

**CRAIG COUNTY BOARD OF SUPERVISORS
MEETING MINUTES
AUGUST 5, 2021**

AT A REGULAR MEETING of the Craig County Board of Supervisors conducted on the 5th day of August 2021 at 6:00 p.m. in the Craig County Court House Courtroom.

PRESENT: Jesse Spence – Chair
Lindsey Dunne– Supervisor
Carl Bailey-Supervisor
Dan Collins – Clerk

VIA PHONE: Kathi Toelke, Supervisor
Rusty Zimmerman – Vice Chair

OPEN MEETING

Meeting was called to order at 6:00 p.m. by Mr. Spence. The invocation was given by Mr. Zimmerman, followed with the Pledge of Allegiance.

REQUESTS TO POSTPONE, ADD TO OR CHANGE THE ORDER OF AGENDA ITEMS

Mr. Spence asked if there were any changes. Mr. Collins requested the following additions to the meeting.

A. Broadband Committee Report

The Board agreed to the additions.

CONSENT ITEMS

Mr. Spence presented the consent items to the Board:

- A. Minutes of July 1st, 2021
- B. Claims and Warrants

Mr. Bailey made a motion, seconded by Ms. Dunne, to approve the minutes and consent items with Resolution R21-61. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunne, yes, Mr. Bailey, yes and Mr. Spence, yes.

R21-68

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF CRAIG
COUNTY, VIRGINIA, HELD AT THE CRAIG COUNTY COURTHOUSE
ON THURSDAY, August 5th, 2021**

**RESOLUTION APPROVING AND CONCURRING IN CERTAIN ITEMS SET
FORTH ON THE BOARD OF SUPERVISORS AGENDA FOR THIS DATE
DESIGNATED AS THE CONSENT ITEMS**

BE IT RESOLVED by the Board of Supervisors of Craig County, Virginia, as follows:

1. That the certain section of the agenda of the Board of Supervisors for June 3, 2021 designated as the Consent Items be, and hereby is, approved and concurred in as to each item separately set forth in said section designated Items 1 through 2, inclusive, as follows:
 1. Approval of minutes – July 1, 2021
 2. Claims and Warrants
2. That the Clerk to the Board is hereby authorized and directed where required by law to set forth upon any of said items the separate vote tabulation for any such item pursuant to this resolution.

The Board of Supervisors of Craig County, in a regular meeting on the 5th day of August 2021 adopted this Resolution.

BRIEFINGS

- A. Ray Varney, VDOT: Mr. Varney provided the board with a Monthly Report on work in the County. Various projects were discussed with the Board.
- B. Jordan Labiosa, Broadband Committee: Mr. Labiosa provided the board with an update on Broadband Virginia Telecommunications Initiative (VATI) applications subject to be submitted in September. Broadband surveys will be going out in the mail this week both business and residential. Working with Craig Botetourt Electric on 15 mile fiber cable likely to start out in Branch, which is the most feasible location to bring cable in.

APPOINTMENTS

- A. Resolution Appointing New Member to the EDA: Ms. Dunn made a motion, seconded by Ms. Toelke, to approve Resolution R21-69. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunne, yes, Mr. Bailey, yes and Mr. Spence, yes.

R21-69

A Resolution Appointing Trace Bellasai To the Economic Development Authority

WHEREAS, the Board of Supervisors created a political subdivision as allowed by statute known as the Economic Development Authority on June 21, 1994, and

WHEREAS, it is the responsibility of the Board of Supervisors to appoint members of the Economic Development Authority, and

WHEREAS, the (4) four year term of Clayton Abbott, Craig Creek District, expired on June 21, 2021, now

THEREFORE BE IT RESOLVED by the Board of Supervisors of Craig County that the appointment of Trace Bellasai to the Economic Development Authority for the term June 22, 2021 to June 21, 2025 is hereby made.

The Board of Supervisors of Craig County, in a regular meeting on 5th day of August 2021 adopted this Resolution.

PUBLIC HEARING

Mr. Spence opened the Public Hearing to hear comment on the proposed Ordinance approving cigarette tax on cigarettes sold in the County of Craig. There were no comments from the public.

Mr. Spence opened the Public Hearing to hear comment on Budget Supplement for FY 22. There were no comments from the public.

Mr. Spence opened the Public Hearing to hear comment on Conditional Use Short Term rental for 81 South to build a tent structure joined with bridge and tee pee. The planning commission held a public hearing on July 20, 2021 the appropriate questions were asked at that meeting and 81 South provided documents showing the details of the project. They received favorable responses at their meeting. The vote was anonymous to approve the conditional use permit. Mr. Helscher, Attorney for 81 South provided a presentation and to the board and the public explaining how the glamping tent would be constructed, utilities that will be included, how the rental of the tent and tee pee would work. After his presentation Mr. Helscher asked if there were any questions from the Board or the public that he could answer.

