

BOARD OF SUPERVISORS



TUESDAY, MARCH 10, 2020

5:00 P.M.

AGENDA

Tuesday, March 10, 2020

5:00 PM

5:00 CALL MEETING TO OPEN SESSION (Judy Wyant, Chair)

Invocation and Pledge of Allegiance

ADOPTION OF AGENDA

Adopt the agenda and the additional agenda as presented

MINUTES OF PREVIOUS MEETINGS (Pgs.1-21)

Request adoption of the February 11th and February 27th, 2020 meeting minutes.

FINANCIAL STATUS

Lisa Richardson – Inform the Board of the County's financial status

PAYMENT OF INVOICES

Consideration of appropriations and accounts payable as listed on the additional agenda

5:15 CITIZENS TIME

5:30 Retiree Recognition by the Board

5:45 Regional Jail Resolution: Steven Clear

NEW BUSINESS

***Consideration of TROF modification for Scholle IPN – Kendra Hayden (Pg. 22-34)**

***Board of Equalization Appointment – Judy Wyant**

***Planning Commission Recommendation: Special Use Permit (Pg. 35-39)**

Supervisor Comment Time

***Closed Session:** Code of Virginia, Section 2.2-3711- A.5 Business/Industrial Prospects, discussion concerning a business or industry considering expansion for which no previous announcements have been made and A.6 Personnel Matters; Discussion, consideration, or interviews of prospective candidates for employment and contracts.

The Smyth County Board of Supervisors held its regular meeting on Tuesday, February 11, 2020. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.


PRESENT: Chair, Royal Oak District – Supervisor Judy Wyant, Vice Chair, Rye Valley District Supervisor – Lori Deel, Saltville District Supervisor – Roscoe D. Call, Chilhowie District Supervisor – Wade H. Blevins Jr., Atkins District Supervisor – Charles Atkins, Park District Supervisor – Kris Ratliff, North Fork District Supervisor – Phil Stevenson (7)


ABSENT: None.

STAFF: Assistant County Administrator – Lisa Richardson, Administrative Assistant Kelly Woods, Interim County Administrator – Aaron Sizemore, Interim County Attorney – Don Martin (4)

OTHERS: Smyth County News and Messenger, Sheriff Department Deputy, and several citizens.

 2/11/2020 5:00 PM – Chair, Royal Oak District Supervisor, Judy Wyant called the meeting to order and welcomed everyone.

 2/11/2020 5:00 PM – Assistant County Administrator, Lisa Richardson, gave the invocation and Heather Street led the Pledge of Allegiance.

 2/11/2020 5:01 PM – Chilhowie District Supervisor, Wade H. Blevins, Jr. made a motion to adopt the agenda and additional agenda, as presented. Saltville District Supervisor, Roscoe D. Call, seconded the motion. North Fork District Supervisor, Phil Stevenson, abstained.


After consideration, the motion PASSED by the following vote:

AYES: Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant

NAYES: None.

ABSTAIN: North Fork District- Phil Stevenson

ABSENT: None.

 2/11/2020 5:01 PM – Saltville District Supervisor, Roscoe D. Call, made a motion to approve the minutes from the January 23, 2020 meeting with changes as noted by Chair, Royal Oak District Supervisor, Judy Wyant and Atkins District Supervisor, Charles Atkins. Rye Valley District Supervisor, Lori Deel, seconded the motion. North Fork District Supervisor, Phil Stevenson, abstained.


After consideration, the motion PASSED by the following vote:

AYES: Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant

NAYES: None.

ABSTAIN: North Fork District- Phil Stevenson


ABSENT: None.


 2/11/2020 5:03 PM – Assistant County Administrator, Lisa Richardson, presented the Board with the County's current financial report. Mrs. Richardson detailed the expenditures, revenue, accounts payable listing for appropriations, and the Treasurer's accountability report. Chair, Royal Oak District Supervisor Judy Wyant, requested there be a column in the comparison worksheet that reflects the difference in the current year vs. the previous year with a brief explanation if possible.

