PM Becca Creasy, Zoning Administrator led the Pledge of Allegiance and Reverend Alan Gray gave the invocation.

7/11/2024 5:03 PM Director of Community and Economic Development presented TROF awards to Speyside Bourbon Cooperage and SIG (formerly Scholle IPN). Mrs. Hayen shared Speyside closed with 100% of jobs required and 92% of capital investment resulting in a \$398,400 grant award. SIG (formerly Scholle IPN) also closed with 100% of both the jobs and capital investment required resulting in a \$195,000 grant award.

7/11/2024 5:04 PM Mrs. Richardson read the rules for the public hearings and reviewed the following ad for proposed increase to water and sewer rates:

Public Hearing

Proposed Increase in Water & Sewer Rates

Pursuant to Section 15.2-2119 of the Code of Virginia, The Smyth County Board of Supervisors proposes to increase the rates charged for Water and Sewer services within the Smyth County systems as follows, effective August 1, 2024:

Current Rates		Water Rates – Residential		Proposed Rates – 5% increase	
0 – 1,000 gallons	\$24.10 minimum bill	0 – 1,000 gallons		0 – 1,000 gallons	\$25.30
minimum bill 1,001 – 6,000 gallons	\$10.44 per 1,000 gallons	1,001 – 6,000 gallons		1,001 – 6,000 gallons	\$10.96
per 1,000 gallons 6,001 and over	\$12.85 per 1,000 gallons	6,001 and over		6,001 and over	\$13.49
per 1,000 gallons					

Current Rates		Water Rates – Commercial		Proposed Rates – 5% increase	
0 – 4,000 gallons	\$56.20 minimum bill	0 – 4,000 gallons		0 – 4,000 gallons	\$59.01
minimum bill Each additional 1,000 gallons		12.85 per 1,000 gallons		Each	
additional 1,000 gallons	\$13.49 per 1,000 gallons				

Current Rates		Water Rates – Industrial		Proposed Rates – 5% increase	
0 – 25,000 gallons	\$260.98 minimum bill	0 – 25,000 gallons		0 – 25,000 gallons	\$274.03
minimum bill Each additional 1,000 gallons		12.85 per 1,000 gallons		Each	
additional 1,000 gallons	\$13.49 per 1,000 gallons				

Current Rates		Sewer Rates – Residential		Proposed Rates – 5% increase	
0 – 1,000 gallons	\$24.10 minimum bill	0 – 1,000 gallons		0 – 1,000 gallons	\$25.30
minimum bill 1,001 – 6,000 gallons	\$10.44 per 1,000 gallons	1,001 – 6,000 gallons		1,001 – 6,000 gallons	\$10.96
per 1,000 gallons 6,001 and over	\$12.85 per 1,000 gallons	6,001 and over		6,001 and over	\$13.49
per 1,000 gallons					

Current Rate		Proposed Rate – 5% increase	
Residential Flat Rate	\$53.34 per month	Residential Flat Rate	\$56.00 per month

Current Rates		Sewer Rates – Commercial		Proposed Rates – 5% increase	
0 – 4,000 gallons	\$56.20 minimum bill	0 – 4,000 gallons		0 – 4,000 gallons	\$59.01
minimum bill Each additional 1,000 gallons		12.85 per 1,000 gallons		Each	
additional 1,000 gallons	\$13.49 per 1,000 gallons				

Current Rates		Sewer Rates – Industrial and Industrial Enterprise Zone		Proposed Rates – 5% increase	
0 – 3,000 gallons	\$80.30 minimum bill	0 – 3,000 gallons		0 – 3,000 gallons	\$84.34
minimum bill Each additional 1,000 gallons		13.39 per 1,000 gallons		Each	
additional 1,000 gallons	\$14.05 per 1,000 gallons				

A Public Hearing will be conducted by the Smyth County Board of Supervisors on **Thursday, July 11, 2024** beginning at 5:00 p.m., or shortly thereafter, in the Board of Supervisors meeting room, 121 Bagley Circle,

Marion, Virginia. A copy of the present and proposed rate schedule is on file at the Smyth County Administrators Office, 121 Bagley Circle, Marion, Virginia and can be viewed between the hours of 8:00 am and 5:00 pm, Monday through Friday.

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

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

7/11/2024 5:08 PM Chair, Atkins District Supervisor Charles Atkins opened the public hearing

7/11/2024 5:09 PM with no citizens wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

7/11/2024 5:03 PM Zoning Administrator, Becca Creasy read the following legal ad and reviewed the nuisance complaint for property located at 902 Old Wilderness Road, Ceres.

BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS

The Smyth County Board of Supervisors will conduct a public hearing in the Smyth County Office Building at 121 Bagley Circle in Marion, Virginia, on Thursday, July 11, 2024, at 5:00 P.M. or as soon thereafter to receive public input on whether the properties referenced below constitute public nuisances as defined by Smyth County Code, Article 3, Section 20-64.

1. Owner: Farrah Pennington Vaughn
Property: 229 Harris Lane, Marion, Virginia
Tax Map Nos. 46B-2-31 through 46B-2-34, continuously
2. Owner: Goodmans Chapel Methodist
Property: 902 Old Wilderness Road, Ceres, Virginia
Tax Map Nos. 10-A-19, 10-A-20A & 10-A-20D

Publication is required in cases where the property owner is either unknown or officials have been unable to locate the owner. Those with an ownership interest in the property should contact Becca Creasy at (276) 706-8316. If the property is declared a public nuisance and the owner(s) do not file a plan to abate or raze the nuisance at his/her cost, the County will file a complaint with the Circuit Court and take action to remove the nuisance. The cost will be charged to the owner and filed as a lien against the property ranking on parity with real estate taxes. Failure to pay nuisance abatement charges may result in the property being sold for nuisance abatement costs according to Virginia Code §58.1-3965 (1950), as amended.

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

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

Smyth County fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information or to obtain a Title VI Discrimination Complaint Form, contact (276) 783-3298 or at <https://www.smythcounty.org>.

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

7/11/2024 5:03 PM Chair, Atkins District Supervisor Charles Atkins opened the public hearing.

Harold Waddell of 435 Louise Ave., Marion spoke on the history of the property and the historical value of the church. Mr. Wadell also shared he believed the property owner did not get a court order from the trustees to allow the property to be sold.

Neil Hammonds 5023 West Blue Grass Trail, Ceres shared he had tried to speak to Mr. Bowman who is doing construction on the property and states he is the new owner. Mr. Hammonds shared he was under the assumption that since it was no longer a church it could be sold with a quick claim deed.

Chair, Atkins District Supervisor Charles Atkins shared the legal ownership would need to be debated with attorneys and reminded the reason for the public hearing was only for the nuisance complaint.

7/11/2024 5:30 PM Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

- *Saltville District Supervisor Roscoe Call made a motion to waive the rules of the public hearing for 902 Old Wilderness Road, Ceres to allow a vote. 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,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener.*

- *Saltville District Supervisor Roscoe Call made a motion to declare 902 Old Wilderness Road, Ceres a public nuisance and authorize County Attorney to proceed with legal action to enforce the Smyth County Ordinance. 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,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener.*

7/11/2024 5:32 PM Zoning Administrator, Becca Creasy then reviewed the nuisance complaint for property located at 229 Harris Lane, Marion and shared she has not been able to speak with the owner.

7/11/2024 5:33 PM Chair, Atkins District Supervisor Charles Atkins opened the public hearing.

Ed Blair of 1082 Sunset Hill Drive, Marion spoke on behalf of his Mother-in-law that lives on Harris Lane. Mr. Blair shared he would really like to see the property cleaned up and stated it was currently not being inhabited.

Garry Hester of 110 West Cherry Street, Marion shared he has been trying to purchase the building on the property since 2020. Mr. Hester shared the property has multiple liens but would still like to purchase the lot with the garage on it.

7/11/2024 5:45 PM Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

- *Chilhowie District Supervisor Michael Sturgill made a motion to waive the rules of*

the public hearing for 229 Harris Lane, Marion to allow a vote. 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,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener.*

- *Chilhowie District Supervisor Michael Sturgill made a motion to declare 229 Harris Lane, Marion a public nuisance and authorize County Attorney to proceed with legal action to enforce the Smyth County Ordinance. 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,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener.*

7/11/2024 5:57 PM Minutes of the June 20th Board of Supervisors meeting:

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the minutes from the June 20th, 2024, meeting as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,

*Vice Chair, Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener.*

7/11/2024 5:58 PM Assistant County Administrator, Lisa Richardson reviewed the County financial information.

SMYTH COUNTY BOARD OF SUPERVISORS**THURSDAY, JULY 11, 2024**ACCOUNTS PAYABLE LISTINGJune 2024

Request approval of the following payables:

General County	2,551,973.13
Fund 004 EDA	6,674.13
Fund 302 Public Safety Radio	36,279.64
Fund 505 Transfer Station	45,920.82
Regular Checks Total:	2,640,847.72
<u>Fund Accounts - Manual Checks</u>	
Fund 501 Water Deposit Refunds	100.00
Fund 747 Sheriff State Asset Forfeiture	-
Fund 748 Sheriff Purchase of Equipment	1,470.65
Fund 749 Recovery Court	4,523.28
Fund 760 Commonwealth Attorney Federal Drug Asset	-
Fund 770 Circuit Court Clerk - Holding Account	-
Manual Checks Total:	6,093.93
TOTAL ACCOUNTS PAYABLE - June 2024	2,646,941.65

7/11/2024 5:25 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing as presented above. 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,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener.*

7/11/2024 6:00 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

Logan Nester as a representative of Mount Rogers Community Services thanked the Board for their ongoing financial support and shared they are excited for the future.

7/11/2024 6:02 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

7/11/2024 6:02 PM Building Inspector Kenneth Pennington reminded the Board the public hearing for the updates to the Stormwater and Floodplain Ordinances was held at the last meeting and if they wish the ordinances that were included in the meeting packet may now be adopted.

- *A motion was made by Saltville District Supervisor Roscoe Call to repeal the current Stormwater Ordinance and adopt the revised Stormwater Ordinance as presented below in its place. 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,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener.*

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 – 20-18 – 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;*
 1. *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, 9VAC25-875-650 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*

- 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.*
1. *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.*
2. *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.*
3. *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.*

- 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

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

** 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.

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Charlie E. Atkins	X		
Roscoe D. Call	X		
Courtney Widener			X
Kristopher S. Ratliff, DPh			X
W. Jason Parris	X		
Mike Sturgill			
Rick A. Billings			X

I certify that this is a true and correct copy of the recorded vote taken from the minutes of the Smyth County Board of Supervisors meeting of July 11th, 2024.

Shawn Utt, Clerk of the Board

7/11/2024 6:04 PM Floodplain/Erosion and Stormwater Management Ordinance:

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the amended Floodplain Ordinance as presented below. 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,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener.*

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 §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;

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 et seq.

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

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- (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.

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Smyth County and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) that is provided to the County of Smyth by FEMA.

(Ord. of 6-12-2012)

Sec. 29-13. Compliance and liability.

- (a) No land shall hereafter be developed, and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this chapter.
- (b) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- (c) This chapter shall not create liability on the part of Smyth County or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. of 6-12-2012)

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)

Sec. 29-15. Abrogation and greater restrictions.

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.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this chapter. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this chapter are hereby declared to be severable.

(Ord. of 6-12-2012)

Sec. 29-17. Penalty for violations.

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the County of Smyth shall be guilty of the appropriate violation and subject to the penalties therefore.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of Smyth County are addressed in Article VIII of the Zoning Ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this article may be declared by the County of Smyth to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

(Ord. of 6-12-2012)

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.
- (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.

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, 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.

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- (a) Where field surveyed topography indicates that adjacent ground elevations:

- (1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
- (2) Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the SFHA.
- (b) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.
- (c) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- (d) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- (e) If a preliminary flood insurance rate map and/or a preliminary flood insurance study has been provided by FEMA:
 - (1) Upon the issuance of a letter of final determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - (2) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 1.5(C) and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - (3) Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

(Ord. of 6-12-2012)

Sec. 29-24. Jurisdictional boundary changes.

The county floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. 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.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22(a)(9)(v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the state coordinating office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all flood insurance rate maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for

which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

(Ord. of 6-12-2012)

Sec. 29-25. District boundary changes.

The delineation of any of the floodplain districts may be revised by the County of Smyth where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

(Ord. of 6-12-2012)

Sec. 29-26. Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

(Ord. of 6-12-2012)

Sec. 29-27. Submitting technical data.

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

(Ord. of 6-12-2012)

Sec. 29-28. Letters of map revision.

When development in the floodplain causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a conditional letter of map revision or a letter of map revision.

Examples:

- (1) Any development that causes a rise in the base flood elevations within the floodway.
- (2) Any development occurring in Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- (3) Alteration or relocation of a stream (including but not limited to installing culverts and bridges) 44 Code of Federal Regulations § 65.3 and § 65.6(a)(12).

(Ord. of 6-12-2012)

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 chance flood; areas of one percent annual chance 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, 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 hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to one foot above the 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.

The floodplain districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(Ord. of 6-12-2012)

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.

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- (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 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

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ARTICLE IV. DISTRICT PROVISIONS

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 29-42 and section 29-43.
 - (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 29-73(d)(1).

(Ord. of 6-12-2012)

Sec. 29-44. Standards for subdivision proposals.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and

- (d) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study 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)

Secs. 29-45—29-50. Reserved.

ARTICLE V. EXISTING STRUCTURES IN FLOODPLAIN AREAS

Sec. 29-51. Existing structures.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- (a) Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- (b) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than 50 percent of its market value shall conform to the VA USBC.
- (c) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with this chapter and shall require the entire structure to conform to the VA USBC.

(Ord. of 6-12-2012)

Secs. 29-52—29-60. Reserved.

ARTICLE VI. VARIANCES: FACTORS TO BE CONSIDERED

Sec. 29-61. Variances.

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by

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lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the 100-year flood elevation.
- (b) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (j) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (l) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (m) Such other factors which are relevant to the purposes of this chapter.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the 100-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(Ord. of 6-12-2012)

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, drilling or other land-disturbing activities 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,

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- 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,

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- (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.

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- (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 in a ten-year period, in which the cost of the repair on the average, equaled or exceeded 25 percent of the market value of the 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.
- (dd) *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.
- (ee) *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.
- (ff) *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.
- (gg) *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.
- (hh) *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.

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- (ii) *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.
- (kk) *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)

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Charlie E. Atkins	X		
Roscoe D. Call	X		
Courtney Widener			X
Kristopher S. Ratliff, DPh			X
W. Jason Parris	X		
Mike Sturgill			
Rick A. Billings			X

I certify that this is a true and correct copy of the recorded vote taken from the minutes of the Smyth County Board of Supervisors meeting of July 11th, 2024.

Shawn Utt, Clerk of the Board

7/11/2024 6:05 PM County Attorney Report

County Attorney, Scot Farthing had nothing new to report at this time.

7/11/2024 6:05 PM County Administrator Report -

Mrs. Richardson shared she had nothing to report at this time.

7/11/2024 6:05 PM Supervisor Comment Time –

Chair, Atkins District Supervisor Charlie Atkins shared his appreciation for all working together and getting things done. He believes the County has come a long way.

Saltville District Supervisor Roscoe Call shared gave thanks to all who came as well as thanking Smyth County News and Messenger, Stephanie Porter for always highlighting Smyth County in a positive way.

Rye Valley District Supervisor Jason Parris made the following motions:

- *A motion was made by Rye Valley District Supervisor Jason Parris to reappoint Dan Slemp and William Farmer to the Rye Valley Water Authority Board for a 1-year terms with each set to expire 6/30/2025. 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,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener.

- *A motion was made by Rye Valley District Supervisor Jason Parris to appoint Joe Robinson to the Wytheville Community College Board for a 4-year term set to expire 6/30/2028. 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,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener.*

Mr. Parris then spoke about the new Rec Football program and is happy to see such a great start.

Chilhowie District Supervisor Michael Sturgill made the following motion at Royal Oak District Supervisor Courtney Widener's request:

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to appoint Justine Bradley to the EDA for a 4-year term set to expire 6/30/2028. 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,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener.*

Mr. Sturgill also spoke about the many ways Lt. Scott Prater served Smyth County and requested the Board consider paying the remainder of the funeral bill totaling \$4,450.52. After discussion the following motion as made:

- *A motion was made by Saltville District Supervisor Roscoe Call to send Lt. Scott Prater's funeral bill to the Budget Committee for review and consideration. 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,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener*

7/11/2024 6:18 PM *Rye Valley District Supervisor Jason Parris made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)5 Business/Industrial Prospects, discussion concerning a business or industry considering expansion for which no previous announcements have been made regarding Project Rover and include Kendra Hayden in closed session. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener*

7/11/2024 6:28 PM *Rye Valley District Supervisor Jason Parris made a motion to adopt the following resolution and enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.*

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

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

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

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

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


AYES: *Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener.*

7/11/2024 6:29 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

 The Smyth County Board of Supervisors held its regular meeting on Thursday, July 25th, 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: Chair, Atkins District Supervisor Charles Atkins; Rye Valley District Supervisor Jason Parris; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call; Vice Chair Chilhowie District Supervisor Michael Sturgill.

ABSENT: Park District Supervisor Kristopher Ratliff; North Fork District Supervisor Rick Billings.

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

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

7/25/2024 5:00 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order.

7/25/2024 5:01 PM Clegg Williams lead the pledge of allegiance.

7/25/2024 5:01 PM Kendra Hayden led the invocation.

7/25/2024 5:01 PM Presentations:

Jimmy Moss with Mount Rogers Planning District Commission shared the Smyth Grow program accomplishments so far including all 11 modular homes in Marion that are currently awaiting power connections, while an offer has been made on the first house by Totton Construction. Permits have been obtained for the six townhouse units at Royal Oaks, and construction is advancing smoothly. The first Williams Builders house in Chilhowie has been completed. Pruitt Construction has successfully surveyed and marked both of its lots. Additionally, the MRPDC Acquire, Renovate, and Sell Program has provided supplementary funds for four home builds, enhancing the Grow Smyth Co. budget. A \$2.5 million home loan sit-aside is available to reduce interest rates by 1% for borrowers using Virginia Housing loans. In total, 48 homes are either under construction or planned, with most partner agreements covering multiple units and allowing for the recycling of funds to support additional housing projects. The Board thanked Mr. Moss for his dedication to the program.

7/25/2024 5:19 PM KJ Holbrook Chief Clinical Officer for Mount Rogers Community Services spoke about proposed changes to the Performance agreement. Ms. Holbrook shared every two years the state updates the agreements and then it is forwarded to localities to adopt. Chairman, Atkins District Supervisor Charles Atkins thanked Ms. Holbrook for her attendance and shared the Board would review the updates.

7/25/2024 5:23 PM Public Hearing.

- *Royal Oak District Supervisor Courtney Widener made a motion to waive the reading of the rules for the public hearing. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings and
Park District Supervisor Kristoper Ratliff.*

7/25/2024 5:23 PM Assistant County Administrator, Clegg Williams reviewed the public hearing advertisement for the proposed “How We Chill” music festival. Mr. Williams shared that in Mr. Roses’ application, he submitted a site plan, letter on sound compliance, certificate of insurance, and a letter from the Sheriff. Additionally, Mr. Rose has been actively working with the Health Department to finalize his permit. Mr. Rose also attempted numerous times to reach out to the Department of Forestry, but unfortunately, they did not respond. Mr. Rose did contact the Chilhowie Fire Department and received a letter from David Haynes, Chilhowie Fire Chief, acknowledging the event.

PUBLIC HEARING NOTICE

The Smyth County Board of Supervisors will conduct a public hearing on Thursday, July 25, 2024, at 5:00 p.m., or soon thereafter, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application for an Annual Musical or Entertainment Festival permit under the Code of Smyth County, Virginia:

Sonic Bloom Productions has submitted a festival application for a two-day event to be held at 1291 Arden Lane Chilhowie Virginia, 24319 during the following dates/times:

Friday, August 16, 2024 - 12:00 p.m. to 12:00 a.m., and will end by midnight per the Smyth County Code Section 5-98

Saturday, August 17, 2024 - 12:00 p.m. to 12:00 a.m., and will end by midnight per the Smyth County Code Section 5-98

At this public hearing, subject to the rules of procedure of the Board of Supervisors of Smyth County, Virginia, any person may appear and state his/her views thereon. All interested people may express their views in person or by emailing alouthian@smythcounty.org prior to the scheduled public hearing. Written comments may also be mailed or delivered to County Administrator, 121 Bagley Circle, Suite 100, Marion VA 24354, or by fax to (276) 783-9314. All emails, written comments and faxes must be received by 2:00pm on Thursday, July 25th, 2024.

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

In compliance with the 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

7/25/2024 5:25 PM Chair, Atkins District Supervisor Charles Atkins opened the public hearing.