Mr. Spence opened the public hearing on the 81 South short-term rental. There was no public comment. Mr. Spence closed the public hearing.

NEW BUSINESS

- A. Resolution approving Cigarette Tax Ordinance: Ms. Toelke made a motion, seconded by Mr. Zimmerman, to approve Ordinance 03-2021. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunne, yes, Mr. Bailey, yes and Mr. Spence, yes.

ORDINANCE NO. 03.2021

ORDINANCE AMENDING THE CODE OF CRAIG COUNTY, VIRGINIA TO IMPOSE A NEW TAX ON THE SALE OF CIGARETTES IN THE COUNTY

WHEREAS, Virginia Code §§ 58.1-3830 and 58.1-3832, effective July 1, 2021, authorize Craig County, Virginia (the "County ") to impose a tax on the sale or use of cigarettes within the County; and,

WHEREAS, Virginia Code § 58.1-3832 authorizes the County to provide, by ordinance, for the administration and enforcement of any tax on the sale or use of cigarettes; and,

WHEREAS, effective July 1, 2021, Virginia Code § 58.1-3830 authorizes the County to impose a tax on the sale or use of cigarettes at a maximum rate of two cents (\$0.02) per cigarette sold; and,

WHEREAS, after notice and public hearing as required by law, the Craig County Board of Supervisors has determined it appropriate and in the best interests of the County to amend the Code of Craig County, Virginia to

impose a tax on the sale of cigarettes of two cents (\$0.02) per cigarette or forty cents (\$0.40) per pack or package of cigarettes.

WHEREAS, the Cigarette tax shall take effect January 1, 2022; and,

NOW, THEREFORE, BE IT ORDAINED by the Board of the county of Craig, that Article IX to chapter 38 is amended to add the following after section 38-304:

"Secs. 38-305-38-334. Reserved."

AND, BE IT FURTHER ORDAINED by the Board of the County of Craig, that a new Article X to Chapter 38 entitled "Cigarette Tax" (Sections 38-335 – 38-351) of the Code of Craig County, Virginia is hereby adopted to read as follows:

ARTICLE X CIGARETTE TAX

Sec. 38-335. - Definitions.

The following words and phrases, when used in this article, shall, for the purposes of this article, have the following respective meanings except where the context clearly indicates a different meaning:

Cigarette means any roll of any size or shape for smoking, whether filtered or unfiltered, with or without a mouthpiece, made wholly or partly of cut, shredded or crimped tobacco or other plant or substitute for tobacco, whether it is flavored, adulterated or mixed with another ingredient, if the wrapper or cover is made of any material other than leaf tobacco or homogenized leaf tobacco, regardless of whether the roll is labeled or sold as a cigarette or by any other name.

Commissioner of revenue means the commissioner of revenue of the county and any of his or her duly authorized deputies and agents.

Dealer means every manufacturer, distributor, jobber, wholesale dealer, vendor, or other person who supplies a seller with cigarettes.

Package means any container, regardless of the material used in its construction, in which separate cigarettes are placed without such cigarettes being placed into any container within the package. Packages are those containers of cigarettes from which individual cigarettes are ordinarily taken when they are consumed by their ultimate user. Ordinarily, a package contains twenty (20) cigarettes; however, the term "package" includes those containers in which fewer or more than twenty (20) cigarettes are placed.

Person means any individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals.

Purchaser means every person to whom title to any cigarettes is transferred by a seller within the jurisdictional limits of the county.

Sale means every act or transaction, irrespective of the method or means employed, including the use of vending machines and other mechanical devices, whereby title to any cigarettes is transferred from the seller to any other person within the jurisdictional limits of the county.

Seller means every retailer, vendor, or other person who transfers title to any cigarettes or in whose place of business title to any cigarettes is transferred, within the jurisdictional limits of the county, for any purpose other than resale.

Stamp means a small, gummed piece of paper or decal to be sold by the county treasurer and to be affixed to every package of cigarettes sold at retail in the county and also, any insignia or symbols printed by a meter machine upon any such package under the authorization of the commissioner of revenue. The treasurer may authorize the use of a meter machine in lieu of the method of paying such tax by the purchase and affixing of gummed stamps, and, in consultation with the commissioner of the revenue, prescribe and enforce necessary regulations setting forth the method to be employed and the conditions to be observed in the use of such meter machines. In the event that the treasurer is unable to provide stamps to a person wishing to purchase them due a temporary unavailability of stamps, the treasurer may, in consultation with the commissioner of the revenue, authorize in advance a seller to submit an affidavit, sworn and attested under penalty of law, of cigarettes sold during a defined time period and collect taxes therefor.