 2/11/2020 5:16 PM – Chair, Royal Oak District Supervisor, Judy Wyant, opened citizens time. The following citizens spoke:

Anna Lee Debord, 343 College Street, Marion, stated she represents the Historical Society and Museum, noting it has been in business for 59 years. Ms. Debord continued, explaining they are currently housed in the former Parks Belk Building, where an \$80,000.00 remodel was completed. Ms. Debord is requesting additional funding from the County, noting the Historical Society relies solely on donations and member dues. The museum is open 6 days a week, without an admissions charge; nor does the Historical Society charge for research. Ms. Debord stated last year they had almost 2,000 visitors, including visits from local schools. Specially, Ms. Debord spoke regarding a project that would honor 6 special ladies and would involve the production of posters with summary of each of their lives to be on display at the museum. Each poster would cost approximately \$100 per poster. Ms. Debord expressed that any contribution from the County would be greatly appreciated. Newsletters and brochures were passed out.


Nathan Gary, Director of Operations with the Saltville Rescue Squad, offered an update concerning the Squad. Mr. Gary noted operations continue and are going strong. Mr. Gary explained there were some unexpected expenses in January, however, the Squad continues to operate with an even balance and the call volume is steadily increasing. With a total of 28 calls so far this month, Mr. Gary explained they are looking into adding personnel in order to respond to calls in the Nebo and Ceres areas and a potential satellite office. North Fork District Supervisor, Phil Stevenson, mentioned the building on Black Hill, owned by Jim Coulthard. Further consideration will be made if grant funding is made available. Saltville District Supervisor, Roscoe D. Call thanked Mr. Gary and all those who serve on the Rescue Squad and applauded them for all of their improvements.

 2/11/2020 5:31 PM – With no further citizens wishing to speak Chair, Royal Oak District Supervisor, Judy Wyant, closed citizens time.

 2/11/2020 5:31 PM – Atkins District Supervisor, Charles Atkins, made a motion to enter into closed session under Code of Virginia, Section 2.2-3711 – A.7 Legal; discussion with legal counsel and staff pertaining to actual or probable litigation as it relates to the upcoming Supreme Court litigation regarding the Smyth County Public Library. Rye Valley District Supervisor, Lori Deel, seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES:	Saltville District- Roscoe D. Call Atkins District- Charles Atkins Park District- Kris Ratliff North Fork District- Phil Stevenson Chilhowie District- Wade H. Blevins, Jr. Rye Valley District- Lori Deel Royal Oak District- Judy Wyant
NAYES:	None.
ABSENT:	None.

 2/11/2020 6:30 PM – Motion was made by Atkins District Supervisor, Charles Atkins and seconded by Park District Supervisor, Kris Ratliff, to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION

CERTIFICATION OF CLOSED SESSION

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

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

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

After consideration, the motion PASSED by the following vote:

AYES:	Saltville District- Roscoe D. Call Atkins District- Charles Atkins Park District- Kris Ratliff North Fork District- Phil Stevenson Chilhowie District- Wade H. Blevins, Jr. Rye Valley District- Lori Deel
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NAYES:

Royal Oak District- Judy Wyant

None.

ABSENT:

None.

 2/11/2020 6:31 PM – North Fork District Supervisor, Phil Stevenson, made a motion to retain Mr. Jeff Campbell as the attorney in the Library case, allowing him to continue to represent the Smyth County Board of Supervisors in regard to the Virginia Supreme Court case and will allow the trial to move forward as scheduled with no settlement. Saltville District Supervisor, Roscoe D. Call, seconded the motion. Chair, Royal Oak District Supervisor, Judy Wyant and Rye Valley District Supervisor, Lori Deel, opposed the motion.

After consideration, the motion PASSED by the following vote:

AYES:

Saltville District- Roscoe D. Call

Atkins District- Charles Atkins

Park District- Kris Ratliff

North Fork District- Phil Stevenson

Chilhowie District- Wade H. Blevins, Jr.

NAYES:

Rye Valley District- Lori Deel


Royal Oak District- Judy Wyant


ABSENT:

None.

 2/11/2020 6:32 PM – Chair, Royal Oak District Supervisor Judy Wyant, called for a five minute recess.

 2/11/2020 6:37 PM – Chair, Royal Oak District Supervisor Judy Wyant, called the meeting back to order.


