

No notice needed?

By Diana McFarland
Managing editor

The Smithfield Town Council raised its real estate tax rate by 3 cents beginning this month, but did not publish a public notice to alert residents of the increase.

If The Smithfield Times had not reported the increase as a news story, residents would likely not know it was going to occur, but it was Smithfield resident Dave Goodridge who raised the

Thrower says tax hike didn't require public notice

issue about the public notice discrepancy.

Smithfield Town Manager Brian Thrower said a locality such as Smithfield can raise its real estate tax by three cents without advertising that intention in a public notice. Thrower said Smithfield's tax increase was "properly advertised per state code".

Isle of Wight County, however, uses a different code section when it comes to informing the public about a possible tax increase.

By being properly advertised, Thrower was referring to a May 22 public notice in The Smithfield Times that stated the tax rate would remain at 16 cents per \$100 in value. The Town Council held a

public hearing on a budget with a real estate tax rate of 19 cents on June 4, and adopted a budget with that tax rate on June 24.

"My proposed budget included the real estate tax increase; however, when the public notice was sent to the paper for advertisement, Council's direction/intent was to start charging trash

collection fees in its place," said Thrower.

During a May 7 budget work session, the Town Council decided to advertise the budget without the tax increase, but include information concerning a charge for trash and recycling. The no-

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tice said the Council would adopt an ordinance to adopt a trash and recycling fee, but did not indicate what that would be.

The Council eventually decided to forgo charging for trash pickup and instead to raise the real estate tax rate by 3 cents.

“Councils do not have to re-advertise the “final” budget, given the fact the final budget, tax rates, fees, etc. are subject to change at any time up to the time of final budget adoption,” said Thrower.

Thrower referred to code section 15.2-2506, which states that a brief synopsis of the budget, for planning purposes only, be published once in a newspaper of general circulation in the locality.

The code section does not indicate that a locality must advertise the tax rate it intends to ultimately adopt, nor does it address the need for a public hearing.

Isle of Wight County uses another code section, 15.2-107, when it comes to advertising a possible tax increase, according to Isle

of Wight Assistant County Administrator Don Robertson.

That code section spells out what an advertisement of a tax increase should include, such as the actual dollar amount or percentage change, if any, of the proposed levy, fee or increase, as well as the time, date and place of the public hearing.

The May 22 public notice also included a sentence concerning a tax levy increase due to a 2 percent hike in property values as a result of the recent reassessment.

The information was based on a real estate tax rate of 16 cents, not the 19 cents that was eventually adopted.

Smithfield town attorney William Riddick was on vacation this week and not available for comment.

Isle of Wight County and the Town of Windsor each published separate public notices concerning the tax levy increases in their respective localities due to the reassessment, including information about a separate public hearing. The notices were formatted according to the Code of Virginia

that states localities may use the four-item format and includes how much, by percentage, the locality expects to receive due to the increased property assessment.

Smithfield’s notice did not.

Isle of Wight and Windsor decided to retain its current tax rate for fiscal 2020 to obtain the additional revenues as a result of increased property values rather than going “revenue neutral,” which would have resulted in decrease in the real estate tax rate.

Isle of Wight County and

Windsor also held separate public hearings concerning the tax levy change due to the reassessment. The Smithfield Town Council has not yet done so, according to its agendas.

The fiscal 2020 budgets for Isle of Wight and Windsor are easily found on their respective websites. Smithfield’s fiscal 2020 budget is included in the June 4 Town Council agenda packet, but not as a separate document on its website.

The most recent budget available under financial reports is for fiscal 2016.

Town will advertise before adopting real estate tax increase

By Diana McFarland
Managing editor

The Smithfield Town Council was scheduled to vote on a 3-cent real estate tax increase July 2 but stopped short when it was acknowledged that a mistake had been made.

That mistake will be corrected when the Council holds a public hearing in the fall.