Treasurer means the treasurer of the county and any of his or her duly authorized deputies and agents.

Sec. 38-336. - Registration required.

Each dealer, seller, or other person selling, storing, or possessing cigarettes within or transporting cigarettes within or into the county for sale or use shall first register with the commissioner of revenue. The application form, which shall be supplied upon request, shall require such information relative to the nature of the business engaged in by the applicant as the commissioner of revenue deems necessary for the administration and enforcement of this article. Any applicant whose place of business and residence is outside the county shall automatically, by filing his application, submit himself to the county's legal jurisdiction and appoint the county administrator as his agent for any service of lawful process. A copy of any such process served on the county administrator shall be sent forthwith by registered mail to the distributor, wholesaler, vendor, retailer, or other person.

Sec. 38-337. - Levied; amount.

There is hereby levied and imposed by the county, upon each and every sale of cigarettes, an excise tax of two cents (\$.02) per cigarette sold within the county (i.e., forty cents (\$.40) per pack of twenty cigarettes), the amount of such tax to be paid by the seller, if not previously paid, in the manner and at the time provided for in this article.

Sec. 38-338. - Method of payment.

- a) The tax imposed by this article shall be paid and evidenced by affixing or causing to be affixed a stamp or stamps, of the proper denominational or face value, to each and every package of cigarettes sold within the county, in the manner and at the time or times provided for in this article. Every dealer and every seller in the county, once registered, shall have the right to buy such stamps from the county treasurer and to affix the same to packages of cigarettes as provided in this article.

- b) The commissioner of revenue may permit the payment in advance of the tax levied and imposed by this article by the method of placing imprints of the stamps upon original packages by the use of meter machines, in lieu of the method of paying such tax by the purchase and affixing of gummed stamps, and may prescribe and enforce the necessary regulations setting forth the method to be employed and the condition to be observed in the use of such meter machines.

Sec. 38-339. - Preparation and sale of stamps.

- a) For the purpose of making stamps available for use, the commissioner of revenue shall prescribe, prepare, and furnish to the county treasurer, and the county treasurer shall sell stamps of such denominations and in such quantities as may be necessary for the payment of the taxes imposed by this article. In the sale of such stamps, the county treasurer shall allow a discount of one-tenth (0.10) of a cent per cigarette (i.e., two (2) cents per pack) to cover the costs which will be incurred in affixing the stamps to packages of cigarettes.
- b) In the event the printing by an authorized meter machine is used in lieu of gummed stamps, there shall be allowed a discount of six (6) percent of the denominational or face value of the imprints of such stamps so printed by such meter machine to cover the costs incurred in printing such imprints.

Sec.38-340. General duties of dealers and sellers with respect to stamps.

- a) Every dealer in cigarettes is hereby required and it shall be his duty to purchase such stamps, at the office of the county treasurer, as shall be necessary to pay the tax levied and imposed by this article, and to affix or cause to be affixed a stamp or stamps of the monetary value prescribed by this article to each package of cigarettes prior to delivery or furnishing of such cigarettes to any seller. Nothing herein contained shall preclude any dealer from using a stamp meter machine in lieu of gummed stamps to effectuate the provisions of this article.
- b) Every seller shall examine each package of cigarettes prior to exposing the same for sale, for the purpose of ascertaining whether such package has the proper stamps affixed thereto or imprinted thereon, as provided by this article. If, upon such examination, unstamped or improperly stamped packages of cigarettes are discovered, the seller shall either: purchase and affix to such package of cigarettes the proper stamps covering the tax imposed by this article; or, where such cigarettes were obtained from a dealer, immediately notify such dealer, and upon such notification, such dealer shall forthwith either affix to or imprint upon such unstamped or improperly stamped packages the proper amount of stamps, or shall replace such packages with others to which stamps have been properly affixed or imprinted thereon.
- c) Should a seller obtain or acquire possession of, from any person other than a dealer, any unstamped or improperly stamped cigarettes, such seller shall forthwith, before selling or offering or exposing such cigarettes for sale in the county, purchase and affix or cause to be affixed to such packages of cigarettes the proper stamps, or the markings of a meter machine, covering the tax imposed by this article.
- d) In the event any seller elects to purchase and affix stamps or imprints of a meter machine, before offering cigarettes for sale, any dealer delivering and furnishing cigarettes to such seller shall not be required to purchase and affix such stamps or imprints to such cigarettes so sold or furnished; provided that any such dealer shall, on the day after such delivery and furnishing, file with the commissioner of revenue a copy

of the delivery memorandum showing the name and address of the seller and the quantity and type of cigarettes so delivered and furnished.

Sec. 38-341. - Visibility of stamps or meter markings.