 2/11/2020 6:37 PM – Gavin Blevins from Blue Ridge Discovery Center gave a brief history of the former Konnarock Girls school, now Blue Ridge Discovery Center, that was acquired over 2 years ago. Since the acquisition of the building, they have raised over \$2 million dollars to make the appropriate renovations. Mr. Blevins continued, explaining they have since acquired an old gas station to renovate and would allow for a Visitor's Center. This facility would bring several new jobs to the area as well as tourism to the County. Mr. Blevins stated they are requesting \$30,000.00 from Smyth County Board of Supervisors, as well as from Grayson and Washington County's. This project would offer a significant improvement and potential growth for the Konnorock area. Rye Valley District Supervisor, Lori Deel, spoke concerning the project and stated it is a benefit from both a Community Development and Economic Development stand point and encouraged the Board to show their support for this project. Chair, Royal Oak District Supervisor, Judy Wyant expressed her gratitude for all the work that has been accomplished. Park District Supervisor, Kris Ratliff, spoke concerning the diversity of the ecosystem in the area.

 2/11/2020 6:49 PM – Interim County Administrator, Aaron Sizemore spoke regarding a request from the Town of Saltville. Aaron explained the Town of Saltville is making some substantial improvements to a building in order to lease the property to the Lifetime Wellness Center, which is a part of the Smyth County Community Foundation, for a satellite location. The

Town of Saltville is requesting, once the property is leased, it not be taxed due to the lease being a non-profit. Saltville District Supervisor, Roscoe D. Call explained in addition they are requesting a relief of back taxes of around for approximately \$900.00 and the facility will also be used for veterans services. Atkins District Supervisor, Charles Atkins stated he would like to hear more information before making a decision. North Fork District Supervisor, Phil Stevenson, made a motion to accept the request to be tax exempt, as long as the Lifetime Wellness Center in Marion is already tax exempt. Chair, Royal Oak District Supervisor, Judy Wyant, stated she is glad to see this partnership take place and doesn't see an issue with the facility being tax exempt. Rye Valley District Supervisor, Lori Deel, stated she would like further research be done to determine the previous owner of the facility before forgiveness of any back taxes owed; as long as it doesn't hold up the project. North Fork District Supervisor, Phil Stevenson rescinded his original motion, and made a new motion to allow the Town of Saltville to lease the property to the Lifetime Wellness Center and agrees to let the Saltville location of the Lifetime Wellness Center be tax exempt but will not forgive any back taxes owed until further clarification can be made. Rye Valley District Supervisor, Lori Deel, seconded the motion.


After consideration, the motion PASSED by the following vote:

AYES:	Saltville District- Roscoe D. Call North Fork District- Phil Stevenson Chilhowie District- Wade H. Blevins, Jr. Rye Valley District- Lori Deel Royal Oak District- Judy Wyant
ABSTAIN:	Park District- Kris Ratcliff
NAYES:	Atkins District- Charles Atkins
ABSENT:	None.

 2/11/2020 6:58 PM - Assistant County Administrator, Lisa Richardson discussed the Enterprise Zone Incentive rebate for Blue Ridge Knives. Mrs. Richardson stated Blue Ridge Knives expanded their facility and met the qualifications and requirements set forth for the Local Enterprise Zone building permit fee rebate. This rebate, she noted, has a cap of \$10,000.00 and has been verified by the Building & Zoning department and has been approved by the EDA. Chilhowie District Supervisor, Wade H. Blevins, Jr. made a motion to approve the appropriation of \$10,000.00 to Blue Ridge Knives for the building fee rebate as a part of the Enterprise Zone Local Incentive. Saltville District Supervisor, Roscoe D. Call, seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES:	Saltville District- Roscoe D. Call Atkins District- Charles Atkins Park District- Kris Ratcliff North Fork District- Phil Stevenson Chilhowie District- Wade H. Blevins, Jr. Rye Valley District- Lori Deel Royal Oak District- Judy Wyant
NAYES:	None.
ABSENT:	None.