7/25/2024 5:25 PM With no citizens wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

- *Rye Valley District Supervisor Jason Parris made a motion to waive the rules of the public hearing for the "How We Chill" music festival to allow for a vote. 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings and
Park District Supervisor Kristoper Ratliff.*

- *Saltville District Supervisor Roscoe Call made a motion to approve the application for the "How We Chill" music festival to be held on August 16th and 17th 2024 at 1291 Arden Lane Chilhowie Virginia, 24319. 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings and
Park District Supervisor Kristoper Ratliff.*

7/25/2024 5:29 PM Minutes from the July 11th, 2024 meeting.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the meeting minutes of the July 13th, 2024 meeting. 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,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *Royal Oak District Supervisor Courtney Widener.*

ABSENT: *North Fork District Supervisor Rick Billings and
Park District Supervisor Kristoper Ratliff.*

7/25/2024 5:29 PM Chair, Atkins District Supervisor Charles Atkins opened Citizens Time.

Bob Williams with Smyth Animal Rescue, spoke regarding the successes of the rescue. Mr. Williams mentioned different programs that are offered such as behavior improvements classes, food assistance and spay and neuter trap and release programs. Mr. Williams thanked the Board for their continued support.

7/25/2024 5:35 PM With no more citizens wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed Citizens Time.

7/25/2024 5:35 PM Royal Oak District Supervisor Courtney Widener read the minutes of the July 18th Public Safety Committee and presented the following recommendations:

- *Rye Valley District Supervisor, Jason Parris made a recommendation to authorize the forgiveness of debt for AMB account number 144197754 in the amount of \$148.96. Chilhowie District Supervisor, Mike 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *None.*

*ABSENT: North Fork District Supervisor Rick Billings and
Park District Supervisor Kristoper Ratliff.*

- *Chilhowie District Supervisor, Mike Sturgill made a recommendation to authorize the forgiveness of debt for AMB account numbers 144157226 in the amount of \$300.00 and 143966545 in the amount of \$1,307.70. Rye Valley District Supervisor, Jason Parris 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings and
Park District Supervisor Kristoper Ratliff.*

- *Chilhowie District Supervisor, Mike Sturgill made a recommendation to authorize the County Administrator to execute the contract with the SWVA Community College's Paramedic program. Rye Valley District Supervisor, Jason Parris 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Rick Billings and
Park District Supervisor Kristoper Ratliff.*

- *Chilhowie District Supervisor, Mike Sturgill made a recommendation to authorize the Chairman to execute the Mutual Aid and Cooperation Agreement for Law Enforcement services between Russell County and Smyth County. Rye Valley District Supervisor, Jason Parris 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and*

Rye Valley District Supervisor Jason Parris.

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings and
Park District Supervisor Kristoper Ratliff.*

7/25/2024 5:41 PM Chilhowie District Supervisor Michael Sturgill read the minutes of the July 22nd Building and Grounds Committee and presented the following recommendations:

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend creating a task force for all County Building needs and invite the appointment of two members from each entity or associated staff to include the County Board of Supervisors, County School Board, Department of Social Services and any other agency that may need to be added later. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was approved by the Committee.*

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

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings and
Park District Supervisor Kristoper Ratliff.*

7/25/2024 5:47 PM Utility Rate Increase: Mrs. Richardson shared after the public hearing on July 11th, the proposed Ordinance was provided to the Board for review and consideration.

- *Royal Oak District Supervisor Courtney Widener Made a motion to adopt the Ordinance setting Fixed Changes and Volume Changes for Water and Sewer Service to be effective August 1st, 2024. Saltville District Supervisor Roscoe Call seconded the motion.*

**ORDINANCE SETTING FIXED CHARGES AND VOLUME CHARGES FOR
WATER AND SEWER SERVICE, TO BE EFFECTIVE AUGUST 1, 2024**

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

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

WHEREAS, the recommendation for the fiscal year set to begin August 1, 2024 is to provide for an across-the-board increase 5% in water and sewer utility rates and fees; and,

WHEREAS, the Board of Supervisors conducted a duly noticed public hearing on July 11, 2024 to received comments from the public on the proposed increases in the water and sewer utility rates, wherein the comments from the public could be heard.

NOW, THEREFORE, be it **ORDAINED** by the Board of Supervisors of Smyth County, Virginia, sitting in regular session this 25th day of July, 2024, that the utility service charges for both water and sewer services are hereby amended as set forth in **Appendix A** attached hereto and expressly made a part hereof as if set forth herein; and,

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

This Ordinance was duly considered following the required public hearing held on July 11th, 2024 and was adopted by the Board of Supervisors of Smyth County, Virginia, at its regular meeting held on this, the 25th day of July, 2024 and shall be effective August 1, 2024, the members voting as follows:

<u>Member</u>	<u>Vote</u>	
Charles E. Atkins	<u>_Yes_</u>	
Roscoe D. Call	<u>_Yes_</u>	Adopted this the 25th day of July, 2024.
W. Jason Parris	<u>_Yes_</u>	
Kristopher S. Ratliff, DPh	<u>_Absent_</u>	Attest:
Rick A. Billings	<u>_Absent_</u>	
Michael L. Sturgill	<u>_Yes_</u>	
S. Courtney Widener	<u>_Yes_</u>	Clerk of the Smyth County Board of Supervisors

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

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings and
Park District Supervisor Kristoper Ratliff.*

7/25/2024 5:49 PM Mrs. Richardson presented the following proposed Resolution for County Volunteer fire and EMS agencies on the County's Worker's Comp policy for review and consideration:

**RESOLUTION TO ADOPT THE MEMBER AGREEMENT TO JOIN
THE VIRGINIA ASSOCIATION OF COUNTIES
GROUP SELF INSURANCE RISK POOL**

WHEREAS, the Smyth County Board of Supervisors assists the Smyth County Volunteer Fire/EMS operations through annual contributions and operational support to encourage the provision of public safety services to the citizens of Smyth County; and

WHEREAS, the Smyth County Volunteer Fire/EMS desires to protect against liability claims and property losses and to provide for payment of claims or losses for which it may be liable; and

WHEREAS, the Virginia Association of Counties Group Self Insurance Risk Pool, aka VACoRP, has been established pursuant to Chapter 27 (§15.2-2700 et seq.) and Title 15.2 of the code of Virginia; and

WHEREAS, it is desirable for Smyth County Volunteer Fire/EMS to join the Virginia Association of Counties Group Self Insurance Risk Pool in order to provide a method of risk sharing for liability, workers' compensation and property losses;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Smyth County Volunteer Fire/EMS (aka, the Smyth County Board of Supervisors) hereby agrees to the member agreement entitled "Member Agreement for Virginia Association of Counties Group Self Insurance Risk Pool" which creates a group fund to pay liability and workers' compensation claims and property losses of the counties and other local agencies joining the Group, and we acknowledge we have received a copy of the pertinent Plan and supporting documents.

BE IT FURTHER RESOLVED that Shawn M. Utt, County Administrator, is authorized to execute the member agreement to join the Virginia Association of Counties Group Self Insurance Risk Pool and to act on behalf of Smyth County Volunteer Fire/EMS in any other matter relative to the Group.

Adopted this the 25th day of July 2024.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

- *Saltville District Supervisor Roscoe Call made a motion to approve the Resolution to Adopt the Member Agreement to Join The Virginia Association Of Counties Group Self Insurance Risk Pool. Royal Oak District Supervisor Courtney Widener seconded the motion.*

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

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings and
Park District Supervisor Kristoper Ratliff.*

7/25/2024 5:54 PM County Attorney Report:

County Attorney Scot Farthing stated a judgement for cleanup costs for Quail Run has been issued and will be granted once the property is sold.

7/25/2024 5:57 PM County Administrator Report:

Mrs. Richardson praised the IT team for their swift resolution of the recent CrowdStrike issues, which enabled county staff to remain operational and functional in a remarkably short period of time. Mrs. Richardson then announced Julie Looney had been hired as the new Afterschool Program Director and plans to introduce her to the Board soon.

7/25/2024 6:02 PM Supervisor Comment Time

Chilhowie District Supervisor Michael Sturgill shared his gratitude for the Board working together.

Rye Valley District Supervisor Jason Parris thanked all who attended the Board meeting. Mr. Parris encouraged community support for the local Parks and Recreation Football season.

Royal Oak District Supervisor Courtney Widener thanked staff and shared his appreciation for the Afterschool program.

Chair Atkins, District Supervisor Charles Atkins, expressed his gratitude for everyone's hard work and highlighted that the Board's decision to use ARPA funds for addressing the housing crisis was a commendable investment in the county.

North Fork District Supervisor Roscoe Call wished everyone a safe trip home.

7/25/2024 6:08 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)3 Discussion or consideration of the acquisition of real property for public purposes, or of the disposition of publicly held real property regarding McMullin Station. 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Rick Billings and
Park District Supervisor Kristoper Ratliff.

7/25/2024 6:19 PM Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Saltville District Supervisor Roscoe Call seconded

the motion.

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

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

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

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

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings and
Park District Supervisor Kristoper Ratliff.*

7/25/2024 6:19 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins recessed the meeting until the 7pm Joint Planning Commission Meeting.

The Smyth County Board of Supervisors held its regular meeting on Thursday, August 8th, 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; Saltville District Supervisor Roscoe Call; Park District Supervisor Kristopher Ratliff; Royal Oak District Supervisor Courtney Widener; North Fork District Supervisor Rick Billings.

ABSENT: None.

STAFF: County Administrator Shawn Utt; Assistant County Administrator – Development Clegg Williams; Zoning Administrator Becca Creasy.

OTHERS: Smyth County Sheriff's Deputy and citizens

8/8/2024 5:02 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

8/8/2024 5:02 PM Manuel Street, GIS Coordinator led the Pledge of Allegiance and Reverend Alan Gray gave the invocation.

8/8/2024 5:03 PM Lennie Gail Mitcham, Executive Director of the Southwest Virginia Alliance for Manufacturing presented their annual report, thanking Smyth County for their continued support.

8/8/2024 5:20 PM Minutes of the July 27th Board of Supervisors meeting:

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the minutes from the July 25th, 2024, meeting as amended. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: Park District Supervisor Kristoper Ratliff.

ABSENT: None.

8/8/2024 5:27 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

Veda Odle of South Fork Road– shared her concern for the lack of information on property reassessments, processes for determining value and increased taxes.

Sarah Taylor of 604 E. Coyner Ave, Marion – expressed concern about the property reassessment, citing state code provisions that allow citizens to access records, but noted that she felt she had not received a suitable response to her request. She mentioned that she exercised her right to appeal with the Board of Equalization but was dissatisfied with the process. Ms. Taylor raised questions about how the Board of Equalization measures and assesses property, pointing out what she felt to be inaccuracies such as an incorrect lot size that remained uncorrected even after the error was identified, as well as inaccuracies in the minutes of the Board of Equalization meetings. She has requested that the Board of Supervisors review these issues.

David Fulton of 423 Pearl Ave, Marion – Mr. Fulton inquired if anyone had received any updates from VDOT regarding the project at Exit 47, as he had a near-miss incident there. Mr. Utt responded that VDOT representatives would be present at the September meeting to address such concerns.

8/8/2024 5:30 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

8/8/2024 5:30 PM Mr. Utt reviewed the County financial information.

SMYTH COUNTY BOARD OF SUPERVISORS

THURSDAY, August 8, 2024

ACCOUNTS PAYABLE LISTINGJuly 2024

Request approval of the following payables:

General County	1,827,081.49
Fund 004 EDA	17,599.44
Fund 302 Public Safety Radio	17,893.50
Fund 505 Transfer Station	-
Regular Checks Total:	1,862,574.43
<u>Fund Accounts - Manual Checks</u>	
Fund 501 Water Deposit Refunds	100.00
Fund 747 Sheriff State Asset Forfeiture	-
Fund 748 Sheriff Purchase of Equipment	-
Fund 749 Recovery Court	1,801.38
Fund 760 Commonwealth Attorney Federal Drug Asset	-
Fund 770 Circuit Court Clerk - Holding Account	-
Manual Checks Total:	1,901.38
TOTAL ACCOUNTS PAYABLE - July 2024	1,864,475.81

8/8/2024 5:31 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing as presented above. 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,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener,
Saltville District Supervisor Roscoe Call, and

Rye Valley District Supervisor Jason Parris.

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

8/8/2024 5:31 PM Royal Oak District Supervisor Courtney Widener read the minutes of the August 1st Animal Control Committee and presented the following recommendations:

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend approval of the Smyth County Damage Claim in the amount of \$20 to Amanda Jones for the loss of 2 chickens. North Fork District Supervisor Rick Billings seconded the motion, and it was unanimously approved.*

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

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend approval of the Smyth Animal Rescue contract as amended in discussion, pending County Attorney review and authorize County Administrator to execute on the County's behalf. North Fork District supervisor Rick Billings seconded the motion, and it was unanimously approved.*

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

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

NAYS: *None.*

ABSTAINERS: None.

ABSENT: None.

8/8/2024 5:36 PM Rye Valley District Supervisor Jason Parris read the minutes of the August 1st Surplus Committee and presented the following recommendation:

- *A motion was made North Fork Supervisor Roscoe Call to recommend accepting the bid for the .10 acre with tax map number 41B-A-7A of \$251.00 stipulating the bidder pay all associated legal fees and closing costs. Rye Valley District Supervisor Jason Parris seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

8/8/2024 5:37 PM North Fork District Supervisor Rick Billings read the minutes of the August 1st Water and Sewer Committee and presented the following recommendation:

- *Rye Valley District Supervisor Jason Parris made a motion to recommend that staff write off all past-due amounts on closed accounts that are over five years old and do not qualify for debt setoff, as well as four closed accounts with balances under \$5.00 each, which also do not qualify for debt setoff totaling \$55,256.36. North Fork District Supervisor Rick Billings seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

8/8/2024 5:39 PM Royal Oak District Supervisor Courtney Widener read the minutes of the August 1st Public Safety Committee. No recommendations made, informational only.

8/8/2024 5:40 PM Royal Oak District Supervisor Courtney Widener read the minutes of the August 1st Parks and Recreation Committee. No recommendations made, informational only.

8/8/2024 5:41 PM Royal Oak District Supervisor Courtney Widener read the minutes of the August 1st Ordinance Committee and presented the following recommendation:

- *Atkins District Supervisor Charles Atkins made a motion to recommend scheduling a joint public hearing with the Planning Commission on September 26, 2024, at 7 pm or shortly thereafter as may be heard to gain public comments to consider amendments to the zoning ordinance sections 4-8, 8-3.1, and 8-6.2. Royal Oak District Supervisor Courtney Widener seconded the motion.*

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

AYES: None.

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

ABSTAINERS: None.

ABSENT: None.

- *Royal Oak District Supervisor Courtney Widener a motion to schedule a joint public hearing with the Planning Commission on September 26, 2024, at 7 pm or shortly thereafter as may be heard to gain public comments to consider amendments to the zoning ordinance sections 4-8 and 8-6.2. 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,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener,*

*Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

8/8/2024 5:45 PM Mr. Utt read the minutes of the August 1st Budget Committee and presented the following recommendations:

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend approving a Resolution of Moral Obligation for the Town of Saltville's water project in the amount of \$1,314,656. Atkins District Supervisor Charles Atkins seconded the motion, and it was approved by the Committee.*

After consideration, the Committee recommendation 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,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend proceeding with Edmonds software and allow County Administrator to execute any necessary documents pending County Attorney review. Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved by the Committee.*

Mr. Utt reported that the staff favored Edmunds, which was also recommended by IT Director Gabe Dempsey. Mr. Dempsey expressed concerns about RDA, the other software under consideration. The Commissioner of Revenue, who had emailed his reservations, was represented by Jody Reedy during the meeting. The Board engaged in a discussion focused on finding the best solution for all staff and ensuring the decision was made correctly. As a result, Board members requested additional information from other localities and tabled the motion until the next regular meeting.

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend scheduling a public hearing for Thursday, August 22nd at 5:00 or shortly thereafter to consider Budget Amendment #1 for FY24/25 in the amount of \$4,942,421. Atkins*

District Supervisor Charles Atkins seconded the motion, and it was unanimously approved by the Committee.

After consideration, the Committee recommendation 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,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

- Chilhowie District Supervisor Michael Sturgill made a motion to recommend payment of \$4,450.52 to D. R. Henderson Funeral Home for Deputy Scott Prater's funeral bill. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved by Committee.*

After consideration, the Committee recommendation 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,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

8/8/2024 6:24 PM Mr. Utt shared during the meeting on July 25th, KJ Holbrook, Chief Clinical Officer for Mount Rogers presented the proposed amendments to the Performance Agreement, as mandated by the Commonwealth of VA. These amendments were included in the Board packet for July 25th for the Boards review and consideration. The Board will now need to vote on these amendments.

- Chilhowie District Supervisor Michael Sturgill made a motion to approve amendments as presented to the Mount Rogers Performance Contract. Rye Valley District Supervisor Jason Parris seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

8/8/2024 6:25 PM Mr. Williams shared the following Planning Commission recommendations for the Boards review and consideration:

William R. Varner - recommendation on proposed Special Use Permit for a Campground or Recreational Vehicle Park

After a lengthy discussion, Lea Meadows made a motion to recommend the Board of Supervisors approve William R. Varner's Special Use Permit for a Campground or Recreational Vehicle Park on property identified as tax map number 29-A-82B, located across from 1857 Riverdale Lane on Saltville Hwy in Saltville, and it was unanimously approved by the Planning Commission to include the following conditions:

- Install appropriate trash containers.
 - Empty trash containers daily.
 - To comply with floodplain requirements
 - The maximum length of camping shall not exceed two weeks,
 - Keep documentation of visitors.
 - Verify the camper's contact information to address any illegal activities at the Campground and disclose floodplain requirements.
 - One-year expiration so the SUP can be reviewed (Mr. Varner shall reapply if he wishes to continue operating his campground)
 - No invasive lighting shall be installed.
-
- *After discussion, Royal Oak District Supervisor Courtney Widener made a motion to approve the Special Use Permit for William R. Varner for a Campground or Recreational Vehicle Park on property identified as tax map number 29-A-82B, located across from 1857 Riverdale Lane on Saltville Hwy in Saltville with the following conditions:*
 - *Install appropriate trash containers.*
 - *Empty trash containers daily.*

- *To comply with floodplain requirements*
- *The maximum length of camping shall not exceed two weeks,*
- *Keep documentation of visitors.*
- *Verify the camper's contact information to address any illegal activities at the Campground and disclose floodplain requirements.*
- *Three-year expiration so the SUP can be reviewed*
- *No invasive lighting shall be installed.*

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,
Park District Supervisor Kristoper Ratliff, and
Royal Oak District Supervisor Courtney Widener,
Saltville District Supervisor Roscoe Call, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

8/8/2024 6:37 PM Myrtle Properties LLC - recommendation on map amendment to rezone 15 acres from to C Lea Meadows made a motion to recommend the Board of Supervisors approve Myrtle Properties' request for a map amendment to rezone approximately 15 acres to Commercial. The property is identified as a portion of tax map number 54-A-28 and is located at 289 Lee Hwy in Chilhowie. The motion was seconded by Mr. Shepherd and was approved by majority vote.

- *Saltville District Supervisor Roscoe Call made a motion to rezone approximately 15 acres to Commercial identified as a portion of tax map number 54-A-28 and is located at 289 Lee Hwy in Chilhowie. Rye Valley District Supervisor Jason Parris seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

8/8/2024 6:39 PM County Administrator Report -

Mr. Utt shared Chairman, Atkins District Supervisor Charles Atkins would like Mr. Widener and Mr. Parris to serve on the Building Needs Task Force. Both Board members agreed. Mr. Utt then shared dates for upcoming events as well as providing “Thank you” gifts from 4-H to each Board member for their support.

8/8/2024 6:42 PM Supervisor Comment Time –

North Fork District Supervisor Rick Billings thanked everyone for working together for the betterment of the County.

Rye Valley District Supervisor Jason Parris shared his excitement for rezoning property and supporting development.

Saltville District Supervisor Roscoe Call shared his appreciation for everyone working together.


Park District Supervisor Kristopher Ratliff shared his appreciation for all those involved in the Rec program.

Chilhowie District Supervisor Micheal Sturgill shared good news of a great start to the school year.

Royal Oak District Supervisor Courtney Widener thanked staff as well as volunteers for the Rec program.

Chair, Atkins District Supervisor Charles Atkins shared his concern for Mrs. Taylor’s comments during citizen’s time. Mr. Atkins also congratulated Amanda Livingston, Director of Tourism for the three awards received and is very proud of Tourism in Smyth County.

8/8/2024 7:06 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

 The Smyth County Board of Supervisors held its regular meeting on Thursday, August 22nd, 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: Chair, Atkins District Supervisor Charles Atkins; Rye Valley District Supervisor Jason Parris; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call; Park District Supervisor Kristopher Ratliff; North Fork District Supervisor Rick Billings.

ABSENT: Vice Chair Chilhowie District Supervisor Michael Sturgill

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

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

8/22/2024 5:00 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and called for a moment of silence for Deputy Hunter Reedy who was tragically killed in the line of duty on August 9th, 2024.