Stamps or the printed markings of a meter machine evidencing payment of the tax imposed by this article shall be placed upon each package of cigarettes in such manner as to be readily visible to the purchaser.

Sec. 38-342. - Altering design of stamps.

The commissioner of revenue may, from time to time, and as often as he or she may deem advisable, provide for the issuance and exclusive use of stamps of a new design and forbid the use of stamps of any other design.

Sec. 38-343. - Refund for unused stamps or meter imprints.

- a) Should any person, after acquiring from the county treasurer any stamps provided for in this article, cease to be engaged in a business necessitating the use thereof, or should any such stamps become mutilated and unfit for use, other than by cancellation as provided in this article, such person shall be entitled to a refund of the denominational or face amount of any stamps so acquired and not used by him, upon presenting such stamps to the commissioner of revenue and furnishing the commissioner of revenue with an affidavit showing, to his satisfaction, that such stamps were acquired by such person and have not in any manner been used and the reason for requesting such refund. In the case of any authorized meter machine, should any imprints of such machine theretofore paid for not be used, such person shall, upon furnishing the commissioner of revenue with a similar affidavit, be entitled to a refund of the denominational or face amount thereof of such imprints of such machine not so used.
- b) All refunds for unused and mutilated stamps and for nonuse of imprints of stamps by meter machines provided for under this section are hereby authorized to be made on vouchers approved by the commissioner of revenue and, when made, the same shall be charged against the sums collected for the sale of such stamps and for the use of such imprints.
- c) Any refund under this Article shall be for the net purchase price, allowing for any discounts received at the time of the original purchase of the stamps.

Sec. 38-344. - Seizure and sale of unstamped cigarettes.

Whenever the commissioner of revenue shall discover cigarettes in quantities of more than six (6) cartons within the county which are subject to the tax imposed by this article and upon which the tax has not been paid or upon which stamps have not been affixed or evidence of such tax shown thereon by the printed markings of an authorized meter machine, as this article requires, such cigarettes shall be conclusively presumed for sale or use within the county and the commissioner of revenue may forthwith seize and confiscate such cigarettes, if:

- 1) They are in transit, and are not accompanied by a bill of lading or other document indicating the true name and address of the consignor or seller and of the consignee or purchaser, and the brands and quantity of

cigarettes so transported; or are in transit and accompanied by a bill of lading or other document which is false or fraudulent in whole or in part; or

- 2) They are in transit and are accompanied by a bill of lading or other documents indicating:
 - a) A consignee or purchaser in another state or the District of Columbia who is not authorized by the law of such other jurisdiction to receive or possess such tobacco products on which the taxes imposed by such other jurisdiction have not been paid, and unless the tax of the state or district of destination has been paid and the said products bear the tax stamp of that state or district; or
 - a) A consignee or purchaser in the Commonwealth but outside the county who does not possess a Virginia sale and use tax certificate, a Virginia retail tobacco license and where applicable, both a business license and retail tobacco license issued by the local jurisdiction of destination; or
3. They are not in transit and the tax has not been paid, nor have approved arrangements for payment been made, provided that this subsection shall not apply to cigarettes in the possession of distributors or public warehouses which have filed notice and appropriate proof with the commissioner of the revenue that those cigarettes are temporarily within the county and will be sent to consignees or purchasers outside the county in the normal course of business.
4. All cigarettes seized and confiscated according to subsection (a) of this section shall thereupon be deemed to be forfeited to the county and may be sold 30 days after notice to the person from whom the items were seized and any known holders of property interests in the cigarettes. Such notice shall be given, by certified mail or personal delivery and by written notice posted on the bulletin board of the courthouse of the county at least seven (7) days before the date of sale. Such notice shall contain the date, time, and place at which the sale is to occur. The notice shall state that the owner or holder of a property interest may challenge the proposed sale and forfeiture by written appeal to the commissioner of revenue received at least five days prior to the date of the proposed sale. The appellant shall have the right to personally appear before the commissioner of revenue, or his or her designee, and to present any relevant evidence or witnesses, to question any witness for the county, and to assert any available affirmative defenses. The commissioner of revenue shall render a written decision on the appeal within ten working days. If a timely appeal is filed, no sale or forfeiture shall occur unless and until the commissioner of revenue renders a decision rejecting the appeal. The decision of the commissioner of revenue is final and unappealable. All moneys collected under this section shall be paid to the county treasurer and treated as other taxes collected under this article. No credit from any sale or other disposition shall be allowed toward any tax or penalties owed.

Sec. 38-345. - Seizure and sale of coin-operated vending machines and counterfeit stamp or impression devices.