 2/11/2020 6:59 PM – Assistant County Administrator, Lisa Richardson, discussed the audit Request for Proposals (RFP). Mrs. Richardson requested clarification on the January 14, 2020 agenda item in regard to a forensic audit. Mrs. Richardson also explained we are already in year one of a three year contract for the full audit and RFP will not be needed for that portion. Mrs. Richardson then requested clarification in regard to the forensic audit and explained she reached out to the auditor and they stated specific requests need to be defined in the RFP and advertisement of such. Mrs. Richardson stated she needs direction from Board of Supervisors or County Attorney to make those clarifications. Mrs. Richardson also noted an RFP needs to be drafted as well for the pre-audit work. Park District Supervisor, Kris Ratliff, explained this was not his area of expertise and deferred to the more experienced Board members in that particular field. Atkins District Supervisor, Charles Atkins, stated the forensic audit needs to examine Accounts Payable, internal controls regarding our accounts payable, and revenue receipts outside the Treasurer's Office. Chair, Royal Oak District Supervisor Judy Wyant, concurred; stating internal controls needs to be examined along with segregation of duties but requested the pleasure of the Board. North Fork District Supervisor, Phil Stevenson, concurred with Park District Supervisor, Kris Ratliff, stated this wasn't his area of expertise. Saltville District Supervisor, Roscoe D. Call, asked if there is a suspicion that something is not right. Park District Supervisor, Kris Ratliff, stated he has no suspensions or evidence but wishes to establish a baseline. Saltville District Supervisor, Roscoe D. Call questioned if the benefit outweighs the cost and would like to see what the cost would be. Atkins District Supervisor Charles Atkins stated the time frame for the scope of work needs to be determined as well. North Fork District Supervisor, Phil Stevenson, made a motion to advertise an RFP for a forensic audit of 2019 to examine accounts payable, internal controls in regard to accounts payable, and revenue receipts outside the Treasurer's Office. Saltville District Supervisor, Roscoe D. Call, seconded the motion. Chilhowie District Supervisor, Wade H. Blevins, Jr. opposed the motion.

After consideration, the motion PASSED by the following vote:

AYES:


Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant

NAYES:


Chilhowie District- Wade H. Blevins, Jr.

ABSENT:

None.

 2/11/2020 7:09 PM – Interim County Administrator, Aaron Sizemore discussed department reports. Mr. Sizemore noted these reports are time consuming for the staff to complete and questioned how the Board would like to see these reports. Atkins District Supervisor, Charles Atkins, stated he would only like to know what the major items are. North Fork District Supervisor, Phil Stevenson, stated he agrees certain items don't need to be listed; however, he likes to be informed on specific departments such as Building & Zoning, Water Department, etc. Rye Valley District Supervisor, Lori Deel, agreed the reports are time consuming for the staff and

recommended the department heads only include pertinent information and if there is a particular question about a department to contact them directly. The overall direction is to allow the County Administrator the discretion to condense and inform the Board accordingly.

 2/11/2020 7:15 PM - The requests made by Park District Supervisor, Kris Ratliff was discussed. Item number one requested a survey on the Smyth and Washington County boundary lines through the salt fields and the wells in the Saltville area. Atkins District Supervisor, Charles Atkins, stated he would like to see a survey done on boundary lines between Smyth County and Washington County's as well as identify the wells associated with that boundary line in order to address tax issues that may be unresolved. Mr. Atkins continued, stating he has been assured it would cost less than \$10,000.00 to shoot that line. Saltville District Supervisor, Roscoe D. Call, stated although he recently retired from the United Salt Corporation, he is still on retainer and if the Board approves it, he can have a survey crew ready to complete this task. Atkins District Supervisor, Charles Atkins, made a motion to have a certified survey completed in the area referenced during discussion for up to and not to exceed \$10,000.00 as well as appropriate those funds for expenditure when the invoice is received. Saltville District Supervisor, Roscoe D. Call, seconded the motion. Chair, Royal Oak Supervisor, asked if this item needs to competitively bid. North Fork District Supervisor, Phil Stevenson, stated as long as it has to be under \$10,000.00 you do not have to put it out for bid. Motion stands.

After consideration, the motion PASSED by the following vote:

AYES:

Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant

NAYES:

None.

ABSENT:


None.

Park District Supervisor, Kris Ratcliff, discussed the acquisition of property to house voter registrar. Mr. Ratcliff stated after discussion with Registrar, Sandy Elswick, she explained their current environment doesn't meet the needs for compliance as well as other issues that concern her. A major issues continues to be the security surrounding the voting machines. Mr. Ratliff stated this issue is time sensitive and would like a subcommittee look into the issue. Chair, Royal Oak District Supervisor, Judy Wyant asked for the issue to be sent to Building and Grounds for feasibility. North Fork District Supervisor, Phil Stevenson, agreed with everything stated, but would like to know whether the State is responsible for these changes or the County in order to move forward.

