

 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 26<sup>th</sup> 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 26<sup>th</sup> day of September 2024.*

**ATTEST:**

**SMYTH COUNTY  
BOARD OF SUPERVISORS**

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*Shawn M. Utt, Clerk of the Board*

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*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 19<sup>th</sup>, 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)	
<b>Total Revenues With Amendment</b>				<b>\$ (151,603,158)</b>	<b>\$ (314,546)</b>	<b>\$ (151,917,704)</b>	

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
<b>Total Expenditures With Amendment</b>				<b>\$ 151,603,158</b>	<b>\$ 314,546</b>	<b>\$ 151,917,704</b>	

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 19<sup>th</sup>, 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 23<sup>rd</sup> 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”).

WITNESSETH:

**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	<del>No Fee</del> <u>\$50.00</u>
Zoning amendment (text change)	<del>\$250.00</del> <u>500.00</u>
Rezoning (change to zoning map)	<del>\$250.00</del> <u>500.00</u>
Special use permit	<del>\$250.00</del> <u>500.00</u>
Variance	<del>\$250.00</del> <u>500.00</u>
Appeal	<del>\$250.00</del> <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.