- a) Any coin-operated vending machine, in which any cigarettes are found, stored or possessed bearing a counterfeit or false tobacco tax stamp or impression or any unstamped cigarettes, or any cigarettes upon which the tax has not been paid, may be declared contraband property and be subject to confiscation and sale as provided in this Article for seized cigarettes. When any such vending machine is found containing such cigarettes, it shall be presumed that such cigarettes were intended for distribution, sale or use therefrom. In lieu of immediate seizure and confiscation of any vending machine used in an illegal evasion of the tax, it may be sealed by the commissioner of revenue to prevent continued illegal sale or removal of

any cigarettes, and may be left unmoved until other civil and criminal penalties are imposed or waived. Notice requirements shall be the same as if the machine had been seized. Such seal may be removed and the machine declared eligible for operation only by the commissioner of revenue. Nothing in this section shall prevent seizure and confiscation of a vending machine at any time after it is sealed.

- b) Any counterfeit stamps or counterfeit impression devices found may also be seized and confiscated.

Sec. 38-346. - Dealers' and sellers' records.

It shall be the duty of each dealer to report monthly to the commissioner of the revenue on or before the 20th day of each calendar month the following separate information:

- a) The quantity of stamped cigarettes sold or delivered during the period requested by the commissioner of the revenue to:
 - 1. Each dealer;
 - 2. Each seller;
 - 3. Each separate person or place of business within the city.
- b) The quantity of stamps on hand, both affixed and unaffixed, on the first day of the period of request and the quantity of stamps or stamped cigarettes received during the period; and
- c) Such further information as the commissioner of revenue may require for the proper administration and enforcement of this article for the determination of the exact number of cigarettes in the possession of each dealer or seller.
- d) Upon request by the commissioner of revenue, any seller shall provide the commissioner of revenue, in writing, with the name and address of the dealer who provides the seller with cigarettes.
- e) It shall be the duty of every dealer and seller to maintain and keep, for a period of two (2) years, such records of cigarettes sold and delivered by him or her as may be required by the treasurer, to make all such records available for examination in the county by the treasurer upon demand, and to make available the means, facilities, and opportunity for making such examination at all reasonable times.
- f) The treasurer is hereby authorized and empowered to examine all books, records, invoices, papers and any and all cigarettes in and upon any premises where the same are placed, stored, sold, offered for sale, or displayed for sale by a seller.

Sec. 38-347. - Rules and regulations for enforcement and administration of article; examination of books, records, etc.

- a) The commissioner of revenue may prescribe, adopt, promulgate, and enforce rules and regulations relating to the method and means to be used in the cancellation of stamps and to all other matters pertaining to the administration and enforcement of the provisions of this article. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations.
- b) The commissioner of revenue may examine books, records, invoices, papers and any and all cigarettes in and upon any premises where the same are placed, stored, sold, offered for sale, or displayed for sale by a seller or dealer.

Sec. 38-348 - Tax is in addition to other taxes.

The tax levied and imposed by this article shall be in addition to all other taxes of every kind levied and imposed by any other ordinance or law.

Sec. 38-349. - Violations of article—Generally.

- a) If the treasurer has evidence of sale of cigarettes in this county without the payment of the tax, he or she may perform an assessment of the tax due with respect to the cigarettes, using the best information available. If any dealer, seller, or other person liable for the tax is unable to furnish evidence of sufficient tax payments and stamp purchases to cover cigarettes which were sold, used, stored, received, purchased or possessed by them, a rebuttable prima facie presumption shall arise that such cigarettes were received, sold, used, stored, purchased or possessed by him without the proper tax having been paid. The treasurer may request the assistance of the commissioner in performing such assessments, as necessary. The treasurer shall mail, by certified mail, a notice of summary assessments to the taxpayer. If the tax described in the notice is not paid within ten days after the mailing, the treasurer may collect the tax due by any method authorized by general law.
- b) Any persons violating any provision of this article shall be guilty of a Class 1 misdemeanor and each day's violation shall be and constitute a separate offense. Conviction and punishment for such violation shall not relieve any person from the payment of any tax, interest or penalty imposed by this article.
- c) If the taxpayer shall fail or refuse to pay to the county the tax required to be paid under this article within the time and in the amount as provided for in this article, there shall be added to such tax a penalty in the amount of ten percent of the tax due or the sum of \$10.00 whichever is greater, provided, however, that the penalty shall in no case exceed the amount of the tax due. The treasurer shall also assess interest on the tax at the rate of three-quarters of one percent per month of the gross tax due from the day after the tax is due until paid.
- d) When any dealer, seller, or other person liable for tax under this Article submits any fraudulent report or information or performs any act to evade payment of the tax, the treasurer shall administratively assess the tax due and impose a penalty not to exceed fifty per cent of the tax due and interest at the rate of three-quarters of one percent per month of the gross tax due.