8/22/2024 5:03 PM Chair, Atkins District Supervisor Charles Atkins read the following statement into the record:

"The Smyth County Board of Supervisors stands united in grief with the Smyth County Sheriff's office and the community as we mourn the tragic loss of Deputy Hunter Reedy, who lost his life on August 9th in a senseless act of violence. Law Enforcement Officers like Deputy Reedy put their lives on the line on a daily basis to protect the safety and well-being of our community, and his dedication to this noble calling was evident in all he did. We are all part of this community, bound together by the values of service, support, and compassion. Deputy Reedy embodied these values with his unwavering commitment. Deputy Reedy was more than a police officer; he was a beloved husband, father, son, friend, and hero embodying the values of service, support, and compassion in every aspect of his life. His loss is profoundly felt by all of us. During this heartbreaking time, we extend our deepest condolences to his family, friends, and colleagues. As a community, we will stand together, offering support and strength to one another as we honor Deputy Reedy's legacy. Since 1832, Smyth County Sheriff's Department has not experienced the tragic loss of a law enforcement officer in the line of duty. In the aftermath of this terrible event, I was deeply moved by the outpouring of support we received from the surrounding communities. Calls flooded in from Board members in nearby counties, offering their unwavering support in any way they could. What followed was an extraordinary display of unity and compassion: law enforcement agencies from Washington, Wythe, Bland, Grayson, Tazwell, Abingdon, Roanoke County, Town of Pulaski and many others stepped in without hesitation. They took over calls for Smyth County, allowing our officers the space to grieve, to be with their families, and to begin healing. Their selfless dedication came at no cost to Smyth County, but the impact they made is priceless. I am overwhelmed with gratitude for the help and love that has poured in from every corner. It reminds me, more than ever, how fortunate we are to be part of such a strong, caring, and close-knit community. In moments of loss, it's this unity that gives us strength, and I am so proud to call this place home. On behalf of the Board of Supervisors, I want to extend our heartfelt thanks to all who

offered assistance and prayers during this difficult time. Please continue to lift up our officers, Deputy Reedy's family, and everyone touched by this tragedy as we navigate through this sorrowful chapter together."

8/22/2024 5:06 PM Auna Louthian led the pledge of allegiance and Stephanie Porter provided the invocation.

8/22/2024 5:08 PM Chair, Atkins District Supervisor Charles Atkins entertained a motion to allow Park District Supervisor Kristopher Ratliff to join electronically.

- *Rye Valley District Supervisor Jason Parris made a motion to allow Park District Supervisor Kristopher Ratliff to join the meeting electronically. 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair, Chilhowie District Supervisor Michael Sturgill and
Park District Supervisor Kristoper Ratliff.

8/22/2024 5:08 PM Presentations:

Commonwealth Attorney, Philp Blevins acknowledged officers in the Smyth County Sheriff's Office who assisted with two recent murder convictions and presented each with a certificate of appreciation and a challenge coin. The Officers recognized were Micheal Fedorchuk, Roger Dowell, Brad Johnson, Dusty King, and Hunter Reedy.

Next, Mr. Blevins provided an update on the alternative sentencing program he has been developing. He plans to collaborate with Mr. Utt during the next budget season to launch the program July 1st, 2025.

8/22/2024 5:35 PM Public Hearing for Budget Amendment #1.

- *Royal Oak District Supervisor Courtney Widener made a motion to waive the reading of the rules for the public hearing. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristoper Ratliff,
North Fork District Supervisor Rick Billings, and

Rye Valley District Supervisor Jason Parris.
NAYS: None.
ABSTAINERS: None.
ABSENT: Vice Chair, Chilhowie District Supervisor Michael Sturgill.

8/22/2024 5:35 PM Mr. Utt reviewed FY25's Budget Amendment #1 noting the amendment includes unspent carry-over items from FY24, largely from the School System as well as a grant for the Sheriff's Office and requires a public hearing due to the total amount exceeding 1% of our budget. He then provided the following public hearing advertisement:

NOTICE OF PUBLIC HEARING

Pursuant to Section 15.2-2507 of the Code of Virginia, notice is hereby given that the Board of Supervisors of Smyth County, Virginia, will hold a public hearing in the Boardroom of the Smyth County Administration Building at 121 Bagley Circle, Marion, Virginia, on Thursday, August 22, 2024, at 5:00 p.m. or soon thereafter, to receive comments on the proposed amendments of the budget for fiscal year 2024-2025.

This amendment will increase the Fiscal Year 2024-2025 adopted budget by \$4,942,421.00 related to additional grant funding for the Sheriff's Office designated for Byrne/Justice Assistance, as well as carryover funds from Fiscal Year 24 for the Smyth County School Board, various bonds, and interest accruals. The proposed new total budget amount will be \$151,588,158.00.

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, August 22, 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

8/22/2024 5:36 PM Chair, Atkins District Supervisor Charles Atkins opened the public hearing.

8/22/2024 5:36 PM With no citizens wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

- *Saltville District Supervisor Roscoe Call made a motion to waive the rules of the public hearing for FY25 Budget Amendment #1 to allow for a vote. 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristoper Ratliff,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair, Chilhowie District Supervisor Michael Sturgill.

**RESOLUTION
SMYTH COUNTY BUDGET FISCAL YEAR 2024/25 – AMENDMENT #1**

WHEREAS, the Smyth County Board of Supervisors, on June 20th, 2024 adopted the Fiscal Year 2024/25 Budget in the original amount of \$146,646,737; and

WHEREAS, the aggregate amount of budget amendment #1 is \$4,942,421 which would increase the Fiscal Year 2024/25 budget to a total of \$151,588,158 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 2024/25 in the amount of \$151,588,158.

BE IT FURTHER RESOLVED, the approval of this budget amendment #1 shall indeed constitute an appropriation of the same funds.

Adopted this the 22nd day of August 2024

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

Exhibit A
FY2024/25
Budget Amendment #1 (Aug. 22, 2024)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	Sheriff	001-023020-_____	Byrne/Justice Assistance Grant	\$ -	\$ (44,749)	\$ (44,749)	Additional grant funds for equipment
Fund 001	Local Funds Transfer	001-040000-0002	Smyth County School Board	\$ 13,398,174	\$ 4,465,960	\$ 17,864,154	Carryover from previous year
Fund 001	Local Funds Transfer	001-040000-0005	Local Funds Transfer-Use of Fund Balance	\$ (500,000)	\$ (4,512,920)	\$ (5,012,920)	
Fund 009	Local Funds Transfer From General Fund	009-022000-0001	Transfer from General Fund	\$ (9,682,312)	\$ (4,465,960)	\$ (14,148,292)	Carryover from previous year
Fund 302	Public Safety Comm. Bond	302-010001-0002	Interest	\$ (9,000,000)	\$ 713,584	\$ (8,286,416)	Balance available as of June 30, 2024
Fund 305	Building Study Construction	305-010001-0002	Interest	\$ (12,775,000)	\$ (300,000)	\$ (13,075,000)	Accumulated interest as of July, 2024
Fund 777	Special Projects Fund	777-010001-0003	Revenue from Previous Years	\$ -	\$ (798,336)	\$ (798,336)	Carryover from previous year
Total Revenues With Amendment				\$ (146,645,737)	\$ (4,942,421)	\$ (151,588,158)	

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget Amount	Notes
Fund 001	Sheriff	001-021070-_____	Byrne/Justice Assistance Grant	\$ -	\$ 72,789	\$ 72,789	New Grant funding for equipment purchase
Fund 001	Volunteer Fire Departments	001-032020-5604-1	Contributions -Vol Fire Departments	\$ 60,000	\$ 18,900	\$ 78,900	Carryover for purchase of UTV / Equipment
Fund 009	Smyth County School Board	009-099990-5301	Instruction (61000)	\$ 47,316,508	\$ 2,200,000	\$ 49,516,508	Carryover from previous year
Fund 009	Smyth County School Board	009-099990-5307	Capital Outlay-Facilities (66000)	\$ 2,110,000	\$ 2,265,960	\$ 4,375,960	Carryover from previous year
Fund 302	Public Safety Comm. Bond	302-012010-0001	Construction Funds	\$ 9,000,000	\$ (713,584)	\$ 8,286,416	Balance of funds available June 30, 2024
Fund 305	Building Study Construction	305-010001-0003	Building Study Fund	\$ 12,775,000	\$ 300,000	\$ 13,075,000	Accumulated interest as of July, 2024
Fund 777	Special Projects Fund	777-010000-0011	Marion Inter. School Renov.	\$ -	\$ 798,336	\$ 798,336	Carryover from previous year
Total Expenditures With Amendment				\$ 146,645,737	\$ 4,942,421	\$ 151,588,158	

Revenues	\$ (146,645,737)	\$ (4,942,421)	\$ (151,588,158)
Expenditures	\$ 146,645,737	\$ 4,942,421	\$ 151,588,158
Difference	\$ -	\$ -	\$ -

- Royal Oak District Supervisor Courtney Widener made a motion to approve the resolution for FY25 Budget Amendment #1 in the amount of \$4,942,421. Saltville District Supervisor Roscoe Call seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair, Chilhowie District Supervisor Michael Sturgill.

8/22/2024 5:37 PM Minutes from the August 8th, 2024 meeting.

- A motion was made by Saltville District Supervisor Roscoe Call to approve the meeting minutes of the August 8th, 2024 meeting. Rye Valley District Supervisor Courtney Widener seconded the motion.

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair, Chilhowie District Supervisor Michael Sturgill.

8/22/2024 5:38 PM Chair, Atkins District Supervisor Charles Atkins opened Citizens Time.

Rose Likins, Director of Smyth County Public Libraries, gave updates on new programs offered and upcoming events.

Jerry Harmon of 301 Park Boulevard, Marion shared his displeasure with the Town of Marion and his opinion on an impossible situation with a VDOT-placed pavement barrier and no solution from the Town. Mr. Harmon advised of his business (Park Place Drive-In) will be closing after this year due to these issues.

Charles Wassum, 321 Wassona Drive, Marion requested the Board reach out to the Town of Marion to try and reach a solution for Mr. Harmon.

8/22/2024 5:51 PM With no more citizens wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed Citizens Time.

8/22/2024 5:51 PM Mr. Utt read the minutes of the August 15th Budget Committee and presented the following recommendations:

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend the Board of Supervisors serve as the fiscal agent for the Appalachian Center for Hope for grant funds through Health Resources and Services Administration. Atkins District Supervisor Charles Atkins seconded the motion, and it was approved by the Committee.*

**RESOLUTION OF IN SUPPORT FOR SMYTH COUNTY TO SERVE AS
FISCAL AGENT FOR FEDERAL FUNDING APPROPRIATION FOR
THE APPALACHAIN CENTER FOR HOPE**

***WHEREAS**, the Appalachian Center for Hope, Inc. ("ACH") grew out of community responses to the results of a community Health Assessment conducted in 2017 where leaders from all sectors shared information on the challenges of addiction and recovery; and,*

***WHEREAS**, the Smyth County Board of Supervisors has long supported the initiatives of ACH to provide a cross-sector response to the substance use challenges in Smyth County and greater southwest Virginia; and*

***WHEREAS**, the ACH and Smyth County are partnering with the acquisition and renovation of an unused building on the campus of the Southwest Virginia Mental Health Institute to house the recovery center and its programming; and*

***WHEREAS**, ACH has been extremely fortunate to have received funding from all levels of government including funds from the Virginia Opioid Abatement Authority for which the County is required to serve as fiscal agent; and*

***WHEREAS**, additional funding in the amount of \$650,000 from a "Congressional*

Directed" grant fund has been awarded to ACH through the efforts of Senator Warner and Senator Kaine to be disbursed through the Health Resources and Services Administration (HRSA) for which the County has also been asked to serve as fiscal agent.

NOW THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors hereby agrees to serve as a partner with ACH in the receiving, spending, tracking and reporting of the Federally designated funding related to the ACH project; and

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors hereby authorizes the County Administrator to execute all documents necessary to finalize this arrangement with ACH and Federal funding agencies.

ADOPTED this 22nd day of August, 2024.

ATTEST:

BOARD OF SUPERVISORS

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair, Chilhowie District Supervisor Michael Sturgill.

- Chilhowie District Supervisor Michael Sturgill made a motion to approve Budget Amendment #2 in the amount of \$15,000 for the Circuit Court Clerk's reimbursement grant. Atkins District Supervisor Charles Atkins seconded the motion, and it was unanimously approved by the Committee.

SMYTH COUNTY BUDGET FISCAL YEAR 2024/25 – AMENDMENT #2

WHEREAS, the Smyth County Board of Supervisors, on June 20th, 2024, adopted the Fiscal Year 2024/25 Budget in the original amount of \$146,646,737; and

WHEREAS, in the meeting of August 22nd, 2024, the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #1) for Fiscal Year 2024/25 in the amount of \$151,588,158; and

WHEREAS, the aggregate amount of budget amendment #2 is \$15,000 which would increase the Fiscal Year 2024/25 budget to a total of \$151,603,158 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 2024/25 in the amount of \$151,603,158.

BE IT FURTHER RESOLVED, the approval of this budget amendment #2 shall indeed constitute an appropriation of the same funds.

Adopted this the 22nd day of August 2024

ATTEST:

BOARD OF SUPERVISORS

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

Exhibit A
FY2024/25
Budget Amendment #2 (8/22/2024)

Part 1. REVENUES							
Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	Compensation Board	001-023080-0002	Circuit Court Records Preservation	\$ (62,000)	\$ (15,000)	\$ (77,000)	Budget Neutral Reimbursement for records retention
				\$ -	\$ -	\$ -	
				\$ -	\$ -	\$ -	
Total Revenues With Amendment				\$ (151,588,158)	\$ (15,000)	\$ (151,603,158)	
Part 2. EXPENDITURES							
Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget Amount	Notes
Fund 001	Clerk of the Circuit Court	001-021060-8888-71	Records Preservation	\$ 50,000	\$ 15,000	\$ 65,000	Budget Neutral Reimbursement for records retention
				\$ -	\$ -	\$ -	
				\$ -	\$ -	\$ -	
Total Expenditures With Amendment				\$ 151,588,158	\$ 15,000	\$ 151,603,158	
Revenues				\$ (151,588,158)	\$ (15,000)	\$ (151,603,158)	
Expenditures				\$ 151,588,158	\$ 15,000	\$ 151,603,158	
Difference				\$ -	\$ -	\$ -	

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair, Chilhowie District Supervisor Michael Sturgill.

8/22/2024 5:55 PM Mr. Utt read the minutes of the August 22nd Budget Committee that was held prior to the Board meeting and presented the following recommendation:

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend proceeding with Edmonds software and authorizing the County Administrator to execute any necessary documents pending County Attorney review. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved by the Committee.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair, Chilhowie District Supervisor Michael Sturgill.

8/22/2024 5:55 PM Saltville District Supervisor Roscoe Call read the minutes of the August 15th Water and Sewer Committee and presented the following recommendations:

- *Rye Valley District Supervisor Jason Parris made a motion to recommend accepting the Virginia Resource Authority Loan package for Groseclose sewer and authorize the County Administrator to sign any related documents as well as direct staff to continue to seek other funding opportunities. North Fork District Supervisor Rick Billings seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair, Chilhowie District Supervisor Michael Sturgill.

- *North Fork District Supervisor Rick Billings made a motion to recommend declining all bids for the Konnarock Community Center water project and authorizing staff to complete the project inhouse. Rye Valley District Supervisor Jason Parris seconded the motion, and it was unanimously approved.*

Discussion continued regarding the size of the water line due to potential backflow and the need for only a 2-inch line due to the need of the community center but not many residential homes in the area.

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair, Chilhowie District Supervisor Michael Sturgill.

8/22/2024 6:06 PM Mr. Williams read the minutes of the August 15th Ordinance Committee and shared it was informational only, no actions were taken.

8/22/2024 6:06 PM Mr. Williams presented the following proposed Resolution for Declaration of Drought Disaster Area for Smyth County for review and consideration:

**RESOLUTION OF DECLARATION OF DROUGHT DISASTER AREA
FOR SMYTH COUNTY, VIRGINIA**

WHEREAS, the Smyth County Agricultural Extension Office has apprised the Board of Supervisors of the extent of agricultural losses in Smyth County due to the extended drought conditions during the calendar year 2024, and;

WHEREAS, these losses have been estimated by the Agricultural Extension Office to include as follows:

<u>Commodity</u>	<u>Reduced Production</u>	<u>Value</u>
Pastures	60%	\$1,750,000
Second Hay Harvest	90%	\$3,500,000
Corn	50%	\$2,500,000
Total Value of Forage Losses Due to Dry Weather		\$7,750,000

WHEREAS, the loss of these commodities will have a significant negative economic effect on the agriculture sector of Smyth County’s economy; and

NOW THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors hereby requests the Governor of the Commonwealth of Virginia to declare Smyth County a drought disaster area for Calendar Year 2024; and,

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors directs the County Administrator to forward copies of this Resolution to the Governor of the Commonwealth of Virginia, the Smyth County Agricultural Extension Office and to Congressman Morgan Griffith, 9th Virginia Congressional District.

ADOPTED this 22nd day of August, 2024.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

- *Saltville District Supervisor Roscoe Call made a motion to approve the for Declaration of Drought Disaster Area for Smyth County. North Fork District Supervisor Rick Billings seconded the motion.*

After consideration, motion PASSED by the following call vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Vice Chair, Chilhowie District Supervisor Michael Sturgill.*

8/22/2024 6:10 PM County Attorney Report:

County Attorney Scot Farthing had nothing new to report.

8/22/2024 6:10 PM County Administrator Report:

Mr. Utt shared information about grants pertaining to the Saltville Library project and hopes to have more details at the next meeting.

Mr. Utt next shared the EDA voted to transfer the Teleperformance property to the County to allow the County the ability to facilitate the construction of the new Sheriff's office.

- *Saltville District Supervisor Roscoe Call made a motion to authorize County Administrator to execute the Certification of Release to the Smyth County EDA as presented related to the Teleperformance property. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, motion PASSED by the following call vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Vice Chair, Chilhowie District Supervisor Michael Sturgill.

8/22/2024 6:16 PM Supervisor Comment Time

Saltville District Supervisor Roscoe Call thanked everyone and shared his prayers are with all officers as we all work through the tragedy that took the life of Deputy Reedy.

Park District Supervisor Kristopher Ratliff thanked everyone for allowing him to join electronically and thanked the staff for all they do as well.

Royal Oak District Supervisor Courtney Widener thanked everyone on the Board and in Administration for providing support and assistance in Deputy Reedy's services. Mr. Widener shared he was astonished by the support from community in this tragic event. Mr. Widener shared this tragedy would affect the lives of especially Marion and Smyth County Officers in the days to come and asked the community to continue to gather in support. He asked everyone pray for the families and officers that continue to protect and serve.

Rye Valley District Supervisor Jason Parris shared his appreciation for living in Smyth County, with such an incredible support from community he is proud to live in Smyth County. Mr. Parris urged anyone who is concerned or would like Smyth County to grow to be involved.

North Fork District Supervisor Rick Billings stated Officer Reedy's death was a tragedy, but shared Smyth County is still a safe and good place to live. Mr. Billings urged everyone to continue praying for all those affected.

Chair Atkins, District Supervisor Charles Atkins, expressed his gratitude to Marion Automotive and HS Williams for their assistance for Deputy Reedy's prayer vigil so parking would be available at no cost to the County. Mr. Atkins shared the community support has been outstanding.

8/22/2024 6:32 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

The Smyth County Board of Supervisors held its regular meeting on Thursday, September 12th, 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; Chilhowie District Supervisor Michael Sturgill; Rye Valley District Supervisor Jason Parris; Saltville District Supervisor Roscoe Call; Park District Supervisor Kristopher Ratliff; Royal Oak District Supervisor Courtney Widener.

ABSENT: North Fork District Supervisor Rick Billings.

STAFF: County Administrator Shawn Utt; Assistant County Administrator – Development Clegg Williams; Zoning Administrator Becca Creasy.

OTHERS: Smyth County Sheriff's Deputy and citizens

9/12/2024 5:02 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

9/12/2024 5:04 PM Shawn Utt, County Administrator led the Pledge of Allegiance and Reverend Alan Gray gave the invocation.

9/12/2024 5:06 PM Chair, Atkins District Supervisor Charles Atkins entertained a motion to allow Park District Supervisor Kristopher Ratliff to join electronically.

- *A motion was made by Saltville District Supervisor Roscoe Call to allow Park District Supervisor Kristopher Ratliff to join the meeting electronically. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: Park District Supervisor Kristoper Ratliff.

ABSENT: North Fork District Supervisor Rick Billings.

9/12/2024 5:06 PM Mr. Utt read the following Resolution for the Board's review and consideration:

**RESOLUTION OF APPRECIATION TO REBECCA KRESS FOR HER MANY
YEARS OF SERVICE IN SMYTH COUNTY'S COMMISSIONER OF REVENUE
OFFICE**

WHEREAS, the Smyth County Board of Supervisors desires to celebrate public service and community leadership as a critical component in defining excellence and in improving the vision of Smyth County; and

WHEREAS, Mrs. Rebecca "Becky" Kress began public service to the citizens of Smyth County as a Clerk in the office of the Commissioner of Revenue on January 26th, 1990 and retired in April of 2024 having served under 3 Commissioners and as Chief Deputy under the past 2; and

WHEREAS, before serving in the Office of the Commissioner of Revenue, Becky worked with the Department of Social Services assisting those in need receive services such as fuel and emergency assistance; and

WHEREAS, throughout her tenure, Becky partnered with the long-time Commissioner, Jeffery Richardson to improve the lives of the citizens of Smyth County in a variety of ways including working to implement the Veteran Tax Relief Program for both real estate as well as personal property taxation helping those who served to protect our Country's freedom; and

WHEREAS, Becky's tenacity and determination was prevalent in everything she tackled. Her passion to always do the right thing for the citizens of Smyth County was envied by all that worked along her side and for that, we are grateful.