The tax rate increase that the Council was poised to vote on, from 16 cents to 19 cents, was based on a June budget public hearing.

The June public hearing was advertised in a public notice in *The Smithfield Times* stating that the real estate tax rate would remain at 16 cents and that the Town Council planned to impose a trash collection fee instead.

Between the June 4 budget public hearing and the final fiscal 2020 budget adoption on June 25, the Town Council opted instead to ditch the trash fee and go with the 3-cent real estate tax increase that Town Manager Brian Thrower had initially proposed.

The town, however, did not re-advertise that change.

It wasn't necessary, said Town Attorney William Riddick in a July 8 phone interview, adding that to do so may have pushed the town past its state-imposed deadline to approve and appropriate funds for the upcoming fiscal year.

Instead, the Town of Smithfield now plans to advertise and hold a public hearing on its 3-cent tax rate increase at the same time it sets the rate as required in a reassessment year, likely this fall.

The confusion arose due to the tax increase coming at the same time as the real estate property

reassessment, which occurs every four years, as well as the town having a new manager used to doing things a different way, said Riddick.

Riddick said the mistake was having an ordinance to raise the tax rate included in the July 2 Town Council agenda based on the June budget public hearing. Once the mistake was noted at the July 2 meeting, the Council didn't vote on the ordinance enacting the tax hike.

It's all been done correctly and legally, said Riddick, adding that legally the tax rate does not have

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Bluegrass Friday

The Summer Concert Series continues Friday with the Flatland Bluegrass Band.

The performance will begin at 8 p.m. on the Gazebo Stage at 228 Main St.

Flatland, which offers traditional bluegrass favorites, has performed at the Pungo Strawberry Festival and will appear this fall at the Graves Mountain Apple Festival.

The concert series is co-sponsored by *The Smithfield Times* and the Isle of Wight Arts League. Concerts are held each Friday from Memorial Day to Labor Day.

Concert cancellations due to rain are made as late as possible on Friday and are posted when possible on www.facebook.com/smithfield.times and www.smithfieldarts.org.

Tax

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to be set until the tax bills go out in December.

Meanwhile, the Smithfield Town Council has appropriated funds for its fiscal 2020 budget that includes funding based on a 3-cent tax increase, from 16

cents to 19 cents.

There's no conspiracy here to keep information from the public as all budget discussions were held in open, public meetings, said Riddick, noting that The Smithfield Times ran stories on those discussions.

The budget itself is a

planning document, said Riddick.

Riddick said that if after the public hearing this fall the Town Council decides not to raise the real estate tax after all, it can do that also.

"Sure, they can, but they're not going to," he said.

As for transparency's sake, Riddick said the tax rate increase "wasn't a secret" and that it was openly discussed in public meetings.

"We (the town) are extraordinarily transparent. We go above and beyond," he said.

By law, the town must hold a public hearing on the budget and a separate public hearing on setting the tax rate based on the property reassessment. That's the hearing that will be held this fall.

The Town of Windsor and Isle of Wight County held their public hearings on setting the tax rate based on the reassessment in June.

Crabs

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or above 400 million except between 2013-2014, according to the report.

"By using sound science included in this annual report to manage the fishery, the Bay jurisdictions have enabled responsible harvest of female blue crabs for the past ten consecutive years. Consumers can enjoy their Chesapeake Bay crab feasts knowing blue crabs are responsibly managed," said Sean Corson, acting director, NOAA Chesapeake Bay Office; Chair, Sustainable Fisheries Goal Implementation Team.

Blue crabs are important

to the Chesapeake Bay's ecology and economy, as both a food source for animals and humans, as well as supporting recreational and commercial fishing.

The Blue Crab Advisory Report is developed by the Chesapeake Bay Stock Assessment Committee, a group of experts from state and federal agencies and academic institutions.

The blue crab fishery in the Chesapeake Bay is managed by the Maryland Department of Natural Resources, Virginia Marine Resources Commission and Potomac River Fisheries Commission.