Sec. 38-350. - Violations of article prohibited; acts enumerated.

It shall be unlawful and a violation of this article for any person:

- a) To perform any act or fail to perform any act for the purpose of evading the payment of any tax imposed by this article or of any part thereof; or for any dealer or seller, with intent to violate any provision of this article, to fail or refuse to perform any of the duties imposed upon him under the provisions of this article or to fail or refuse to obey any lawful order which the commissioner of revenue may issue under this article.
- b) To falsely or fraudulently make, forge, alter or counterfeit any stamp or the printed markings of any meter machine or to procure or cause to be made, forged, altered or counterfeited any such stamp or printed markings of a meter machine or to knowingly and willfully alter, publish, pass or tender as true any false, altered, forged or counterfeited stamp or stamps or printed markings of a meter machine.

- c) To sell any cigarettes upon which the tax imposed by this article has not been paid and upon which evidence of payment thereof is not shown on each package of cigarettes.
- d) To reuse or refill with cigarettes any package from which cigarettes, for which the tax imposed has been theretofore paid, have been removed.
- e) To remove from any package any stamp or the printed markings of a meter machine with intent to use or cause the same to be used after the same have already been used, or to buy, sell or offer for sale or give away any used, removed, altered or restored stamps or printed markings of a meter machine to any person, or to reuse any stamp or printed markings of a meter machine which had theretofore been used for evidence of the payment of any tax prescribed by this article, or, except as to the county treasurer, to sell or offer to sell any stamps or printed markings of a meter machine provided for in this article.

Sec. 38-351 - Same—Presumption of violation by seller.

- a) In the event any package of cigarettes is found in the possession of a seller, without the proper stamps being affixed thereto or without authorized printed markings of a meter machine thereon, and the seller shall be unable to submit evidence establishing that he received such package within the immediately preceding forty-eight (48) hours and that he has not offered the same for sale, the presumption shall be that such package is being kept by such seller in violation of the provisions of this article and shall subject him to the penalties provided for such violation.
- b) Any cigarettes placed in any coin-operated vending machine located within the county shall be presumed for sale within the county. Any vending machine located within the county containing cigarettes upon which the stamp has not been affixed or containing cigarettes placed so as not to allow visual inspection of the stamp through the viewing areas as provided for by the vending machine manufacturer shall be presumed to contain untaxed cigarettes in violation of this article.
- c) Any cigarettes, coin-operated vending machines, counterfeit stamps, or other property found in violation of this article shall be declared contraband goods and may be seized by the commissioner of revenue. In addition to any tax due, the dealer or other person liable for the tax possessing such untaxed cigarettes shall be subject to civil and criminal penalties herein provided.
- d) All cigarette vending machines shall be plainly marked with the name, address, and telephone number of owner of the machine.

Secs. 38-352 –38-370. – Reserved.

State Law reference— Code of Virginia, §§ 58.1-3830 and 58.1-3832.

This Ordinance shall take effect on January 1, 2022.

Date: August 5, 2021

Recorded Roll Call Votes:

Jesse Spence, Chair:

YES

Carl Bailey, Vice Chair:	YES
Rusty Zimmerman:	YES
Lindsey Dunne:	YES
Kathi Toelke:	YES

ATTEST:

Dan Collins, County Administrator
and Clerk of the Board

Mr. Bailey made a motion, seconded by Ms. Dunne, to approve the Budget Supplement for FY 2022 with Resolution R21-70. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunne, yes, Mr. Bailey, yes and Mr. Spence, yes.

R21-70

**A RESOLUTION AMENDING
THE FISCAL YEAR
2021-2022 BUDGET**

WHEREAS, the Craig County Board of Supervisors (CCBoS) adopted the 2021-2022 Budget on May 6, 2021 for planning purposes, and

WHEREAS, the County of Craig has unspent money in various departments that it is necessary to carry the funds from the Fiscal year of 20-21 into the Fiscal year of 21-22, and also has new funding for the 21-22 year, and

WHEREAS, County of Craig has been awarded a USDA grant in the amount of 49,500 with a match of county funds in the amount of 40,500, this will be used to purchase 2 vehicles, One for Sheriff office and one for EMS, and

WHEREAS, it is necessary to carry over the balance of 232,500 CARES funding into the 21-22 year for the remainder of the term which will expire on Dec 31, 2021, and

WHEREAS, Sheriff Office has unused Hooked on Fishing 11,967, Tourism 15,134, Search and rescue EMS 1,155 and Public Safety has Tower funds of 4,357, these funds are earmarked for only these departments and had the noted balances left on 6-30-2021, it is the request that these will be carried over and marked as such for the 21-22 year, and