NOW THEREFORE BE IT RESOLVED that the Smyth County Board of Supervisors hereby commend and convey our heartfelt appreciation to Mrs. Kress for her unwavering devotion to the citizens and taxpayers of Smyth County; and,

BE IT FURTHER RESOLVED that the Smyth County Board of Supervisors hereby wishes Mrs. Kress nothing but happiness and good health as she continues the next chapter of what has been a well-lived life of service to others.

ADOPTED this 22nd day of August, 2024.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

9/12/2024 5:06 PM Jeff Richardson and Dolly Robinson spoke about how crucial Becky was to the community. They highlighted her stubbornness and determination, noting that her amazing contributions have had a lasting impact on the citizens of Smyth County, even in her retirement. Following the presentation, the following motion was offered:

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the Resolution of Appreciation to Rebecca Kress for Her Many Years of Service In the Smyth County Commissioner of Revenue Office. 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,
Saltville District Supervisor Roscoe Call,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings.*

9/12/2024 5:16 PM Tom Graham presented the Hungry Mother Trail Concept. He noted that the Town of Marion had previously adopted a resolution of support for the project and requested that the Board of Supervisors also consider approving it. Mr. Utt read the following resolution for the Board's review and consideration:

**A RESOLUTION SUPPORTING GRANT APPLICATION FOR THE STUDY OF
THE FEASIBILITY OF CONVERSION AND DEVELOPMENT OF A
BIKING/HIKING TRAIL CONNECTING HOLSTON HILLS GOLF COURSE TO
HUNGRY MOTHER STATE PARK ALONG EXISTING SEWER ROUTE**

WHEREAS, the Smyth County Board of Supervisors continue to work toward improving the quality of life for our citizens and our visitors, including expanding recreational opportunities through trail development; and

WHEREAS, the Smyth County Board of Supervisors are interested in partnering with the Town of Marion in the development of a bicycle/hiking trail connecting Holston Hills Golf Course to Hungry Mother State Park, utilizing an existing sewer route; and

WHEREAS, both the Smyth County Board of Supervisors and the Town of Marion wish to explore grant opportunities to help develop a feasibility study which would design

possible trail routes, identify all adjacent property owners and secure easements, and identify available funding sources for construction.

NOW, THEREFORE, BE IT RESOLVED, by this resolution, the Smyth County Board of Supervisors express their support for application for any and all possible grant sources to develop a feasibility study on the proposed Hungry Mother Creek Trail.

ADOPTED this 22nd day of August, 2024.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the Resolution Supporting Grant Application For The Study Of The Feasibility Of Conversion And Development Of A Biking/Hiking Trail Connecting Holston Hills Golf Course To Hungry Mother State Park Along Existing Sewer Route. 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,
Saltville District Supervisor Roscoe Call,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Rick Billings.

9/12/2024 5:16 PM Minutes of the August 22nd, 2024, Board of Supervisors meeting.

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the minutes from the August 22nd, 2024, meeting. 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,
Saltville District Supervisor Roscoe Call,
Park District Supervisor Kristoper Ratliff,

*Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *Vice Chair, Chilhowie District Supervisor Michael Sturgill.*

ABSENT: *North Fork District Supervisor Rick Billings.*

9/12/2024 5:24 PM Mrs. Richardson reviewed the County financial information.

SMYTH COUNTY BOARD OF SUPERVISORS

THURSDAY, SEPTEMBER 12, 2024

ACCOUNTS PAYABLE LISTING

August 2024

Request approval of the following payables:

General County	2,244,922.91
Fund 004 EDA	21,246.22
Fund 302 Public Safety Radio	328,854.30
Fund 505 Transfer Station	-
Fund 748 E-Summons	1,480.45
Fund 749 Recovery Court	2,538.42
Regular Checks Total:	2,599,042.30
Fund Accounts - Manual Checks	
Fund 501 Water Deposit Refunds	400.00
Fund 747 Sheriff State Asset Forfeiture	-
Fund 748 E-Summons	1,474.67
Fund 749 Recovery Court	32,997.41
Fund 760 Commonwealth Attorney Federal Drug Asset	-
Fund 770 Circuit Court Clerk - Holding Account	-
Manual Checks Total:	34,872.08
TOTAL ACCOUNTS PAYABLE - August 2024	2,633,914.38

9/12/2024 5:24 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing 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,
Saltville District Supervisor Roscoe Call,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings.*

9/12/2024 5:25 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

Mark Chainey with the American Legion updated the Board on current projects and upcoming events.

Smyth County Museum volunteer, Anna Lee Debord of 343 College St. Marion, VA. Mrs. Deboard shared it has been 237 years since the Constitution had been signed. She noted Constitution week is September 17th- 23rd. Mrs. Debord also shared upcoming events at the museum.

9/12/2024 5:37 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

9/12/2024 5:37 PM Chilhowie District Supervisor Michael Sturgill read the minutes of the September 5th Ordinance Committee and presented the following recommendations:

- *Atkins District Supervisor Charles Atkins made a motion to recommend scheduling a public hearing on October 10th at 5:00 pm or shortly thereafter to gain comments on a proposed Ordinance for Tax Exemption for Surviving spouses of Line of Duty Deaths. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved by committee.*

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

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings.*

9/12/2024 5:40 PM Mr. Utt read the minutes of the September 5th Budget Committee and presented the following recommendations:

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend a line-item transfer of \$13,800 from The Commissioner of Revenue's line "Salaries and Wages" 001-012090-1001 to The Treasurer's line "Salaries and Wages" 001-012130-1001 to allow*

current salaries to more equally align. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved by the Committee.

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Rick Billings.

- Chilhowie District Supervisor Michael Sturgill made a motion to recommend County Administrator begin a salary survey of surrounding localities. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved by the Committee.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Rick Billings.

9/12/2024 5:41 PM Chilhowie District Supervisor Michael Sturgill read the minutes of the September 5th Building and Grounds Committee and presented the following recommendation:

- Royal Oak District Supervisor Courtney Widener made a motion to recommend approving HS Williams Change Order #1 for the Sheriff's Office Relocation in the amount of \$36,000. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was approved by the Committee.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Rick Billings.

9/12/2024 5:42 PM Saltville District Supervisor Roscoe Call read the minutes of the September 5th Water and Sewer Committee and presented the following recommendation:

- *Rye Valley District Supervisor Jason Parris made a motion to recommend approval of the updated Water Purchase Contract with the Town of Saltville. North Fork District Supervisor Rick Billings seconded the motion, and it was unanimously approved.*

After consideration, the Committee recommendation was TABLED until the next regularly scheduled Board of Supervisors meeting due to some potential changes from the Town of Saltville:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

9/12/2024 5:45 PM Mr. Utt discussed the NTIA Grant for the Saltville Library Branch. He noted the library is looking to apply for funding through the National Telecommunications and Information Administration's "Digital Equity Competitive Grant Program" for the Saltville Library. Since the library is not an eligible entity, the County will need to serve as formal applicant and fiscal agent. Mrs. Catherine Van Noy, Millcreek Creative, will provide the grant writing services while the Mt. Rogers PDC will provide grant administration services should we be fortunate enough to receive funding (both of which can be paid for out of grant proceeds). While there are no official requirements for the County Board of Supervisors to pass a formal resolution, we believe it would be proper for the Board to provide a show of support for the grant application and authorize the County Administrator to execute the documents necessary to formally apply.

- *Saltville District Supervisor Roscoe Call made a motion to allow Smyth County to serve as fiscal agent for the NTIA Grant application for Saltville Library Branch and authorize the County Administrator to execute the documents necessary to formally apply.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Rick Billings.

9/12/2024 5:47 PM Mr. Utt provided an update on the Joint Building Needs Task Force meeting held on August 30th to discuss the space needs of the various offices of the County and Schools. They reviewed the recommendations of the building needs assessment (developed by AECOM in 2022/2023) for office spaces and also discussed school board needs. Dr. Carter provided the group with an update on the \$4.8m grant funding that has been awarded to Smyth County School Board for the proposed CHS gym/band/cafeteria expansions and also discussed the proposed MSHS auxiliary gym that could be built in the area of the former Marion Intermediate School. The group agreed the proper next step would be for the school board to move forward and procure an architectural firm who could develop preliminary plans for the 2 projects along with miscellaneous renovations at all 3 high schools to better help the County and School Board understand the full costs associated with the projects (the school board has just over \$1m set-aside that can be used for these plans as well as go toward MHS's gym project). The Committee plans to focus the next meeting on space needs for the County Administration, DSS, School Board, Extension/4H, and Registrar. No action taken, informational only at this time.

9/12/2024 5:50 PM County Attorney Report – Mr. Farthing did not have anything to share during this time.

9/12/2024 5:50 PM County Administrator Report -

Mr. Utt shared various upcoming dates the Board of Supervisors are invited to attend as well as a VACO award Smyth County received for the Smyth Grow Project as well as the Smyth Promise Program.

9/12/2024 5:55 PM Supervisor Comment Time –

Park District Supervisor Kristopher Ratliff shared his appreciation for the Board allowing him to electronically join the meeting. Mr. Ratliff thanked staff and congratulated the County on the award.

Chair, Atkins District Supervisor Charles Atkins thanked staff and the rest of the Board for doing great things to move the County forward. Mr. Atkins shared his excitement about Smyth County's recognition from the tourism awards and the VACO award putting Smyth County in the spotlight.

Royal Oak District Supervisor Courtney Widener thanked staff as well as parents and volunteers for the success of the football program.

Chilhowie District Supervisor Micheal Sturgill thanked the Board and staff for all working so well towards greater things in Smyth County as well as veterans who sacrifice so much.

Saltville District Supervisor Roscoe Call requested County Administrator work with Superintendent Dr. Carter to remove overgrown trees from Northwood High School's football field.

Rye Valley District Supervisor Jason Parris thanked staff for the work that goes into preparing Board meetings. Mr. Parris also encouraged anyone who can to get involved to make Smyth County a better place.

9/12/2024 6:15 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)3 Discussion or consideration of the acquisition of real property for public purposes, or of the disposition of publicly held real property regarding HS Williams request for Harwood Drive. 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,
Saltville District Supervisor Roscoe Call,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings.*

9/12/2024 6:15 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.*

RESOLUTION
CERTIFICATION OF CLOSED SESSION

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

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

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

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *North Fork District Supervisor Rick Billings.*

- *Royal Oak District Supervisor Courtney Widener made a motion to authorize County Administrator to pay \$50,000 once invoiced for prior agreement commitment for the former Harwood property dated April 13, 2011. 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,
Saltville District Supervisor Roscoe Call,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: North Fork District Supervisor Rick Billings.

9/12/2024 6:20 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

 The Smyth County Board of Supervisors held its regular meeting on Thursday, September 26, 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: Chair, Atkins District Supervisor Charles Atkins; Vice Chair Chilhowie District Supervisor Michael Sturgill; Rye Valley District Supervisor Jason Parris; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Rick Billings.

ABSENT: Park District Supervisor Kristopher Ratliff.

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

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

9/26/2024 5:00 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order.

9/26/2024 5:02 PM Clegg Williams led the pledge of allegiance and Auna Louthian provided the invocation.

9/26/2024 5:04 PM Chair, Atkins District Supervisor Charles Atkins entertained a motion to amend the agenda to add Transfer Station Renovations under Old Business and Closed session item 2.2-3711(a)3 regarding Lion's Club Road Property.

- *Saltville District Supervisor Roscoe Call made a motion to amend the agenda as stated above. 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristoper Ratliff.

9/26/2024 5:05 PM Minutes from the September 12th, 2024 meeting.

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the meeting minutes of the September 12th, 2024 meeting. Rye Valley 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristoper Ratliff.

9/26/2024 5:05 PM Chair, Atkins District Supervisor Charles Atkins opened Citizens Time.

Charles Wassum 321 Wassona Drive, Marion spoke about the constitution and its importance.

9/26/2024 5:06 PM Chair, Atkins District Supervisor Charles Atkins closed Citizens Time

9/26/2024 5:08 PM Presentations:

VDOT staff gave a quarterly report and answered questions for Board members and staff about current and future projects.

9/26/2024 5:44 PM Clegg Williams reviewed the following Resolution required by VDOT to allow county staff to complete Konnarock Community Center's water service line extension:

**RESOLUTION REGARDING SMYTH COUNTY LAND USE PERMIT FOR
KONNAROCK WATER PROJECT**

WHEREAS, it becomes necessary from time to time for the County of Smyth to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the County of Smyth by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the County this 26th day of September 2024:

Section 1: That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the County of Smyth does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the County of Smyth and guarantees the successful completion of the work, or, if appropriate, restoration of the right of way to its original condition.

Section 2: That the County Administrator, or their designee, be, and hereby is authorized to execute on behalf of the County of Smyth all land use permits and related documents of the Virginia

Department of Transportation.

Section 3: *That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.*

Section 4: *That the County of Smyth shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.*

BE IT STILL FURTHER RESOLVED *that the County Administrator be, and hereby is authorized and directed to procure insurance required by Section 1 herein.*

ADOPTED *this 26th day of September 2024.*

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

- *Saltville District Supervisor Roscoe Call made a motion adopt the Resolution Regarding Smyth County Land Use Permit for Konnarock Water Project. 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristoper Ratliff.*

9/26/2024 5:51 PM *Chilhowie District Supervisor Michael Sturgill read the minutes of the September 19th, 2024, Building and Grounds Committee and shared the following updates:*

The Building and Grounds Committee met on September 19th, 2024. Town Manager Bill Rush spoke to the Committee about an opportunity for a partnership between the Town of Marion and the County to resolve the limited parking issues in downtown Marion, especially if the County were to decide to move more County offices into the downtown area. The Committees both concurred with two action steps that needed to occur including directing Mr. Utt and Mr. Rush to (1) develop a draft framework for what a Parking Authority would look like and (2) explore all real estate opportunities and report back to the two committees. Additionally, Mr. Utt gave an informational update on a task force that has been

developed with staff members to determine needs of employees currently in the County Administration Building. No motions made during the meeting. Informational discussion only.

9/26/2024 5:52 PM Mr. Utt read the minutes of the September 19th, 2024, Budget Committee and presented the following recommendations:

- *Chilhowie District Supervisor Michael Sturgill made a motion to approve Budget Amendment #3 in the amount of \$314,546 as presented. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved by the Committee.*



SMYTH COUNTY BOARD OF SUPERVISORS

RESOLUTION

SMYTH COUNTY BUDGET FISCAL YEAR 2024/25 – AMENDMENT #3

WHEREAS, the Smyth County Board of Supervisors, on June 20th, 2024, adopted the Fiscal Year 2024/25 Budget in the original amount of \$146,646,737; and

WHEREAS, in the meeting of August 22nd, 2024, the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #1) for Fiscal Year 2024/25 in the amount of \$151,588,158; and

WHEREAS, in the meeting of August 22nd, 2024, the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #2) for Fiscal Year 2024/25 in the amount of \$151,603,158; and

WHEREAS, the aggregate amount of budget amendment #3 is \$314,546 which would increase the Fiscal Year 2024/25 budget to a total of \$151,917,704 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 2024/25 in the amount of \$151,917,704.

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

Adopted this the 26th day of September 2024

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

Exhibit A
FY2024/25
Budget Amendment #3 (9/26/2024)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	Expenditure Refunds	001-018030-0036	Smyth Animal Rescue Reimb	\$ -	\$ (289,290)	\$ (289,290)	Fiscal Agent Services only - related to Animal Shelter Op's
Fund 001	Miscellaneous	001-019010-0001	Miscellaneous Recoveries	\$ (100,000)	\$ (2,756)	\$ (102,756)	Animal Control reimbursement for Uniforms from FY24
Fund 001	Revenue from the Commonwealth	001-022010-0035	Health Dept. Refund	\$ -	\$ -	\$ -	Unused carry-over funds to be used for building repairs
Fund 501	Water/Sewer Customer Payments	501-015001-0001	Water Payments	\$ (1,675,376)	\$ (17,500)	\$ (1,692,876)	VDCR refund and Konnarock water
Fund 501	Water/Sewer Customer Payments	501-015001-0002	Sewer Payments	\$ (275,000)	\$ (5,000)	\$ (280,000)	
Total Revenues With Amendment				\$ (151,603,158)	\$ (314,546)	\$ (151,917,704)	

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget Amount	Notes
Fund 001	Animal Control	001-035010-5410	Uniforms & Wearing Apparel	\$ -	\$ 2,756	\$ 2,756	Repurchase FY24 purchase due to shipping issues
Fund 001	Smyth Animal Rescue (FISCAL AGENT SERVICES ONLY)	001-042060-1001	Salaries & Wages	\$ -	\$ 174,930	\$ 174,930	Fiscal Agent Services only - related to Animal Shelter Op's
Fund 001	Smyth Animal Rescue (FISCAL AGENT SERVICES ONLY)	001-042060-1003	Part Time Salaries & Wage	\$ -	\$ 28,950	\$ 28,950	Fiscal Agent Services only - related to Animal Shelter Op's
Fund 001	Smyth Animal Rescue (FISCAL AGENT SERVICES ONLY)	001-042060-2001	FICA Insurance	\$ -	\$ 15,597	\$ 15,597	Fiscal Agent Services only - related to Animal Shelter Op's
Fund 001	Smyth Animal Rescue (FISCAL AGENT SERVICES ONLY)	001-042060-2002	Retirement - VRS	\$ -	\$ 21,930	\$ 21,930	Fiscal Agent Services only - related to Animal Shelter Op's
Fund 001	Smyth Animal Rescue (FISCAL AGENT SERVICES ONLY)	001-042060-2005	Hospital/Medical Plans	\$ -	\$ 45,762	\$ 45,762	Fiscal Agent Services only - related to Animal Shelter Op's
Fund 001	Smyth Animal Rescue (FISCAL AGENT SERVICES ONLY)	001-042060-2006	Group Insurance Plans	\$ -	\$ 2,121	\$ 2,121	Fiscal Agent Services only - related to Animal Shelter Op's
Fund 501	Water/Sewer Operational Expense	501-085010-5033	Refunds	\$ 2,500	\$ 7,500	\$ 10,000	Refund overpayment by VA Dept. of Conservation & Rec.
Fund 501	Utility Fund Capital Projects	001-085060-0019	Konnarock Comm Ctr Water Line	\$ -	\$ 15,000	\$ 15,000	Add'l water project for konnarock community center
Total Expenditures With Amendment				\$ 151,603,158	\$ 314,546	\$ 151,917,704	

Revenues	\$ (151,603,158)	\$ (314,546)	\$ (151,917,704)
Expenditures	\$ 151,603,158	\$ 314,546	\$ 151,917,704
Difference	\$ -	\$ -	\$ -

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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristoper Ratliff.

- Chilhowie District Supervisor Michael Sturgill made a motion to approve a supplemental appropriation of \$10,000 for Fund 749. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristoper Ratliff.

9/26/2024 5:56 PM Royal Oak District Supervisor Courtney Widener read the minutes of the September 19th, 2024, Public Safety Committee, and shared the following information:

The Public Safety Committee met on September 19th, 2024. Mr. Crawford provided updates on recent grant activities including funds to purchase two forceable entry doors. This grant features a 50/50 match with the Town of Chilhowie and the County, and it is already included in the budget. The conversation shifted to EMS Operations and the Town of Marion Fire/EMS transition from AIM to AMB for billing services. Mr. Rush confirmed that the change is underway, although he expressed concern about expediting the buyout process to help make the transition move faster. Both Mr. Rush and Mr. Utt agreed to collaborate on the details of this transition and report back on their progress. No motions made during the meeting. Informational discussion only.