WHEREAS, the County of Craig also received the 1st installment of the Federal Funds on the American Recovery Rescue Plan in the amount of 498,319 on 6-24-2021 these funds will also need to be carried into the 21-22 year, Discussion previously was to use these funds for Radio Towers Communication if eligible, and

WHEREAS, the CCPS has the money left over from the June 30, 2021, balance of 454,926 it is their request to add this amount to their Capital Improvement Fund as undesignated funds, now

THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Craig County that the Fiscal Year 2021-2022 budget is hereby amended as follows:

REVENUE

Local

3-100-041999-0000	General Fund Use of Fund Balance	40,500
3-215-041999-0000	CARES Fund Use of Fund Balance	232,500
3-100-041999-0000	General Fund Use of Fund Balance	32,613
3-100-041999-0000	General Fund Use of Fund Balance	454,926

State

3-100-018990-0032	USDA grant	49,500
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Federal

3-216-041999-0000	American Recovery Rescue Funds	498,319
	Total Rev	1,308,358

EXPENSES

General Fund

4-100-091500-9532	USDA Grant Sheriff and EMS	90,000
4-100-081230-5605	Tourism- Marketing	15,134
4-100-031200-9906	Sheriff- Hooked on Fishing	11,967
4-100-032420-3313	EMS-Tower Funds	4,357
4-100-032420-9506	EMS-Search and Rescue	1,155

CARES Fund

4-215-011009-0001	CARES	232,500
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**American Rescue/
Recovery Fund**

4-216-11010-0001	Rescue Funds	498,319
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CCPS

4-301-094500-0001	undesignated capital	454,926
	Total	\$1,308,358

BE IT FURTHER RESOLVED, that the sum of **\$1,308,358** be appropriated as described above. The Board of Supervisors of Craig County, in a regular meeting on the 5th day of August 2021, adopted this resolution.

Mr. Bailey made a motion, seconded by Ms. Dunne, to approve Ordinance 04-2021 Conditional Use for 81-South Inc.. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunne, yes, Mr. Bailey, yes and Mr. Spence, yes.

Ordinance 04-2021

AN ORDINANCE APPROVING A SPECIAL EXCEPTION FOR 81-South, Inc.

WHEREAS, 81 South has made application for a Conditional Use permit to allow the addition of a tent and tee pee structure for short term rental use

WHEREAS, this parcel is zoned Business District B-1 and is located at 16108 Paint Bank Rd., Paint Bank VA 24131, in the Potts Mountain District

WHEREAS, the Business District B-1 zoning covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods or by any nuisance factors other than occasioned by incidental light and noise of congregations of people and passenger vehicles. This includes such uses as retail stores, bank, theaters, business offices, newspaper offices, restaurants, and service stations, and

WHEREAS, the Craig County Planning Commission conducted a public hearing on the application on July 20th, 2021, and have recommended to the Craig County Board of Supervisors that the Conditional Use Application be approved, and

THEREFORE BE IT ORDAINED, by the Board of Supervisors of Craig County Virginia that a Conditional Use permit is approved for 81-South to allow the addition of a tent and tee pee structure for short term rental use located at 16108 Paint Bank Rd., Paint Bank VA 24131.

BE IT FURTHER ORDAINED, by the Board of Supervisors of Craig County Virginia that the County Administrator's Office will conduct an annual inspection of premises to confirm that all conditions are met.

The Board of Supervisors of Craig County, in a regular meeting on 5th day of August 2021 approved this Ordinance.

Mr. Bailey made a motion, seconded by Ms. Dunne, to approve Setting the allocation percentage for Personal Property tax relief for the 2021 year with Resolution R21-71. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunne, yes, Mr. Bailey, yes and Mr. Spence, yes.

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF CRAIG COUNTY,
VIRGINIA, HELD AT THE CRAIG COUNTY COURTHOUSE ON THURSDAY AUGUST
5TH, 2021**

**RESOLUTION SETTING THE ALLOCATION PERCENTAGE FOR PERSONAL
PROPERTY TAX RELIEF IN CRAIG COUNTY FOR THE 2021 TAX YEAR**

WHEREAS, in accordance with the requirements set forth in Section 58.1-3524 © (2) and Section 58.1-3912 (E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly and as set forth in item 503.E (Personal Property Tax Relief Program or "PPTRA") of Chapter 951 of the 2005 Acts of Assembly and qualifying vehicle with a taxable situs within the County commencing January 1, 2021, shall receive personal property tax relief; and,

WHEREAS, this Resolution is adopted pursuant to Ordinance # 05-11 which was adopted on December 13, 2005.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF CRAIG COUNTY, VIRGINIA AS follows:

1. That tax relief shall be allocated so as to eliminate personal property taxation for qualifying personal use vehicles valued at \$1,000 or less
2. That qualifying personal use vehicles valued at \$1,001-\$20,000 will be eligible for 30.25% percent tax relief
3. That qualifying personal use vehicles valued at \$20,001 or more shall only receive 30.25% percent tax relief on the first \$20,000 of value; and
4. That all other vehicles which do not meet the definition of "qualifying" (for example, including but not limited to, business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.
5. That the percentages applied to the categories of qualifying personal use vehicles are estimated fully to use all available PPTRA funds allocated to Craig County by the Commonwealth of Virginia
6. That entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006, or when the state funding for tax relief is exhausted or depleted. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed 'non-qualifying' for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the assessed personal property tax.
7. That this Resolution shall be effective from and after the date of its adoption

The Board of Supervisors of Craig County, in a regular meeting on the 5th day of August, 2021 hereby approved this resolution.

INFORMATIONAL

A. Treasurer's Report

REPORTS AND INQUIRIES FROM THE BOARD AND COUNTY ADMINISTRATOR

- a. Mr. Collins provided the Board with a summary explaining that he met with Mr. Morgan Griffin to discuss the ear mark funding regarding the infrastructure package that is getting ready to be passed. He liked the idea of the radio tower EMS project. He asked that I send him information on this plan so when he gets more details we can get the funding from this. Once we receive this funding, we have 12 months to spend the funding. We meet with EMS yesterday, and are confident that this project can be completed within the 12 month timeframe.
- b. Mr. Collins informed the Board that he will be conducting interviews next week for the Executive Administrative Assistant position.

HEAR THE PUBLIC

None.

RECESS TO CLOSED SESSION FOR REAL ESTATE MATTERS

The Board Recessed to a Closed Session to discuss Personnel Matter §2.2-3711 A.1 & Real Property §2.2-3711 A.3: Mr. Bailey made a motion to enter into Closed Session, seconded by Ms. Dunne. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunne, yes, Mr. Bailey, yes and Mr. Spence, yes.

RESOLUTION CERTIFYING THE CLOSED MEETING WAS HELD IN CONFORMITY WITH THE CODE OF VIRGINIA

The Board reconvened from the Closed Session. Mr. Bailey made a motion to confirm the Closed Session was held in conformity with the Code of Virginia with Resolution R21-72, seconded by Ms. Dunn. Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunne, absent, Mr. Bailey, yes and Mr. Spence, yes.

R21-72

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF CRAIG COUNTY, VIRGINIA, HELD AT THE CRAIG COUNTY COURTHOUSE ON THURSDAY, AUGUST 5, 2021

RESOLUTION CERTIFYING THE CLOSED MEETING WAS HELD IN CONFORMITY WITH THE CODE OF VIRGINIA

WHEREAS, The Board of Supervisors of Craig County, Virginia has convened a closed meeting 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 Board of Supervisors of Craig County, Virginia, that such closed meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Craig County, hereby certifies that, to the best of each member's knowledge;

1. Only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting which this certification resolution applies; and
2. Only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Craig County, Virginia

ACTION AS A RESULT OF CLOSED SESSION

Mr. Spence reported the action as a result of the Closed Session is to consider Resolution of reclassification of Executive Administrative Assistant R21-73.

Ms. Toelke made a motion, seconded by Ms. Dunne, to approve Voting was as follows: Mr. Zimmerman, yes, Ms. Toelke, yes, Ms. Dunne, yes, Mr. Bailey, yes and Mr. Spence, yes.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF CRAIG COUNTY, VIRGINIA, HELD AT THE
CRAIG COUNTY COURT HOUSE ON THURSDAY, AUGUST 5, 2021

R21-73

RESOLUTION AUTHORIZING ADMINISTRATIVE ASSISTANT POSITION IN THE AMOUNT OF \$41,500.00 FROM GENERAL FUND

WHEREAS, there is a need for an administrative assistant position in Administration.;
and

WHEREAS, currently there are two full-time accounting positions providing accounting
services to the public and County employees; and

WHEREAS, the Administrative Assistant position is a complex job providing services to
over 16 county departments, and

WHEREAS, the Administrative Assistant position is the only office that serves every
County Office at some level, and

WHEREAS, the reclassification of staff levels in the Administration Office will improve
the "Checks and Balances" of the financial activities, and

WHEREAS, the reclassification of staff levels will reduce the amount of overtime
ensuring compliance with the new requirements in the Code of Virginia effective July 1,
2021.

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Craig County,
Virginia, as follows:

1. The County Administrator is hereby authorized to reclassify the current full-time
position of administrative assistant.

2. The proposed salary is \$41,500.00, is approved from the General Fund.

ADJOURN

Mr. Spence adjourned the meeting at 7:14 pm.