9/26/2024 5:56 PM Mr. Utt reviewed the TRRC Grant Application. Smyth County is requesting Tobacco Commission funding assistance to be used toward engineering services needed to complete design and regulatory permitting of a proposed public sewer line extension to serve the Groseclose area – specifically the Route 11 corridor to the I-81, Exit 54 interchange and including the former General Shale site. As a first step, Tobacco Commission funding assistance is being requested to be used toward engineering services to complete project design and secure regulatory permits that will be needed prior to construction. As indicated in the PER cost estimate, the total cost of engineering services has been established to be \$464,400 for design and construction administration and \$50,500 for additional engineering – or \$514,900 combined. Half of this cost, \$274,450 is being requested from the Tobacco Commission and the 50% required match (\$274,450) would be provided by Smyth County initially with eventual reimbursement from the committed DEQ-VWFRF funding. During the engineering design/regulatory permitting period, Smyth County would continue to explore other potential funding sources that could be used to supplement the committed DEQ-VWFRF funding and reduce the amount of loan funds needed. It is anticipated that Smyth County will submit a future sewer line construction funding application to the Tobacco Commission for consideration. Mrs. Hayden has provided the following draft resolution for the Board's review and consideration:

**RESOLUTION FOR TOBACCO REGION REVITALIZATION COMMISSION (TRRC)
SOUTHWEST PROGRAM GRANT APPLICATION**

WHEREAS, the Board of Supervisors of Smyth County is dedicated to promoting economic growth, improving infrastructure, and enhancing the quality of life for residents of Smyth County, Virginia; and

WHEREAS, the Board recognizes the importance of infrastructure improvements to attract businesses and foster economic development, specifically through the development of the Groseclose Sewer/General Shale Infrastructure Improvements Design project; and

WHEREAS, the Board seeks to submit a grant application to the Tobacco Region Revitalization Commission (TRRC) requesting funding in the amount of \$257,450.00 to support engineering and design services necessary for the implementation of the project; and

WHEREAS, the Board has committed matching funds of \$257,450.00 through a previously approved DEQ funding offer, bringing the total project budget to \$514,900.00, in support of advancing public sewer service in the Groseclose area, which will serve the former General Shale site and the surrounding Route 11/I-81 Exit 54 interchange area; and

WHEREAS, the Board believes that the successful completion of this project will directly benefit Smyth County and its residents by improving essential infrastructure, fostering business expansion, and supporting future economic growth;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Smyth County, that the Board hereby:

- 1. Supports the submission of the grant application for the Groseclose Sewer/General Shale Infrastructure Improvements Design project to the Tobacco Region Revitalization Commission.*
- 2. Authorizes the Smyth Board of Supervisors to serve as the applicant execute all documents, agreements, and actions necessary for the submission, acceptance, and administration of the grant application.*
- 3. Appoints Shawn Utt, County Administrator, as the Organization Signatory, and Kendra Hayden, Director of Community & Economic Development, as the Programmatic and Fiscal Contact, to carry out any actions required to successfully submit and manage the grant on behalf of the Smyth County Board of Supervisors.*

ADOPTED this 23rd day of September, 2024.

ATTEST:

***SMYTH COUNTY
BOARD OF SUPERVISORS***

-
- Chilhowie District Supervisor Michael Sturgill made a motion to adopt and approve the Resolution for Tobacco Region Revitalization Commission (TRRC) Southwest Program Grant Application. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, motion PASSED by the following call vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristoper Ratliff.*

9/26/2024 5:58 PM Mr. Utt shared a revised version of the water purchase agreement that was reviewed and recommended for approval by the Water & Sewer Committee. The revisions included minor edits to address for service connections and a clarification that the Washington County Service Authority is actually connected to Smyth County's water system but will continue to be a customer of the Town of Saltville. The Board reviewed the following agreement for consideration:

WATER AGREEMENT

WASHINGTON COUNTY SERVICE AUTHORITY

SMYTH COUNTY, VIRGINIA

TOWN OF SALTVILLE, VIRGINIA

This WATER AGREEMENT is effective September 1, 2024, and is between and among WASHINGTON COUNTY SERVICE AUTHORITY a Virginia water authority (“WCSA” or “Purchaser”); SMYTH COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (“Smyth” or “Purchaser”) (“WCSA” and “Smyth” together hereinafter called “Purchasers”); and TOWN OF SALTVILLE, VIRGINIA, a Virginia municipal corporation (“Town”).

W I T N E S S E T H:

WHEREAS, Town owns and operates a water treatment plant and distribution system capable of producing and distributing potable drinking water;

WHEREAS, Purchasers own and operate water distribution systems that require a source for potable drinking water;

WHEREAS, the Parties’ governing boards have approved a proposed sale of potable water from Town to Purchasers as provided in this Agreement;

NOW, THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth, the Parties agree as follows:

1. **Agreement.** Town agrees to supply potable water to Purchasers, and Purchasers agree to purchase potable water from Town as provided in this Agreement.

2. **Term of Agreement.** This Agreement shall be effective upon the first delivery of Town’s potable water to Purchasers, and it will continue for forty-five (45) year term. Upon expiration of the term, this Agreement will renew automatically on an annual basis unless one party provides to each other party six (6) months’ advance written notice of non-renewal.

3. **Quality.** Town will supply Purchasers potable water meeting quality standards established by State, Federal, and other regulatory authority.

4. **Points of delivery, Volume and Pressure.** Town will supply potable water to Purchasers at the following points of delivery and at minimum volumes:

A. For Smyth County:

- i. A minimum water volume of 1,800,000 gal/month or approximately 60,000 gpd shall be supplied to Smyth County at a minimum pressure of 80 psi.

ii. The existing vault locations are listed below:

- a Poore Valley 1 – near 103 Lick Skillet Rd
- b Midway – near 1035 Worthy Blvd
- c Pleasant Heights – near 1035 Worthy Blvd

B. For WCSA: The existing vault located just East of 32513 Poor Valley Road where WCSA purchases water from Towns of Saltville, a minimum water volume of 1,000,000 gal/month or approximately 34,000 gpd shall be supplied to WCSA at a minimum pressure of 70 psi required to fill the Hayters Gap Tank. It is mutually agreed that WCSA will own, operate, and maintain this vault, which is connected to Smyth County water line.

C. Points of delivery will be located within Town's existing water distribution system by way of approximately 1.3 miles of existing water line belonging to Smyth County.

D. Points of delivery may be modified by mutual written agreement of the parties.

5. **Water Shortages.** Notwithstanding any other provision of this Agreement, Town will have no obligation to supply water to Purchasers if by doing so, Town will be prevented from supplying water to Town's residents or its other customers. In the event of an extended shortage of water, or if Town's available water is diminished over a period of time, Town may reduce the volume of potable water supplied to Purchasers by the same ratio or proportion that Town reduces the volume of potable water to its other customers.

6. **Metering.** At each point of its delivery, each Purchaser will install one or more meters and vaults that meet Town's specifications, and each Purchaser will operate and maintain its meters to properly measure the quantity of water delivered to the Purchaser. At reasonable intervals, each Purchaser will calibrate its metering equipment, but no Purchaser will be required to do so more frequently than once each twelve (12) months. A meter registering less than two percent (2%) above or below actual flow shall be deemed accurate. If a meter registers more than two percent (2%) error, the parties will make a reasonable effort to adjust bills for the affected period. In the event the parties cannot agree, billing will be adjusted based on usage for the same period during the previous year. Authorized representatives of Town and Purchasers may have access to metering devices at reasonable times. Any meter registering more than two percent (2%) above or below standard will be replaced at Purchaser's expense. Previous readings of any meter disclosed by test to be inaccurate will be corrected for the three (3) month period immediately preceding such tests in accordance with the percentage of inaccuracy found by such test. If any meter fails to register for any period, the parties will use the amount of water supplied during the corresponding period before the failure, unless Town and Purchaser agree on a different amount. Metering equipment shall be read on a monthly basis by Town.

7. **Connection Fees and Rates.** The bulk water sales rate of \$4.50 per 1,000 gallons will be effective as of September 1, 2024. During the term of this Agreement, if the Town residential rates on a typical 3,000 gallon per month user are modified (increased or decreased), then the bulk water sales rate will be increased or decreased by a percentage equal to the modification for the Town residents. Such increase or decrease shall be automatic and not require any further action by the parties herein.

8. **Billing.** Town shall invoice Purchasers no later than the 5th of each month for water supplied during the preceding month. Each Purchaser shall remit payment to Town no later than the 15th of each month.

9. **Default by Town.** Town will operate and maintain its system as efficiently as possible under the circumstances and will take such action as necessary to furnish Purchasers with quantities of potable water established in this Agreement. Town will remedy temporary or partial failure to deliver potable water with all reasonable dispatch. Town will not be liable to Purchasers for any damage resulting from curtailment, interruption, or apportionment of water supply by necessary repairs or maintenance of Town's water distribution system, threatened or actual water shortage, or other shortages beyond Town's control.

10. **Default by Purchasers.** In the event Purchasers fail to pay for water as set forth in this Agreement, Town may at its option terminate this Agreement as to the defaulting Purchaser and disconnect the defaulting Purchaser from Town's supply lines. Seller will not be liable to Purchasers for any damage resulting from curtailment, interruption, or apportionment of water service caused by necessary repairs or maintenance of Town's water distribution system, threatened or actual water shortage, or other shortages beyond Town's control.

11. **Indemnification.** Each of the parties to this Agreement covenants and warrants that it will exonerate, indemnify, and hold harmless the other parties to this Agreement, their agents and employees, from and against any and all claims, made or asserted against either other party, its agents, or its employees, arising out of or in any way connected with the performance or non-performance of a party to this Agreement. Each party reserves its rights to any direct action or to interplead or cross-claim against any other party in the event that other party is in breach of any of the term or condition of this Agreement.

12. **Regulatory Agencies.** It is mutually agreed between the Town and Purchasers that they will cooperate in obtaining such permits, certificates, or the like which may be required to comply with the laws, rules, and regulation of regulatory agencies.

13. **Agreement Pledged; USDA-RD Approval.** Each party's water supply and distribution system is financed by a loan or loans made or insured by, and/or a grant or grants from the United States

of America acting through the Rural Development Administration of the United States Department of Agriculture ("RD"). This Agreement is pledged to RD to secure each party's proposed and outstanding loans from RD, and, the undertakings of the parties are conditioned upon approval by RD's State Director.

14. **Notices.** Any writings, notices, grievances, and billings to either party shall be sent:

If to Town:

Cecile Rosenbaum, Town Manager
Town of Saltville, VA
217 Palmer Ave.
Saltville, VA 24370

If to Smyth County, Virginia:

Shawn M. Utt, Smyth County Administrator
Smyth County Office Building
121 Bagley Circle, Suite 113
Marion, VA 24354

If to Washington County Service Authority:

Ronald A. Seay, General Manager
Washington County Service Authority
25122 Regal Drive
Abingdon, VA 24211

15. **Miscellaneous.**

A. This Agreement shall be binding upon and inure to the benefit of the parties, their successors, and assigns.

B. If any provision of this Agreement or the application thereof to any person or circumstance shall to any extent be held void, unenforceable, or invalid, then the remainder of this Agreement or the application of such provision to persons or circumstances other than those as to which it is held void, unenforceable or invalid shall not be affected thereby, and each provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

C. This Agreement represents the entire understanding between the parties, and there are no collateral or oral agreements or understandings not contained herein. This Agreement shall not be modified, changed, or terminated unless in writing of equal dignity signed by both parties.

D. This Agreement nullifies and replaces any and all other Agreements between Seller and Purchasers concerning the subject matter hereof, and it is intended to consolidate all water sales and purchases among the parties under this one Agreement.

E. Nothing in this Agreement shall prevent Smyth and the Town from negotiating and executing an agreement whereby Smyth sells potable water to the Town upon terms and conditions acceptable to those parties.

WITNESS the signatures of each party on the dates hereinafter set forth.

WASHINGTON COUNTY SERVICE AUTHORITY SMYTH COUNTY, VIRGINIA

By _____ By _____
Its _____ Its _____

ATTEST: ATTEST:
By _____ By _____
Its _____ Its _____

TOWN OF SALTVILLE, VIRGINIA

By _____
Its _____

ATTEST:
By _____
Its _____

- *Chilhowie District Supervisor Michael Sturgill made a motion to approve the Washington County Service Authority, Smyth County Virginia, and Town of Saltville Virginia Water Purchase Agreement as presented above. Saltville Water Purchase Agreement. Rye Valley District Supervisor Jason Parris seconded the motion.*

After consideration, motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: Park District Supervisor Kristoper Ratliff.

9/26/2024 6:00 PM Transfer Station Renovation: Mr. Williams shared with the Board that only one bid was received from Extreme Design Group to complete the Transfer station renovation project's floor replacement and recommends moving forward.

- *Chilhowie District Supervisor Michael Sturgill made a motion to accept the transfer station renovation project bid from Extreme Design Group in the amount of \$114,151.68. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristoper Ratliff.

9/26/2024 6:03 PM Building Official Designation: Mr. Williams shared the current Building Official, Danny Wilson, will be retiring on September 30th. He shared we have been working through options internally to fill the position but will need some additional time to work that out. With that in mind, we will need to formally appoint a new Building Official effective October 1st. Since he has maintained all of his certifications, he recommends the Board consider reappointing Clegg Williams to that role in the interim while we work to pull together a longer-term solution.

- *Chilhowie District Supervisor Michael Sturgill made a motion to appoint Clegg Williams as Smyth County's Building Official. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristoper Ratliff.

9/26/2024 6:05 PM EMS Coordinator Curtis Crawford reviewed potentially dangerous weather. He then reviewed the VA Office of EMS Audit Findings and Fitch and Associates Report. On September 18, 2024,

the State Emergency Medical Services Advisory Committee convened in Henrico, Virginia, to address findings from the OEMS Internal Audit and the Fitch & Associates Report, both of which raised serious concerns about the future of emergency medical services (EMS) in Virginia, particularly in Smyth County. The audit revealed troubling financial practices and a lack of oversight within the Virginia Office of Emergency Medical Services (OEMS) and the Virginia Department of Health (VDH). It noted a culture within OEMS that operated independently from VDH and showed distrust towards its leadership, which has negatively impacted local EMS operations. Additionally, mismanagement of funds was highlighted, with some accounts consistently over budget while others were underfunded, suggesting that localities were being deprived of necessary resources. The Fitch & Associates Report echoed these concerns, specifically mentioning a 27% reduction in EMTs in Southwest Virginia, a situation exacerbated by cuts to OEMS scholarships intended for EMS training. The overarching theme of both reports indicates that OEMS has failed to support localities adequately, often imposing barriers to care provision. In response, the Department of Public Safety is seeking authorization from the Smyth County Board of Supervisors to draft a letter to state officials advocating for a Joint Legislative Audit and Review Commission (JLARC) study, aimed at developing solutions for EMS issues statewide. The county plans to collaborate with regional partners to ensure their specific needs are prioritized in these discussions.

- *Chilhowie District Supervisor Michael Sturgill made a motion direct staff to organize a regional meeting to further explore the issues raised in the reports. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristoper Ratliff.

9/26/2024 6:33 PM County Attorney Report:

County Attorney Scot Farthing had nothing new to report.

9/26/2024 6:33 PM County Administrator Report:

Mr. Utt shared various updates and requested the Board's feedback for VACO

9/26/2024 6:40 PM Supervisor Comment Time

North Fork District Supervisor Rick Billings thanked everyone and shared he believes we are all on the right track.

Chilhowie District Supervisor Michael Sturgill thanked Mr. Crawford as well as sharing the Blue-Ribbon award Saltville Elementary received, which is the first in Smyth County's history.

Saltville District Supervisor Roscoe Call wished everyone a Happy Daughter's Day and thanked staff for

their hard work.

Rye Valley District Supervisor Jason Ratliff shared he appreciated staff keeping him informed as well as all Mr. Crawford's hard work.

Chair, Atkins District Supervisor Charles Atkins thanked staff and Mr. Utt for the great job that they do. Mr. Atkins also shared he wished VDOT fixed issues before they became bad.

Royal Oak District Supervisor Courtney Widener thanked staff and Mr. Crawford and requested prayers for all first responders with the upcoming storm. Mr. Widener also thanked Mr. Wassum for his information and his efforts to stay involved.

9/26/2024 7:00 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins recessed the meeting until the Planning Commission meeting.

9/26/2024 7:31 PM Mr. Atkins called the Board of Supervisors back to order. Mr. Williams presented the recommendation from the Planning Commission to approve the revision of Section 4-8 of the Zoning Ordinance

- Rye Valley District Supervisor Jason Parris made a motion to waive the reading of the rules. The motion was seconded by Royal Oak District Supervisor Courtney Widener seconded the motion.

After consideration, motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristoper Ratliff.

9/26/2024 7:32 PM

- North Fork District Supervisor Rick Billings made a motion to adopt new revision to Section 4-8 of the Zoning Ordinance to include Solid Waste as an exemption from regulations as presented by the Planning Commission shown below. Saltville District Supervisor Roscoe Call seconded the motion.

a. Section 4-8 – Add Solid Waste and exempt from regulations

Section 4-8. Public Utilities.

~~Any public utility~~ County owned, public facilities, including solid waste, and any public utility used solely for local distribution such as water, sewer, cable TV, electric, telephone and natural gas lines shall not be subject to restrictions in this Ordinance. Major public utility installations such as electric generating and booster stations, high voltage electric towers, and communications towers are subject to compliance with Article III - District Regulations.

After consideration, motion PASSED by the following vote:

- AYES: Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.
- NAYS: None.
- ABSTAINERS: None.
- ABSENT: Park District Supervisor Kristoper Ratliff.

9/26/2024 7:32 PM Mr. Williams presented the recommendation from the Planning Commission to approve the first option of amending Section 8-6.2 to adopt a zoning fee and increase SUP and amendment fees.

- Saltville District Supervisor Roscoe Call made a motion to approve option one of adopting a zoning fee and increasing SUP and amendment fees, effective October 1 as listed below. The motion was seconded by Royal Oak District Supervisor Courtney Widener

b. Section 8-6.2 – adopt zoning fee and increase SUP and amendment fees	
8-6.2. Filing Fees. Filing fees for the above applications shall be based upon reasonable costs to pay for the expenses involved. The fees shall be as follows:	
Zoning permit	No Fee <u>\$50.00</u>
Zoning amendment (text change)	\$250.00 <u>\$500.00</u>
Rezoning (change to zoning map)	\$250.00 <u>\$500.00</u>
Special use permit	\$250.00 <u>\$500.00</u>
Variance	\$250.00 <u>\$500.00</u>
Appeal	\$250.00 <u>\$500.00</u>
<u>Agricultural</u>	<u>No Fee</u>

After consideration, motion PASSED by the following vote:

- AYES: Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.
- NAYS: None.
- ABSTAINERS: None.
- ABSENT: Park District Supervisor Kristoper Ratliff.

9/26/2024 7:34 PM Mr. Atkins adjourned the Board of Supervisors meeting.

The Smyth County Board of Supervisors held its regular meeting on Thursday, October 10th, 2024, at 4:00 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; Chilhowie District Supervisor Michael Sturgill; Rye Valley District Supervisor Jason Parris; Saltville District Supervisor Roscoe Call; Royal Oak District Supervisor Courtney Widener; North Fork District Supervisor Rick Billings.

ABSENT: Park District Supervisor Kristopher Ratliff.

STAFF: County Administrator Shawn Utt (electronically); Assistant County Administrator – Development Clegg Williams; Assistant County Administrator – Operations Lisa Richardson; Zoning Administrator Becca Creasy.

OTHERS: Smyth County Sheriff's Deputy and citizens

10/10/2024 4:00 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

10/10/2024 4:01 PM Lisa Richardson, Assistant County Administrator - Operations led the Pledge of Allegiance and Reverend Justin Hall provided the invocation.

10/10/2024 4:03 PM Minutes of September 26th, 2024, Board of Supervisors meeting.

- *A motion was made by Saltville District Supervisor Roscoe Call to approve the minutes of the September 26th, 2024, meeting. 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,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristoper Ratliff.

10/10/2024 4:03 PM Mrs. Richardson reviewed the County financial information.

SMYTH COUNTY BOARD OF SUPERVISORS

THURSDAY, OCTOBER 10, 2024

ACCOUNTS PAYABLE LISTING

September 2024

Request approval of the following payables:

General County	3,323,999.16
Fund 004 EDA	36,254.04
Fund 302 Public Safety Radio	11,723.48
Fund 505 Transfer Station	52,902.76
Fund 748 E-Summons	-
Fund 749 Recovery Court	11,414.04
Regular Checks Total:	3,436,293.48
<u>Fund Accounts - Manual Checks</u>	
Fund 501 Water Deposit Refunds	-
Fund 747 Sheriff State Asset Forfeiture	-
Fund 760 Commonwealth Attorney Federal Drug Asset	-
Fund 770 Circuit Court Clerk - Holding Account	202.96
Manual Checks Total:	202.96
TOTAL ACCOUNTS PAYABLE - September 2024	3,436,496.44

10/10/2024 4:04 PM A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the accounts payable listing as presented. Saltville District Supervisor Roscoe Call seconded the motion.

After consideration, the motion PASSED by the following vote:

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

Rye Valley District Supervisor Jason Parris.

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristoper Ratliff.*

10/10/2024 4:04 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

Sarah Taylor of 604 East Coyner Ave, Marion, VA expressed concerns about residents in Sugar Grove lacking cell phone service. She also inquired about past projects related to this issue.

Rose Likins, Executive Director of the Smyth County Libraries, provided updates and noted that her staff is assisting citizens with completing FEMA forms and is willing to continue supporting them throughout the process.

Melissa Dalton of 696 Cedar Springs Road, Sugar Grove expressed concerns about the lack of cell phone service, as well as landline and internet outages lasting 14 days. She emphasized her worry for older citizens, particularly in emergency situations.

Donnie Cullop, a Smyth County bus driver also spoke with concerns about lack of communication in the Sugar Grove area.

10/10/2024 4:43 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

10/10/2024 4:43 PM Emergency Services Coordinator, Curtis Crawford requested review and consideration of the following resolution to ratify the declaration of emergency in Smyth County.

**RESOLUTION OF DECLARATION OF STATE OF EMERGENCY FOR
SMYTH COUNTY, VIRGINIA**

WHEREAS, by the Code of Virginia, § 44 – 146.21. Declaration of Local Emergency, a local emergency may be declared by the local director of emergency management with the consent of the governing body of the political subdivision; and

WHEREAS, due to hurricane/tropical storm Helene, Smyth County Public Safety and county resources have been overwhelmed; and

WHEREAS, due to hurricane/tropical storm Helene, Smyth County Public Safety is seeing and forecasting further financial and continual altering conditions that will hamper essential services and cause loss of financial stability to the County of Smyth for an extended period; and

WHEREAS, due to hurricane/tropical storm Helene, Smyth County Public Safety has witnessed conditions of peril of life and property to citizens of the County; and

WHEREAS, the Director of Emergency Services as appointed by this body, has declared a provisional *Local Declaration of Emergency*; and

WHEREAS, the Smyth County Board of Supervisors prides itself in responding to the needs of its residents and communities; and

WHEREAS, the County of Smyth has incurred a historic disaster that has long-term impacts to our residents and communities; and

NOW THEREFORE, IT IS HEREBY PROCLAIMED, that the Smyth County Board of Supervisors ratifies the provisional *Local Declaration of Emergency* by the Director of Emergency Services; and

IT IS FURTHER PROCLAIMED AND ORDERED, that the Smyth County Emergency Operations Plan is active, and the Emergency Operations Center is active and operational.

ADOPTED this 10th of October 2024.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

- *Rye Valley District Supervisor Jason Parris made a motion to adopt the Resolution of Declaration of Emergency in Smyth County, Virginia as presented. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristoper Ratliff.*

Mr. Crawford then provided an update on the response timeline and actions related to Hurricane Helene, highlighting efforts to ensure community safety. He mentioned ongoing

initiatives and visits from government officials as well as FEMA staff who are addressing the destruction in the area.

10/10/2024 4:50 PM Mr. Williams discussed requests received to waive the transfer station tipping fees for debris related to Hurricane Helene.

- *Royal Oak District Supervisor Courtney Widener made a motion to waive tipping fees for storm related damages and to revisit the fee-waiver at the November the 14th Board meeting. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *Park District Supervisor Kristoper Ratliff.*

10/10/2024 5:02 PM Mrs. Richardson reviewed the second quarter appropriations as follows:

• General County	\$ 10,500,000	Fund 001
• General EDA Expenses	\$ 725,000	Fund 004
• Schools – Operating Fund	\$ 16,717,117	Fund 009
• Department of Social Services	\$ 1,920,923	Fund 013
• Public Safety Radio Bond	\$ 2,000,000	Fund 302
• Recovery Court	<u>\$ 44,625</u>	<u>Fund 749</u>

Total for 2nd Qtr. – FY24/25 **\$ 31,907,665**

- *Saltville District Supervisor Roscoe Call made a motion to approve the second quarter appropriations in the total amount of \$31,907,665 as presented. Rye Valley District Supervisor Jason Parris seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,*

*Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: Park District Supervisor Kristoper Ratliff.

10/10/2024 5:03 PM Chilhowie District Supervisor Michael Sturgill exited the meeting due to prior engagements.

10/10/2024 5:03 PM Mrs. Richardson then reviewed the request from VACO for each county to designate a representative of its Board of Supervisors to cast its vote at the Annual Business Meeting. She noted it was customary for the Board Chairman to serve that role if he/she attends the VACO conference.

- *North Fork District Supervisor Rick Billings made a motion to designate Atkins District Supervisor Charles Atkins as primary and Chilhowie District Supervisor Michael Sturgill as secondary to vote on behalf of the Smyth County Board of Supervisors at the VACO annual meeting. Rye Valley District Supervisor Jason Parris seconded the motion, and it was approved.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

*ABSENT: Park District Supervisor Kristoper Ratliff and
Vice Chair, Chilhowie District Supervisor Michael Sturgill.*

10/10/2024 5:03 PM Royal Oak District Supervisor Courtney Widener exited the meeting due to prior engagements.

10/10/2024 5:05 PM County Attorney Report – Mr. Farthing did not have anything to share during this time.

10/10/2024 5:05 PM County Administrator Report -

Mr. Williams requested the public hearing date of the Tax Exemption for Line of Duty Surviving Spouses be moved to October 24th due to the advertising deadline being missed.

- *Rye Valley District Supervisor Jason Parris made a motion to reschedule the public hearing to October 24th at 5pm or shortly thereafter to gain comments on a proposed Ordinance for Tax Exemption for Surviving Spouses of Line of Duty Deaths. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins, Saltville District Supervisor Roscoe Call, North Fork District Supervisor Rick Billings, and Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener, Park District Supervisor Kristoper Ratliff, and Vice Chair, Chilhowie District Supervisor Michael Sturgill.

10/10/2024 5:55 PM Supervisor Comment Time –

Saltville District Supervisor Roscoe Call thanked everyone for their efforts during this difficult time.

North Fork District Supervisor Rick Billings shared his wishes for cell coverage in the Sugar Grove area matched those throughout the community, but noted the Board is only able to do so much. Mr. Billings thanked lineman and first responders for their support and work during the hurricane response efforts. Mr. Billings also shared the following request from Mr. Sturgill who was unable to stay at the meeting:

- *North Fork District Supervisor Rick Billings made a motion to nominate Ann Margaret Utt to the Library Board to represent the Chilhowie District serving the remainder of Nellie Harmon's term, set to expire June 30th, 2028. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair, Atkins District Supervisor Charles Atkins, Saltville District Supervisor Roscoe Call, North Fork District Supervisor Rick Billings, and Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: Royal Oak District Supervisor Courtney Widener, Park District Supervisor Kristoper Ratliff, and Vice Chair, Chilhowie District Supervisor Michael Sturgill.

Chair, Atkins District Supervisor Charles Atkins shared his wishes for cell phone service in Sugar Grove as well. He stated the Board does want to help. Mr. Atkins also commended neighbors on helping each other during the storm response and its aftermath.


Rye Valley District Supervisor Jason Parris thanked staff and leadership for leading the county through such an awful storm as well as continuing to navigate all hurdles but noted they have done an excellent job.

Due to the tragic events surrounding the hurricane response, Chair, Atkins District Supervisor Charles Atkins allowed time for other staff to comment:

Mrs. Richardson shared her appreciation for seeing such acts of kindness in a tragedy and a lot of good can be said about our community.

Mr. Williams shared stories about the many citizens who have stepped up, including Chris Alexander of HS Williams who had his construction crews working in the community to help clean roadways, open driveways and in many cases rebuild access to their homes.

10/10/2024 5:23 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

 The Smyth County Board of Supervisors held its regular meeting on Thursday, October 24th, 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: Chair, Atkins District Supervisor Charles Atkins; Vice Chair Chilhowie District Supervisor Michael Sturgill; Rye Valley District Supervisor Jason Parris; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Rick Billings; Park District Supervisor Kristopher Ratliff.

ABSENT: None.

STAFF: County Administrator, Shawn Utt; Assistant County Administrator-Operations Lisa Richardson; Assistant County Administrator-Development Clegg Williams; County Attorney Scot Farthing; Zoning Administrator, Becca Creasy.

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

10/24/2024 5:00 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order.

10/24/2024 5:02 PM Chair, Atkins District Supervisor Charles Atkins led the pledge of allegiance and Stephanie Nichols provided the invocation.

10/24/2024 5:04 PM Royal Oak District Supervisor Courtney Widener shared his appreciation for local agencies who assisted in saving the life of a child during the recent flooding. Mr. Widener read the following Resolution for review and consideration:

RESOLUTION OF APPRECIATION FOR OUR LOCAL LIFE SAVING HEROS

WHEREAS, the safety and well-being of our community depend on the bravery and dedication of our first responders; and

WHEREAS, on September 27th, 2024, our first responders displayed extraordinary courage and commitment during a critical emergency situation involving a youth who had been tragically washed away by the floodwaters along Matson Drive in the Town of Marion in the immediate aftermath of Hurricane Helene; and

WHEREAS, the swift and coordinated efforts of the personnel from the Marion Fire/EMS, Marion Police Department, Smyth County Sheriff's office, Smyth County Public Safety and others led to the successful rescue of the youth, demonstrating exceptional skill and teamwork without worry of harm to themselves with only the desire to save and protect one of our own; and

WHEREAS, the actions of these first responders not only saved a life but also provided comfort and reassurance to the boy's family and our entire community during a time of great distress knowing professionals such as these serve our community proudly and honorably; and

WHEREAS, their selfless service exemplifies the highest ideals of public safety and dedication to the welfare of others.

NOW, THEREFORE, BE IT RESOLVED that the Smyth County Board of Supervisors hereby expresses its deepest appreciation to all first responders involved in the rescue operation, recognizing their heroic actions and unwavering commitment to the safety of our citizens; and,

BE IT FURTHER RESOLVED that this resolution be made a part of the official records of the Smyth County Board of Supervisors meeting, held this day, and that a copy be presented to the first responders as a token of our sincere gratitude.

ADOPTED this 24th day of October, 2024.

ATTEST:

SMYTH COUNTY
BOARD OF SUPERVISORS

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

To be presented to the following individuals:

- Marion Fire/EMS: Brett Miller, Richard Keesling, Ben Cregger, Sam Widener, Rusty Hamm
 - Marion PD: Jordon Propst, Josh Taylor, Keith Finney
 - Smyth County SO: Peter "Doc" Bruzzo, Gayle Greer, Stacy Hess, Roger Dowell, Landon Smith, Christian Centeno
 - Smyth County Dispatchers: Carly Greer, Megan Taylor, Lakin Hess, Kayleigh Jackson, Jill Robbins)
 - Smyth Co Fire/EMS: Curtis Crawford and Aaron Blevins
- *Royal Oak District Supervisor Courtney Widener made a motion adopt the Resolution of Appreciation for our Local Living Saving Heros 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristoper Ratliff,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

10/24/2024 5:15 PM Mr. Joe Lerch, Director of Local Government Policy at VACO, presented two awards: the “Best Achievement Award” for the Smyth Grow project and an additional achievement award for the Smyth Promise partnership.

Jimmy Moss from the Mount Rogers Planning District discussed the Smyth Grow Campaign, providing details about the program. Additionally, Mr. Utt explained the Smyth Promise program, emphasizing the County’s efforts to build the workforce.

10/24/2024 5:32 PM Jim Accurso, Public Affairs Specialist with the U.S. Small Business Administration (SBA), introduced himself and discussed the SBA's response coordination efforts. He highlighted that the SBA will be assisting non-residential claimants affected by the Helene flooding.

FEMA representatives, Marissa Kapuscinski and Patty Gardner, also introduced themselves and provided information about the Disaster Recovery Center (DRC) and the various agencies present to offer assistance.

10/24/2024 5:40 PM Public Hearing for ordinance related to “Tax Exemptions for Surviving Spouses of Line of Duty Deaths”. Mr. Utt read the following advertisement:

NOTICE OF PUBLIC HEARING

In compliance with the Code of Virginia of 1950, and amendments thereto, 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, October 24, 2024, at 5:00 p.m. or soon thereafter, to receive comments on the proposed ordinance for tax exemption for surviving spouses of line of duty deaths.

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, August 22, 2024. A copy of the proposed Ordinance is available for public review by contacting the County Administrator's Office. Anyone who has 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

10/24/2024 5:42 PM Chair, Atkins District Supervisor opened the public hearing.

Commissioner of Revenue Bradley Powers expressed that the situation has been heavy on his mind

and conveyed his happiness to be present. He also noted that his office is prepared to begin accepting applications.

EMS Coordinator Curtis Crawford spoke in appreciation of First Responders and gave his support for this ordinance.

10/24/2024 5:51 PM Chair, Atkins District Supervisor closed the public hearing.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to waive the rules of the Public Hearing for the Tax Exemption for Surviving Spouses of Line of Duty Deaths Ordinance. 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristoper Ratliff,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

- *A motion was made by Rye Valley District Supervisor Jason Parris to adopt the Tax Exemption for Surviving Spouses of Line of Duty Deaths Ordinance as presented below. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

Real Property Tax Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty¹

Sec. 23-500. Purpose.

The purpose of this subdivision is to establish an exemption from taxation for the qualifying real property of surviving spouses of covered persons as defined herein, generally including law enforcement officers, firefighters, search and rescue personnel, or emergency medical service personnel who are killed in the line of duty.

Sec. 23-501. Definitions.

As used in this article, unless the context requires otherwise:

Average assessed value means the average assessed value for all dwellings located within the county that are situated on property zoned as single-family residential.

Commissioner means the commissioner of the revenue of the county.

Covered person means any person set forth in the definition of "deceased person" in Code of Virginia, § 9.1-400 whose beneficiary, as defined in Code of Virginia, § 9.1-400, is entitled to receive benefits under Code of

¹State law reference(s)—Exemption for surviving spouses of certain persons killed in the line of duty, Code of Virginia, § 58.1-3219.13, et seq.

Virginia, § 9.1-402, as determined by the comptroller prior to July 1, 2017, or as determined by the Virginia Retirement System on and after July 1, 2017.

Sec. 23-502. Exemption from taxes on property of surviving spouses of certain persons killed in the line of duty.

- (a) Pursuant to Article X, Section 6-B of the Constitution of Virginia, for tax years beginning on or after January 1, 2024, the county exempts from taxation the real property described in subsection (b) of the surviving spouse of any covered person who occupies the real property as his principal place of residence. If the covered person's death occurred on or prior to January 1, 2024, and the surviving spouse has a principal residence on January 1, 2024, eligible for the exemption under this section, then the exemption for the surviving spouse shall begin on January 1, 2024. If the covered person's death occurs after January 1, 2024, and the surviving spouse has a principal residence eligible for the exemption under this section on January 1 in the year that such covered person dies, then the exemption for the surviving spouse shall begin on January 1 of the year that such covered person dies. If the surviving spouse acquires the property after January 1, 2024, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to Code of Virginia, § 58.1-3360. The county shall not be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by Code of Virginia, § 58.1-3219.15. The exemption applies without any restriction on the spouse's moving to a different principal place of residence; however, the exemption shall apply only as long as the spouse owns and resides on the property as the principal place of residence.
- (b) Those dwellings in the county with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single-family residential shall qualify for a total exemption from real property taxes under this article. If the value of a dwelling is in excess of the average assessed value as described in this subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes. Single-family homes, condominiums, town homes, manufactured homes as defined in Code of Virginia, § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed, and other types of dwellings of surviving spouses, whether or not the land on which the single-family home, condominium, town home, manufactured home, or other type of dwelling of a surviving spouse is located is owned by someone other than the surviving spouse, that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption. If the land on which the single-family home, condominium, town home, manufactured home, or other type of dwelling is located is not owned by the surviving spouse, then the land is not exempt. For purposes of determining whether a dwelling, or a portion of its value, is exempt from county real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single-family residential.
- (c) The surviving spouse shall qualify for the exemption so long as the surviving spouse does not remarry and continues to occupy the real property as their principal place of residence. The surviving spouse shall notify the commissioner within 30 days of remarriage. If a surviving spouse remarries, eligibility for the exemption shall cease upon such remarriage, and taxes shall be pro-rated accordingly.
- (d) The county shall provide for the exemption from real property taxes of (i) the qualifying dwelling, or that portion of the value of such dwelling and land that qualifies for the exemption pursuant to subsection (b), and (ii) with the exception of land not owned by the surviving spouse, the land, not exceeding one acre, upon which it is situated. A real property improvement other than a dwelling, including the land upon which such improvement is situated, shall also be exempt from taxation so long as the principal use of the improvement is (a) to house or cover motor vehicles or household goods and personal effects as classified in subdivision a 14 of Code of Virginia, § 58.1-3503 and as listed in Code of Virginia, § 58.1-3504 and (b) for other than a business purpose.
- (e) Effect of different forms of ownership and multiple owners. For purposes of this exemption, real property of any surviving spouse of a covered person includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. Such real property does not include any interest held under a leasehold or term of years.

In the event that (i) a surviving spouse is entitled to an exemption under this subdivision by virtue of holding the property in any of the three ways set forth in subsection (e)(1) and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction the numerator of which is one and the denominator of which equals the total number of people having an ownership interest that permits them to occupy the property.

In the event that the principal residence is jointly owned by two or more individuals including the surviving spouse, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection (e), then the exemption shall be prorated by multiplying the amount of the exemption by a fraction the numerator of which is the percentage of ownership interest in the dwelling held by the surviving spouse and the denominator of which is 100.

Sec. 23-503. Application for exemption.

The surviving spouse claiming the exemption under this article shall file with the commissioner on forms to be supplied by the commissioner, an affidavit or written statement (i) setting forth the surviving spouse's name, (ii) indicating any other joint owners of the real property, (iii) certifying that the real property is occupied as the surviving spouse's principal place of residence, and (iv) including evidence of the determination of the comptroller or the Virginia Retirement System pursuant to the definition of "covered person" stated in this subdivision. The surviving spouse shall also provide documentation that he is the surviving spouse of a covered person and of the date that the covered person died. The surviving spouse shall be required to refile the information required by this section only if the surviving spouse's principal place of residence changes.

Sec. 23-504. Absence from residence.

The fact that surviving spouses who are otherwise qualified for tax exemption pursuant to this article are residing in hospitals, nursing homes, convalescent homes, or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence, so long as such real estate is not used by or leased to others for consideration.

Secs. 23-505—23-510. Reserved.

This ordinance was duly considered following a required public hearing held on October 24th, 2024, and was adopted and made effective by the Board of Supervisors of Smyth County, Virginia on October 24th, 2024. The Board of Supervisors members voting:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Charles E. Atkins	X		
Michael L. Sturgill	X		
Rick A. Billings	X		
Kristopher S. Ratliff, DPh	X		
S. Courtney Widener	X		
W. Jason Parris	X		
Roscoe D. Call	X		

I certify that this is a true and correct copy taken from the minutes of the Smyth County Board of Supervisors meeting of October 24th, 2024.

Shawn Utt, Clerk of the Board

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

10/24/2024 5:53 PM Minutes from the October 10th, 2024 meeting.

- A motion was made by Saltville District Supervisor Roscoe Call to approve the meeting minutes of October 10th, 2024, meeting. Chilhowie District Supervisor Michael Sturgill seconded the motion.

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

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

NAYS: None.

ABSTAINERS: Park District Supervisor Kristoper Ratliff.

ABSENT: None.

10/24/2024 5:05 PM Chair, Atkins District Supervisor Charles Atkins opened Citizens Time.

Anna Leigh DeBord with the Smyth County Museum gave an update of events they plan to host.

10/24/2024 6:02 PM Chair, Atkins District Supervisor Charles Atkins closed Citizens Time

10/24/2024 6:02 PM Chilhowie District Supervisor Michael Sturgill read the minutes of October 17th, 2024, Parks and Recreation Committee and shared the following recommendation:

- Royal Oak District Supervisor Courtney Widener made a motion to recommend Mr. Utt issue a Request for Proposals (RFP) for 4th of July Fireworks. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved by the committee.

After consideration, the Parks and Recreation Committee recommendation **PASSED** by the following vote:

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

Rye Valley District Supervisor Jason Parris.
NAYS: *None.*
ABSTAINERS: *None.*
ABSENT: *None.*

10/24/2024 6:04 PM Mr. Utt read the minutes of the October 17th, 2024, Budget Committee and presented the following recommendations:

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend approval of Budget Amendment #4 in the amount of \$785,000 as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristoper Ratliff,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.*
NAYS: *None.*
ABSTAINERS: *None.*
ABSENT: *None.*

RESOLUTION
SMYTH COUNTY BUDGET FISCAL YEAR 2024/25 – AMENDMENT #4

WHEREAS, the Smyth County Board of Supervisors, on June 20th, 2024 adopted the Fiscal Year 2024/25 Budget in the original amount of \$146,646,737; and

WHEREAS, in the meeting of August 22, 2024, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #1) for Fiscal Year 2024/45 in the amount of \$151,588,158; and

WHEREAS, in the meeting of August 22, 2024, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #2) for Fiscal Year 2024/45 in the amount of \$151,6003,158; and

WHEREAS, in the meeting of September 26, 2024, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #3) for Fiscal Year 2024/45 in the amount of \$151,917,704; and

WHEREAS, the aggregate amount of budget amendment #4 is \$785,000 which would increase the Fiscal Year 2024/25 budget to a total of \$152,702,704 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 2024/25 in the amount of \$152,702,704.

BE IT FURTHER RESOLVED, the approval of this budget amendment #4 shall indeed constitute an appropriation of the same funds.

Adopted this the 24th day of October 2024

ATTEST:

SMYTH COUNTY
BOARD OF SUPERVISORS

Shawn M. Utt, Clerk

Charles Atkins, Chair

Exhibit A
FY2024/25
Budget Amendment #4 (10/24/2024)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	State Street Building	001-021100-0003	USPSA MISC11 Grant	-	\$	(300,000)	
Fund 001	Miscellaneous Revenue	001-031000-0013	Wesleyan Foundation Donations	-	\$	(300,000)	Car Imaging Equipment Grant for Dispatch Center
Fund 001	Miscellaneous Revenue	001-032000-0014	Hurtman Refuel Donations	-	\$	(12,000)	
Fund 001	Water Sewer Payments	301-013000-0001	Water Payments	(1,673,376)	\$	(1,423,376)	
Total Revenues With Amendment				\$	(151,917,704)	(785,000)	(152,702,704)

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget	Notes
Fund 001	ES&J Operations	001-03100-8888-32	MS&J Civil Working Grant	-	320,000	320,000	Civil working equipment grant for Espartero Center
Fund 001	ES&J Operations (Region 1a)	001-03100-7003	Region 1a	-	37,000	37,000	Recruitment funds for ES&J meetings
Fund 001	Disaster Relief	001-02000-8888-002	Hurtado's Relief Operations	-	13,000	13,000	
Fund 001	Disaster Relief	001-02000-8888-002	Willingness Foundation Expenses	-	150,000	200,000	
Fund 001	Capital Improvements	001-07000-8888-77	7-Minutepac Finance Software Equipment	360,000	(37,000)	323,000	
Fund 001	Utility Fund Capital Projects	001-02000-0013	Kilawaga Booster Pump Station	-	70,000	70,000	
Total Expenditures With Amendment				\$	151,917,704	\$	153,702,704

Revenues	\$ 151,917,704	\$ 785,000	\$ 152,702,704
Expenditures	\$ 151,917,704	\$ 785,000	\$ 152,702,704
Difference	\$ -	\$ -	\$ -

10/24/2024 6:08 PM Royal Oak District Supervisor Courtney Widener read the minutes of the October 17th, 2024, Public Safety Committee, and shared the following recommendation:

- *Chilhowie District Supervisor Mike Sturgill made a recommendation to authorize the County Administrator, or designee to authorize EMS payment arrangements for past due bills up to \$1,000 per individual and no more than \$5,000 monthly. Rye Valley District Supervisor Jason Parris 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristoper Ratliff,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

9/26/2024 5:56 PM Mr. Utt noted the School Board currently owns the small park/playground located across from the old Carnegie School at the corner of South Iron Street and Walnut Street in the Town of Marion. The Town is interested in updating the playground equipment but has requested that ownership be transferred before making any investments. According to the Code of Virginia, any property owned by a school board that is deemed surplus and unnecessary must be conveyed back to the local governing body, which in this case is the Smyth County Board of Supervisors. We have been asked to act as an intermediary to facilitate the transfer of the property to the Town of Marion. Should the Board agree to this transfer, the next step would involve accepting ownership of the property and holding a public hearing, with a recommended date of November 14th, to formally proceed.

- *Chilhowie District Supervisor Mike Sturgill made a motion to accept ownership of Tax map No 210-127-16, lots #16, 17, 18, and 19 of the George W. Wright Addition as shown on a plat recorded in the Clerk's Office of the Circuit Court of Smyth County and schedule a public hearing to gain comments regarding conveyance of the property to the Town of Marion. 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,
Park District Supervisor Kristoper Ratliff,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.

NAYS: Saltville District Supervisor Roscoe Call.

ABSTAINERS: None.

ABSENT: None.

10/24/2024 6:20 PM County Attorney Report:

County Attorney Scot Farthing had nothing new to report.

10/24/2024 6:20 PM County Administrator Report:

Mr. Utt shared a public input session has been scheduled as required for DHCD grant funds available for hurricane recovery efforts on October 31st at 2pm. Mr. Utt also reviewed a draft Mutual Aid Agreement with the Town of Marion for the Board to ratify. This agreement is designed to assist the Town in getting reimbursed for the support they provided to our Utility Department during the flood response.

- *Chilhowie District Supervisor Michael Sturgill made a motion to ratify approval of the agreement with the Town of Marion for Mutual Aid for Resource and Equipment Sharing During Emergencies. 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,
Park District Supervisor Kristoper Ratliff,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.

NAYS: Saltville District Supervisor Roscoe Call.

ABSTAINERS: None.

ABSENT: None.

10/24/2024 6:27 PM Supervisor Comment Time

Rye Valley District Supervisor Jason Parris shared he appreciated staff keeping him informed as well as the potential to bring fireworks for a 4th of July celebration in the County.

Chilhowie District Supervisor Michael Sturgill shared it has been a great school year so far. Mr. Sturgill also reminded everyone of the Apple Festival band competition tonight.

Park District Supervisor Kristopher Ratliff shared his appreciation for staff efforts, especially Mr. Utt during Hurricane Helene and he knew the County was in good hands.

Saltville District Supervisor Roscoe Call agrees with Mr. Ratliff with staff efforts. Mr. Call also shared he has nothing against the Town of Marion, he just wishes we all work together for the betterment of the citizens.

Royal Oak District Supervisor Courtney Widener acknowledged the first responders present at the meeting and highlighted their significant contributions to recovery efforts. He commended their selfless service, noting that they acted without hesitation. Mr. Widener also expressed his enthusiasm for a forthcoming fireworks program in the County, which will include collaborative events with all three towns and the County.

North Fork District Supervisor Rick Billings echoed everyone's comments thanking the first responders for the miracle of seeing the child who almost lost his life be able to attend the meeting.

Chair, Atkins District Supervisor Charles Atkins also echoed everyone's comments and how proud he is off the staff. Mr. Atkins also thanked Mr. Utt for spearheading the SmythGrow program.

10/24/2024 6:45 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under*

Code of Virginia Section 2.2-3711(a)8 Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding community action agencies. 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,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristoper Ratliff,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.*

NAYS: Saltville District Supervisor Roscoe Call.

ABSTAINERS: None.

ABSENT: None.

10/24/2024 6:55 PM

- Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.*

RESOLUTION
CERTIFICATION OF CLOSED SESSION

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

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

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

After consideration, the motion PASSED by the following vote:

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

NAYS: Saltville District Supervisor Roscoe Call.
ABSTAINERS: None.
ABSENT: None.

10/24/2024 6:55 PM Mr. Atkins recessed the meeting until the Joint Public Hearing at 7pm with the Planning Commission.

The Smyth County Board of Supervisors held its regular meeting on Thursday, November 14, 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; Chilhowie District Supervisor Michael Sturgill; Rye Valley District Supervisor Jason Parris; Saltville District Supervisor Roscoe Call; Royal Oak District Supervisor Courtney Widener; North Fork District Supervisor Rick Billings; Park District Supervisor Kristopher Ratliff.

ABSENT: None.

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

OTHERS: Smyth County Sheriff's Deputy and citizens

11/14/2024 5:00 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

11/14/2024 5:02 PM Clegg Williams, Assistant County Administrator - Operations led the Pledge of Allegiance and Reverend Alan Gray provided the invocation.

11/14/2024 5:02 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to add a Change Order Request as an additional business item as part of the Buildings and Grounds Committee report. 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,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

11/14/2024 5:03 PM Rye Valley District Supervisor Jason Parris read the following resolution for the Boards review and consideration:

RESOLUTION OF APPRECIATION FOR CHILHOWIE SWIFT WATER RESCUE TEAM

WHEREAS, during the recent storm event caused by Hurricane Helene, which brought severe flooding, high winds, and extreme weather conditions to our region, several Swift Water Rescue Teams were called upon to perform numerous dangerous and time-sensitive rescue operations; and

WHEREAS, the Chilhowie Swift Water Rescue Team is a highly trained, dedicated group of professionals committed to ensuring the safety and well-being of the citizens of Smyth County during times of emergency and disaster; and

WHEREAS, the Swift Water Rescue Team, consisting of members from the Chilhowie Fire/EMS and Police Department is on call to provide life-saving services in dangerous and challenging conditions; and

WHEREAS, the team responded with remarkable skill, courage, and professionalism, performing rescues in rapidly rising floodwaters, evacuating citizens from dangerous areas, and ensuring that no life was lost in Smyth County due to the severe weather; and

WHEREAS, the members of the team, through their actions, have proven themselves as invaluable assets to the safety and security of Smyth County and our citizens, and their commitment to service is an inspiration to us all; and

WHEREAS, it is fitting and appropriate for the Smyth County Board of Supervisors to publicly acknowledge and commend the extraordinary efforts of the team in their response to Hurricane Helene and the invaluable contributions they made during this critical time.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Smyth County does hereby extend its deepest appreciation and heartfelt thanks to the Chilhowie Swift Water Rescue Team for their heroic efforts and selfless service in response to Hurricane Helene; and

BE IT FURTHER RESOLVED that the Board of Supervisors expresses its profound gratitude to the individual team members for their bravery, dedication, and sacrifice in the service of our community; and

BE IT FURTHER RESOLVED that this resolution be entered into the official records of Smyth County Board of Supervisors, and a copy be presented to the Swift Water Rescue Team as a token of the County's enduring appreciation.

ADOPTED this 14th day of November, 2024.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

11/14/2024 5:04 PM After consideration the following motion was rendered:

- *A motion was made by Rye Valley District Supervisor Jason Parris to adopt the Resolution of Appreciation for Chilhowie Swift Water Rescue Team. 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,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

11/14/2024 5:06 PM Kendra Hayden, Director of Community and Economic Development presented the newly adopted *Business Retention and Expansion Plan*. She shared the Smyth County Economic Development Authority Business Retention and Expansion Program is a community-based program used to open lines of communication and build relationships among the County and local businesses in order to maintain a healthy local economy and a positive business climate. The SCEDA BRE Program promotes job growth and business expansion by helping identify concerns and barriers to the survival and growth of local businesses. Staff initiated the development of a new BRE Program during the FY2023-2024 Strategic Planning process, with implementation beginning in FY2024-2025. The Board thanked Mrs. Hayden for her hard work and dedication to the development of Smyth County.

11/14/2024 5:22 PM Minutes of October 24th, 2024, Board of Supervisors meeting.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to approve the minutes of the October 24th, 2024, meeting. 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,
 Saltville District Supervisor Roscoe Call,
 North Fork District Supervisor Rick Billings,
 Park District Supervisor Kristoper Ratliff,
 Royal Oak District Supervisor Courtney Widener, and
 Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

11/14/2024 5:23 PM Mrs. Richardson reviewed the County financial information.

SMYTH COUNTY BOARD OF SUPERVISORS

THURSDAY, NOVEMBER 14, 2024

ACCOUNTS PAYABLE LISTING

October 2024

Request approval of the following payables:

General County	3,631,802.26
Fund 004 EDA	300,767.75
Fund 302 Public Safety Radio	57,660.25
Fund 501 Water Deposit Refunds	472.17
Fund 505 Transfer Station	732.02
Fund 748 E-Summons	1,480.85
Fund 749 Recovery Court	449.94
Regular Checks Total:	3,993,365.24
<u>Fund Accounts - Manual Checks</u>	

Fund 747 Sheriff State Asset Forfeiture	
Fund 760 Commonwealth Attorney Federal Drug Asset	
Fund 770 Circuit Court Clerk - Holding Account	401.84
Manual Checks Total:	401.84
TOTAL ACCOUNTS PAYABLE - October 2024	3,993,767.08

11/14/2024 5:23 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing 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,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

11/14/2024 5:25 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.

Dr. Charles Wassum of 321 Wassona Drive, Marion discussed concerns of long-term effects of Covid.

11/14/2024 5:28 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.

11/14/2024 5:28 PM Saltville District Supervisor read the minutes from the November 7th, 2024, Solid Waste Committee meeting and shared the following committee recommendation:

The Committee reviewed and discussed the bid received from HS Williams in the amount of \$535,203.00 for a portion of the Transfer Station remodel project which includes the hopper replacement and additional steel plating to better protect the building. Mr. Williams advised the work is now required by DEQ following their most recent inspection. Following review and consideration the following action was taken:

- *Atkins District Supervisor Charles Atkins made a motion to recommend acceptance of the Transfer station remodel bid from HS Williams in the amount of \$535,203.00. North Fork District Supervisor Rick Billings seconded the motion, and it was unanimously approved by the Committee.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

11/14/2024 5:30 PM Saltville District Supervisor read the minutes from the November 7th 2024, Water and Sewer Committee meeting and shared the following recommendation:

Mr. Utt presented a Mutual Aid Agreement for Resource and Equipment Sharing During Emergencies with Rye Valley Water Authority, similar to the agreement recently approved with the Town of Marion. He explained that the agreement was initiated in response to Hurricane Helene and expressed his intention to reach out to Thomas Bridge Water Corporation as well as the Towns of Saltville and Chilhowie to propose a similar arrangement. After review and discussion, the following action was taken:

- *Rye Valley District Supervisor Jason Parris made a motion to recommend approving the Mutual Aid Agreement for Resource and Equipment Shared During Emergencies with Rye Valley Water Authority, Thomas Bridge Water Corporation, Town of Saltville and Town of Chilhowie as discussed and authorize the County Administrator to execute the documents. North Fork District Supervisor Rick Billings seconded the motion, and it was unanimously approved by the Committee.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

11/14/2024 5:31 PM Mr. Utt read the minutes from the November 7th 2024, Budget Committee meeting and shared the following recommendations:

Mr. Williams discussed the permit fees associated with rebuilding efforts following Hurricane Helene, noting that other localities have waived their fees, as well as the tipping fees that the Board recently approved for waiver. He clarified that the current cost structure includes \$0.16 per square foot for construction, in addition to various flat fees for zoning, electrical, HVAC, and other services related to the building code. Mr. Williams explained that these fees apply to all construction projects, including those tied to Hurricane Helene recovery efforts. Mr. Atkins emphasized that, regardless of the potential for FEMA reimbursement for lost funds, the citizens are relying on the Board's support and assistance in the rebuilding process. After discussion, the following action was taken:

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend waiving any Building and Zoning permit fees for renovations or reconstruction related to damage caused by Hurricane Helene and review the waiver after 6 months. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously 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,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

Mr. Utt next discussed Budget Amendment number 5. This amendment is tied back to operational expenses for Hurricane Helene recovery as well as rollover funds from the Health Department that will be used for maintenance costs, and Nebo Community Center carryover funds that will be used this fiscal year to complete their planned renovations. After discussion, the following action was taken:

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend the approval of Budget Amendment #5 in the amount of \$247,461.00. Chilhowie District*

Supervisor Michael Sturgill seconded the motion, and it was unanimously 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,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Mr. Utt presented a supplemental appropriation request he received from Mrs. Daugherty. He explained that the request includes \$10,000 for Fund 748 (E-Summons) to cover projected expenses through the remainder of the year. Additionally, a request for \$5,000 for Fund 501 (Water Deposit Refunds). After discussion, the following action was taken:

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend the supplemental appropriation in the amount of \$15,000 as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously 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,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

The Committee then discussed the staff Christmas bonus. Mr. Utt explained that, in previous years, the County had been able to provide a \$1,000 bonus to full-time employees and \$500 to part-time employees at a total cost of just over \$200,000.

However, due to budgetary constraints, the current budget did not have funding included for employee bonuses. The Committee discussed finding a way to still give back to employees. Following that discussion, Mr. Utt suggested offering a \$500 bonus for full-time employees and \$250 for part-time employees, balancing the desire to show appreciation for staff with fiscal responsibility. After further discussion, the following action was taken:

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend approving a staff bonus of \$500 to full time employees and \$250 for part time employees. Atkins District Supervisor Charles Atkins seconded the motion, and it was approved by the Committee with Royal Oak District Supervisor Courtney Widener abstaining from the vote.*

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

11/14/2024 5:39 PM Chilhowie District Supervisor Michael Sturgill read the minutes from November 7th 2024, Building and Grounds Committee meeting and shared the following recommendation:

Mr. Williams discussed a change order from HS Williams for the Sheriff's Office relocation project in the amount of \$14,348. He explained that a structural beam was missed during the design phase, resulting in it being located in the middle of an office space. Mr. Williams noted that despite this oversight and due to time constraints, he recommended the change order to be approved so the necessary work will be completed to keep the project on schedule. Mr. Williams also plans to discuss the issue with AECOM to address the root cause and discuss remedies to the increased costs. Following discussion,

- *Royal Oak District Supervisor Courtney Widener made a motion to recommend approval of the change order as presented for the Sheriff's Office Relocation project in the amount of \$14,348. Chilhowie District Supervisor Michael Sturgill seconded the*

motion, and it was unanimously approved by the Committee.

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

11/14/2024 5:51 PM Mr. Williams then presented an additional change order to the Dispatch relocation project in the amount of \$10,500 for a preaction valve for the sprinkler system required to operate a dry sprinkler system. Discussion continued about oversight from the architect. Due to time constraints the following motion was begrudgingly rendered:

- *Chilhowie District Supervisor Michael Sturgill made a motion to approve the change order as presented for the Dispatch office relocation project in the amount of \$10,500. 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,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

11/14/2024 6:08 PM Royal Oak District Supervisor Courtney Widener read the minutes from November 7th, 2024, Public Safety Committee meeting, no action was taken, information only.

11/14/2024 6:10 PM Mr. Willaims presented the following Planning Commission recommendation from the October 24th meeting.

Virginia Outdoor Foundation on behalf of Greg and Kyli Waddle, Comprehensive Plan Amendment to Future Land Use Map Lea Meadows made a motion to recommend the Board of Supervisors approve amending the Future Land Use Map in the Comprehensive Plan to identify the following parcels as Agriculture instead of Commercial/Industrial and Village Residential: 64-A-20, 64-A-SA, 64-A-6, and 64-A-7. The motion was seconded by David Spence and unanimously passed.

- *Following Discussion, Rye Valley District Supervisor Courtney Widener made a motion to send the Planning Commission recommendation regarding Virginia Outdoor Foundation on behalf of Greg and Kylie Waddle, Comprehensive Plan Amendment to Future Land Use Map back to the Planning Commission for re-consideration in conjunction with the current Comprehensive Plan. North Fork District Supervisor Rick Billing 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,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.

NAYS: Saltville District Supervisor Roscoe Call.

ABSTAINERS: None.

ABSENT: None.

11/14/2024 6:20 PM Mr. Utt presented a Resolution for CDBG Grant funding for the Board for review and consideration, authorizing the preparation and filing of an application for Community Improvement Grant funds through the Community Development Block Grant (CDBG) program. This application seeks up to \$500,000 to support local food pantries in Smyth County, addressing increased needs following Hurricane Helene. Mr. Utt read the resolution as follows:

**RESOLUTION AUTHORIZING THE PREPARATION AND FILING OF AN APPLICATION
FOR COMMUNITY IMPROVEMENT GRANT FUNDS THROUGH THE COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, The Virginia Department of Housing and Community Development (DHCD) is soliciting applications for the 2025 Community Development Block Grant (CDBG) program to fund local community improvement projects, and

WHEREAS, the Smyth County Board of Supervisors and the Food Pantry Management Team has determined that there is a need and community support for a CDBG project to address the needs of the Smyth County food pantries during and after the Hurricane Helene response, and

WHEREAS, the Board of Supervisors has met the citizen participation requirements of the program by conducting two public hearings that were properly advertised in the newspaper as required by the CDBG program guidelines, and

THEREFORE BE IT RESOLVED, that the Board of Supervisors wishes to apply for up to \$500,000 in CDBG funds to address the needs of the local food pantries, and

BE IT FURTHER RESOLVED, that the Board of Supervisors authorizes the County Administrator to sign and submit all appropriate documents for submittal of the CDBG application.

Adopted this the 14th day of November 2024

- *Saltville District Supervisor Roscoe Call made a motion to approve and adopt the Resolution Authorizing Preparation and Filing of an Application for Community Improvement Grant Funds Through the Community Development Block Grant Program. 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,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

11/14/2024 6:20 PM Mr. Williams discussed the tipping fee waiver the Board had previously requested review of after a 30-day period for Hurricane Helene related debris. Mr. Williams requested direction from the Board.

- *Royal Oak District Supervisor Courtney Widener made a motion to continue the tipping fee waiver established at the previous meeting, to be revisited at the December 12th Board meeting, for all Hurricane Helene victims, excluding the disposal of tires. 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,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

11/14/2024 6:21 PM County Attorney Report – Mr. Farthing did not have anything to share during this time.

11/14/2024 6:21 PM County Administrator Report -

Mr. Utt gave various updates on projects and reminders of events.

11/14/2024 6:30 PM Supervisor Comment Time –

Saltville District Supervisor Roscoe Call congratulated the Northwood Volleyball team for going to the State Playoffs. Mr. Call also thanked Veterans for their service.

Park District Supervisor Kristopher Ratliff shared how thankful he is for being able to vote as well as sharing his appreciation for law enforcement.

Rye Valley District Supervisor Jason Parris thanked veterans. Mr. Parris also spoke of the recent VACO trip and his appreciation for time spent with other supervisors, also sharing the awards won for *SmythGrow* and the *SmythPromise* programs.


Royal Oak District Supervisor Courtney Widener shared his appreciation for Mr. Utt and enjoyed hearing other counties at VACO asking what we are doing in Smyth County really means a lot. Mr. Widener also thanked veterans for their service, speaking from experience as a veteran himself.

Chilhowie District Supervisor Michael Sturgill congratulated the volleyball teams. Mr. Sturgill also thanked the Swiftwater Rescue teams as well as Sarah Gillispie for their efforts and help to recover after Hurricane Helene.

North Fork District Supervisor Rick Billings thanked the veterans for their service as well as Mr. Utt for his work in bettering Smyth County.

Chair, Atkins District Supervisor Charles Atkins thanked fellow veterans for their service and appreciated the fact we live in a country that allows us to vote. Mr. Atkins also thanked Mr. Utt and staff and shared how proud he was of the *SmythGrow* award.

11/14/2024 6:47 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.

 The Smyth County Board of Supervisors held its regular meeting on Thursday, December 12th, 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: Chair, Atkins District Supervisor Charles Atkins; Vice Chair Chilhowie District Supervisor Michael Sturgill; Rye Valley District Supervisor Jason Parris; Royal Oak District Supervisor Courtney Widener; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Rick Billings; Park District Supervisor Kristopher Ratliff.

ABSENT: None.

STAFF: County Administrator, Shawn Utt; Assistant County Administrator-Operations Lisa Richardson; Assistant County Administrator-Development Clegg Williams; County Attorney Scot Farthing; Zoning Administrator, Becca Creasy.

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

12/12/2024 5:00 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order.

12/12/2024 5:02 PM North Fork District Supervisor Rick Billings led the pledge of allegiance and pastor James Dick provided the invocation.

12/12/2024 5:04 PM Sheriff Chip Shuler presented three deputies with the Medal of Valor for their heroic actions during a traffic stop that tragically turned deadly, resulting in the loss of Deputy Hunter Reedy's life. The officers who received the honor included Deputy Michael Fedorchuk, Deputy Michael Lester, and Bettina Reedy, who accepted the medal on behalf of her late husband, Deputy Hunter Reedy. Sheriff Shuler noted the incident, which ended in great tragedy, showcased the bravery and selflessness of the law enforcement officers involved, and the ceremony highlighted the sacrifice made by Deputy Reedy in the line of duty.

12/12/2024 5:04 PM Mr. Utt requested to jump down on the agenda to the Resolution to name a Smyth County bridge in honor of Deputy Hunter Reedy. Royal Oak District Supervisor Courtney Widener read the resolution for the Board's review and consideration.

RESOLUTION IN SUPPORT OF BRIDGE NAMING ON ROUTE 11/ROUTE 660/RAILROAD DRIVE IN SMYTH COUNTY, VIRGINIA, AS THE "DEPUTY REEDY MEMORIAL BRIDGE"

WHEREAS, Deputy Hunter Reedy served with honor and distinction as a law enforcement officer for Smyth County Sheriff's Office and the Town of Chilhowie Police Department, dedicating 7 years to protecting and serving the citizens of Smyth County; and

WHEREAS, Deputy Reedy tragically lost his life in the line of duty on August 9th, 2024 while responding to a critical situation in Marion, Virginia, demonstrating unparalleled courage and commitment to his duty; and

WHEREAS, Deputy Reedy's service, bravery, and sacrifice have left a lasting impact on the

community of Smyth County, and his legacy continues to inspire both local residents and our law enforcement community; and

WHEREAS, the citizens of Smyth County, law enforcement agencies, and elected officials have expressed their full support for the naming of this bridge as the "Deputy Hunter Reedy Memorial Bridge" as a fitting tribute to his service and sacrifice; and

WHEREAS, Section 33.2-213 of the Code of Virginia authorizes the Commonwealth Transportation Board (CTB) to give suitable names to state highways, bridges, interchanges and other transportation facilities and change the names of any highways, bridges, interchanges or other transportation facilities forming a part of the systems of state highways; and

WHEREAS, Section 33.2-213 of the Code of Virginia provides that the Virginia Department of Transportation shall place and maintain appropriate signs indicating the names of highways, bridges, interchanges, and other transportation facilities named by the CTB and requires that the costs of producing, placing, and maintaining such signs shall be paid respectfully, by the localities in which they are located.

NOW, THEREFORE, BE IT RESOLVED, that Smyth County, in accordance with the requirements of Section 33.2-213 of the Code of Virginia, does hereby request that the Commonwealth Transportation Board name the bridge along Route 11/Route 660/Railroad Drive in Smyth County as the "Deputy Hunter Reedy Memorial Bridge" in recognition of Deputy Reedy's courage, service, and sacrifice to the people of Smyth County and ensure that future generations understand the significance of said sacrifice.

ADOPTED this 12th day of December 2024.

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk of the Board

Charles Atkins, Chair

- *Royal Oak District Supervisor Courtney Widener made a motion adopt the Resolution in support of Bridge Naming on Route 11 Railroad Drive 660 in Smyth County, Virginia as the Deputy Reedy Memorial Bridge as presented. 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,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristoper Ratliff,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

12/12/2024 5:20 PM Mr. Utt introduced the new Afterschool Explorers Program Director, Ms. Julie Looney. Ms. Looney provided a presentation on her year thus far as well as goals she has for the program's growth. Ms. Looney thanked the Board for their ongoing support.

12/12/2024 5:38 PM Emily Viers, representing Robinson, Farmer, and Cox Accounting Firm, presented the County audit for the fiscal year 2023/2024, which ended on June 30, 2024. During her presentation, Mrs. Viers highlighted only one open concern, which is expected to be addressed through an amended agreement with the Mount Rogers Planning District Commission regarding the Smyth Grow project. This amended agreement will be presented later in the meeting.

12/12/2024 5:40 PM Public Hearing for request related to "Steel Park Property Conveyance to the Town of Marion". Mr. Utt read the following advertisement:

NOTICE OF PUBLIC HEARING

In compliance with the Code of Virginia of 1950, and amendments thereto, 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, December 12, 2024, at 5:00 p.m. or soon thereafter, to receive comments on the proposed property conveyance of Tax map No 210-127-16, lots #16, 17, 18, and 19 of the George W. Wright Addition as shown on a plat recorded in the Clerk's Office of the Circuit Court of Smyth County also known as Steele Park to the Town of Marion.

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, December 12, 2024. Anyone who has 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

12/12/2024 5:54 PM Chair, Atkins District Supervisor opened the public hearing.

David Fulton requested specific stipulations regarding Steel Park, located in the Town of Marion. He proposed that if the Town were to change the use of the park, the property should be reverted to the County. Alternatively, if the town decided to repurpose the land, they should be required to pay 1,000

times the property's current value. It is his opinion that this request aims to ensure the preservation of the park's intended use.

12/12/2024 6:06 PM With no one else wishing to speak, Chair, Atkins District Supervisor closed the public hearing. Mr. Utt told the Board that he would work with the County Attorney and Town of Marion officials to develop a suitable transfer deed for the Board's consideration in January.

12/12/2024 6:06 PM Minutes from the November 14th, 2024 meeting.

- *A motion was made by Rye Valley District Supervisor Jason Parris to approve the meeting minutes of November 14th, 2024, as presented. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

12/12/2024 6:08 PM Mrs. Richardson reviewed the County financial information.

SMYTH COUNTY BOARD OF SUPERVISORS**THURSDAY, DECEMBER 12, 2024**ACCOUNTS PAYABLE LISTINGNovember 2024

Request approval of the following payables:

General County	2,587,251.34
Fund 004 EDA	5,688.34
Fund 302 Public Safety Radio	344.80
Fund 501 Water Deposit Refunds	376.63
Fund 505 Transfer Station	62,420.75
Fund 748 E-Summons	1,480.55
Fund 749 Recovery Court	39,082.21
Regular Checks Total:	2,696,644.62
<u>Fund Accounts</u> - Manual Checks	

Fund 747 Sheriff State Asset Forfeiture	
Fund 760 Commonwealth Attorney Federal Drug Asset	
Fund 770 Circuit Court Clerk - Holding Account	
Manual Checks Total:	-
TOTAL ACCOUNTS PAYABLE - November 2024	2,696,644.62

12/12/2024 6:08 PM A motion was made by Saltville District Supervisor Roscoe Call to approve the accounts payable listing 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,
 Saltville District Supervisor Roscoe Call,
 North Fork District Supervisor Rick Billings,
 Park District Supervisor Kristoper Ratliff,
 Royal Oak District Supervisor Courtney Widener, and
 Rye Valley District Supervisor Jason Parris.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

12/12/2024 6:09 PM Chair, Atkins District Supervisor Charles Atkins opened Citizens Time.

Dr. Charles Wassum, 321 Wassona Drive expressed his gratitude to the Board members for their service to the community. He conveyed his hope for continued positive changes in the future. Additionally, Dr. Wassum shared his dissatisfaction with paying interest on borrowed funds through his tax money.

12/12/2024 6:10 PM Chair, Atkins District Supervisor Charles Atkins closed Citizens Time

12/12/2024 6:10 PM Mr. Utt read the minutes of December 4th, 2024, Appointment Committee and shared the following recommendations:

- 1) *Royal Oak District Supervisor Courtney Widener made a motion to recommend reappointing the following members to the Local Board of Building Code Appeals with the respective terms:*
 - *Bill Huber to a term set to expire 1/31/2027*
 - *Brian Reynolds to a term set to expire 1/31/2028*
 - *Cameron Wolfe Jr. to a term set to expire 1/31/2029*
 - *Jim May to a term set to expire 1/31/2026*
 - *Les Whitt to a term set to expire 1/31/2026*

Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved by the Committee.

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

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

- 2) *Royal Oak District Supervisor Courtney Widener made a motion to recommend that the Smyth County Circuit Court consider reappointing Newell Johnson to the Board of Zoning Appeals for a 5-year term to expire 12/31/2030. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved by the Committee.*

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

AYES: *Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call,*

*North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Additionally, Mr. Utt mentioned two candidates who have come forward for the open Board of Zoning Appeals positions.

- *Chilhowie District Supervisor Michael Sturgill made a motion to recommend that the Smyth County Circuit Court consider appointing Joseph Sean Buchanan to the Board of Zoning Appeals to represent the Atkins District and David Bise to represent the North Fork District each for a 5-year term to expire 12/31/2030. 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,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Mr. Utt continued with the Appointments Committee recommendations.

- 3) *Royal Oak District Supervisor Courtney Widener made a motion to recommend approving the appointments as presented for the Community Policy Management Team for CY-2025 (1-1-2025 through 12-31-2025).*

- Chris Austin (DSS rep, Committee Chair)
- Darcy Janson (Juvenile Court Service)
- Amy Johnson & Kevin Downs (Juvenile Court Service alt)
- Dianne Charapich (Parent Representative)
- Helen Holeman (CSA Coordinator)
- Kim Sturgill (SCSB rep)
- Julie Earp (Health Dept. rep)
- KJ Holbrook (Mt. Rogers CBS rep)
- Morgan Greer (Mt. Rogers CSB alt.)
- Shawn Utt (Smyth County rep)
- Lisa Richardson (Smyth County alt)
- Kendra Hayden (Smyth County alt)

Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved by the Committee.

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

AYES: Chair, Atkins District Supervisor Charles Atkins,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.
NAYS: None.
ABSTAINERS: Vice Chair, Chilhowie District Supervisor Michael Sturgill.
ABSENT: None.

- 4) *Royal Oak District Supervisor Courtney Widener made a motion to recommend reappointing Atkins District Supervisor Charles Atkins to District Three Governmental Cooperative Board with Park District Supervisor Kristopher Ratliff as alternate each to a one-year term to expire 12/31/2025. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved by the Committee.*

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

AYES: Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.
NAYS: None.
ABSTAINERS: None.
ABSENT: None.

- 5) *Royal Oak District Supervisor Courtney Widener made a motion to recommend reappointing Manuel Street to the Keep Southwest Virginia Beautiful Committee for a 1-year term to expire 12/31/2025. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved by the Committee.*

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

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

Rye Valley District Supervisor Jason Parris.

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

- 6) *Royal Oak District Supervisor Courtney Widener made a motion to recommend reappointing Kendra Hayden to the Marion Downtown Revitalization Committee for a 1-year term to expire 12/31/2025. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved by the Committee.*

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

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

- 7) *Royal Oak District Supervisor Courtney Widener made a motion to recommend reappointing Joanne Groseclose to the Mount Rogers Community Services Board for a 3-year term to expire 12/31/2027. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved by the Committee.*

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

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

- 8) *Royal Oak District Supervisor Courtney Widener made a motion to recommend appointing Heather Colley to the Mount Rogers Planning District Commission as the County's At-Large Board representative for a 4-year term to expire 12/31/2027. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved by the Committee.*

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

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Additionally, Mr. Utt mentioned that he had received a request from the Town of Chilhowie recommending Mr. Brian Martin to be appointed to the Mount Rogers Planning District Commission. This request was made to align with Mr. Martin's new role as town manager.

- *Chilhowie District Supervisor Michael Sturgill made a motion to appoint Brian Martin as the Town of Chilhowie Representative to the Mount Rogers Planning District Commission for a 4-year term set to expire 12/31/2028. Royal Oak District Supervisor Courtney Widener seconded the motion.*

12/12/2024 6:19 PM Chilhowie District Supervisor Michael Sturgill read the minutes of November 21st, 2024, Personnel Committee. Mr. Sturgill shared the meeting was informational only and the discussion will continue in closed session later in the meeting.

12/12/2024 6:19 PM Royal Oak District Supervisor Courtney Widener read the minutes of the December 5th, 2024, Public Safety Committee, and shared the following recommendations:

- *Rye Valley District Supervisor, Jason Parris made a recommendation to authorize the approval of the Motorola Solutions Change Order #03 in the amount of \$75,861.37 as presented. Royal Oak District Supervisor, Courtney Widener seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

- *Rye Valley District Supervisor, Jason Parris made a recommendation to approve the Mobile Communications America (MCA) quote in the amount of \$12,598.95 to complete the grounding for the dispatch relocation. Royal Oak District Supervisor, Courtney Widener seconded the motion, and it was unanimously approved.*

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

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

12/12/2024 6:30 PM Saltville District Supervisor Roscoe Call read the minutes of the December 5th, 2024, Water and Sewer Committee, and shared the following recommendations:

- *Rye Valley District Supervisor Jason Parris made a motion to recommend authorization of staff to reengage discussion with potential stakeholders regarding the formation of a public service authority for the County's utility systems in an effort to provide better resources to the citizens. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved by the Committee.*

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

12/12/2024 6:31 PM Mr. Williams discussed the tipping fee waiver the Board had previously requested review of after a 30-day period for Hurricane Helene related debris. Mr. Williams requested official direction from the Board.

- *Chilhowie District Supervisor Michael Sturgill made a motion to end the tipping fee waiver for Hurricane Helene related debris on January 31st, 2024 while continuing to exempt the fee waiver for tires. 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,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,

*Park District Supervisor Kristoper Ratliff,
Royal Oak District Supervisor Courtney Widener, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

12/12/2024 6:35 PM Mr. Utt shared that, following discussions with the auditor regarding the \$3,000,000 in funding the County provided to the Mount Rogers Planning District Commission for the SmythGrow program, the auditor recommended some changes to the current agreement. These changes are intended to ensure that the funds continue to be shown as an asset to the County by securing them more effectively. Mr. Utt mentioned that the County Attorney had worked on this matter and prepared a revised copy of the agreement, which was included in the meeting packet for the Board's review and consideration.

- *Chilhowie District Supervisor Michael Sturgill made a motion to approve the Memorandum of Understanding between the Mount Rogers Planning District Commission (PDC) and Smyth County for the SmythGrow Project as presented and allow the County Administrator to execute. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

12/12/2024 6:36 PM County Attorney Report:

County Attorney Scot Farthing had nothing new to report.

12/12/2024 6:37 PM County Administrator Report:

Mr. Utt shared appointment recommendations to the Long-Term Recovery Committee. After discussion, the following motion was rendered:

Chilhowie District Supervisor Michael Sturgill made a motion to appoint the following individuals to the Long-Term Recovery Committee related to Hurricane Helene:

- *Jim Payne (Citizen member, willing to serve as Chair)*
- *Lynda Helton (Smyth County Community Foundation)*
- *Sarah Gillespie (Smyth County Chamber of Commerce)*
- *Curtis Crawford*

- *Shawn Utt*
- *Lisa Richardson*
- *Jimmy Moss (MRPDC Housing Director)*
- *Julius Winebarger (Citizen member)*
- *Samantha Cale (DSS)*

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

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

It was noted that there are still openings for someone from the Sheriff's Office and additional citizens.

Mr. Utt then discussed the United Way grant for Hurricane Response. United Way has been awarded 204,201.44 for this purpose. It was proposed to pass the grant along to the Smyth County Community Foundation (SCCF) to be combined with other funding for housing recovery projects. Since the deadline to accept the grant was December 11th and the agreement had already been signed, ratification of the acceptance was needed.

- *Royal Oak District Supervisor Courtney Widener made a motion to ratify the acceptance of the United Way grant in the amount of \$204,201.44 for Hurricane Response and to pass the funds along to the SCCF for housing recovery projects. 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,
Park District Supervisor Kristoper Ratliff,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Mr. Utt then discussed a proposed a necessary budget transfer of \$50,000 from the CIP – Garage (001-070000-8888-90) to Courthouse Maintenance (001-043020-3004) to address increased HVAC issues in the courthouse.

- *Royal Oak District Supervisor Courtney Widener made a motion to approve a budget transfer of \$50,000 from CIP- Garage (001-070000-8888-90) to Courthouse Maintenance (001-043020-3004). 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,
Park District Supervisor Kristoper Ratliff,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Mr. Utt discussed a request regarding the *Back of the Dragon* billboard. The proposal is for a \$5,000 contribution from Smyth County as part of a partnership with Tazewell County for a \$150,000 project. The request was made by Delegate Morefield, who serves on the Tobacco Commission. The project will be funded by a \$75,000 grant from the Tobacco Commission, with the remainder to be provided by Tazewell County and a private foundation and will include Smyth County logos as part of the partnership.

- *Royal Oak District Supervisor Courtney Widener made a motion to approve a \$5,000 contribution to the Back of the Dragon Billboard in partnership with Tazewell County. 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,
Park District Supervisor Kristoper Ratliff,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Mr. Utt then discussed a request related to the water bills for Saltville customers affected by a recent water outage. A total of 390 customers were impacted by the 7-to-11 day water outage, which affected different areas for varying lengths of time: 7 days for Pleasant Heights/Valley Road, and 11 days for Midway, Lion's Club Rd, Mountain Rd, and Saddleback Rd. The total amount billed for November usage, pulled in early December, was just over \$15,000 (approximately \$40 per customer).

Due to the complexity of the situation, the extended duration of the outage, and the significant inconvenience caused, Mr. Utt recommended following suite with the Town of Saltville and waiving the monthly water bills for these affected customers.

- *Royal Oak District Supervisor Courtney Widener made a motion to waive the monthly water bills for the 390 Saltville customers affected by the water outage. 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,
Park District Supervisor Kristoper Ratliff,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

12/12/2024 6:58 PM Supervisor Comment Time

Saltville District Supervisor Roscoe Call wished everyone a Merry Christmas.

North Fork District Supervisor Rick Billings shared his appreciation for the officers involved in the tragedy earlier this year which cost deputy Reedy his life. Mr. Billings wished everyone a Merry Christmas and Happy New Year.

Royal Oak District Supervisor Courtney Widener wished Mr. Sturgill happy birthday. He also wished everyone a Merry Christmas and a Happy New Year, sharing his wishes for a productive new year coming.

Rye Valley District Supervisor Jason Parris echoed thanks to law enforcement. Mr. Parris wished everyone a Merry Christmas and shared his appreciation of staff for helping him during his first year as a supervisor.

Park District Supervisor Kristopher Ratliff thanked the first responders. He also requested a more in-depth budget meeting for those not involved in the processes. Mr. Ratliff wished everyone a Merry Christmas and Happy New Year.

Chair, Atkins District Supervisor Charles Atkins thanked staff for their hard work thought out the year and wished everyone a Merry Christmas.

Chilhowie District Supervisor Michael Sturgill wished everyone a Merry Christmas. He shared his appreciation for working with everyone and is looking forward to a great new year.

12/12/2024 7:15 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)1 Personnel Matters; Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body regarding County Administrator Contract and a(5) Business/Industrial Prospects, discussion concerning a business or industry considering expansion for which no*

previous announcements have been made regarding project Q. 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,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristoper Ratliff,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

12/12/2024 7:24 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Saltville District Supervisor Roscoe Call seconded the motion.*

**RESOLUTION
CERTIFICATION OF CLOSED SESSION**

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

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

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

After consideration, the motion PASSED by the following vote:

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

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: None.

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12/12/2024 7:25 PM Following closed session, the following motion was rendered:

- *Chilhowie District Supervisor Michael Sturgill made a motion to grant County employees an additional holiday and close Smyth County Administration offices on December 23rd, 2024. 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,
Royal Oak District Supervisor Courtney Widener,
Park District Supervisor Kristoper Ratliff,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings, and
Rye Valley District Supervisor Jason Parris.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

12/12/2024 7:30 PM With no further business to discuss, Chair, Atkins District Supervisor Charles Atkins adjourned the meeting.