Park District Supervisor, Kris Ratliff, discussed job positions and wants to see the County move forward and grow. There are several positions that need to be addressed and discussed. The other item Mr. Ratliff discussed was having a discussion concerning job descriptions and a deeper look into why more applicants aren't applying for County positions. The Regional Jail expenditures are also growing and Mr. Ratliff discussed finding ways to save money with non-violent offenders

rather than incarceration. Atkins District Supervisor, Charles Atkins, stated he has been appointed to the Regional Jail Authority and he's looking forward to discussing these items and finding ways to lower Smyth County's cost. Chair, Royal Oak District Supervisor, stated this is an issue that needs to be further examined by the Court System, Judges, and the Sheriff's Department.

Chair, Royal Oak District Supervisor, Judy Wyant, requested Interim County Administrator, Aaron Sizemore to speak regarding the previously discussed personnel items. Mr. Sizemore explained with the current positions advertised, the Board will have to select candidates for interview and decide on how to move forward with those candidates. Mr. Sizemore also stated, he will be completing interviews with each department, to determine job descriptions and workload in order to gather a clear picture for the Board and to coincide with the upcoming budget process as positions are discussed. Rye Valley District Supervisor, Lori Deel stated the Personnel Committee should to models that other Counties use as a baseline and reference point as we consider restricting and positions; especially regarding economic development, tourism, and business retention and expansion. Mrs. Deel would like to consider bringing these items under the same umbrella as a cost saving measure. Chair, Royal Oak District, Judy Wyant expressed her gratitude for the discussion and looks toward the budget process to focus on each of these items.

 2/11/2020 7:33 PM -Motion was made by Saltville District Supervisor, Roscoe D. Call to appropriate \$1,630,000.00 from the General Fund. North Fork District Supervisor, Phil Stevenson, seconded the motion. The following is an explanation of the appropriations approved:

General County	
Accounts Payable Listing:	\$911,443.01
Payroll:	\$718,964.31
Auto Draft Rural Development:	\$8,974.00
AEP/Century Link Bills:	\$25,000.00
County Administration Fund:	\$5,000.00
Total County Appropriation (Plus Carryover):	
	\$1,630,000.00

After consideration, the motion PASSED by the following vote:

AYES:	Saltville District- Roscoe D. Call Atkins District- Charles Atkins Park District- Kris Ratliff North Fork District- Phil Stevenson Chilhowie District- Wade H. Blevins, Jr. Rye Valley District- Lori Deel Royal Oak District- Judy Wyant
NAYES:	None.
ABSENT:	None.

Motion was made by Saltville District Supervisor, Roscoe D. Call to appropriate \$425,000.00 from the General Fund to the Department Social Services. North Fork District Supervisor, Phil Stevenson, seconded the motion. The following is an explanation of the appropriations approved:

Social Services	
(February 12-February 29, 2020)	\$365,000.00
(March 1-March 10, 2020)	\$60,000.00
Total Social Services:	\$425,000.00

After consideration, the motion PASSED by the following vote:

AYES: Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant

NAYES: None.

ABSENT: None.

Motion was made by Saltville District Supervisor, Roscoe D. Call to appropriate \$3,990,000.00 from the General Fund to the Smyth County School Board Operating Fund. Park District Supervisor, Kris Ratliff, seconded the motion. The following is an explanation of the appropriations approved:

Schools-Operating Fund	
Instruction	\$2,900,000.00
Administration, Attendance, & Health	\$120,000.00
Transportation	\$255,000.00
Facilities	\$300,000.00
School Food Service	\$310,000.00
Technology	\$105,000.00
Total School Operating Fund:	\$3,990,000.00

After consideration, the motion PASSED by the following vote:

AYES: Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant

NAYES: None.
ABSENT: None.

Motion was made by Saltville District Supervisor, Roscoe D. Call to appropriate \$136.19 from the Courthouse Project fund to close out the project account. North Fork District Supervisor, Phil Stevenson, seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant
NAYES: None.
ABSENT: None.

Motion was made by Saltville District Supervisor, Roscoe D. Call to appropriate \$19.32 from the Sheriff Fund 761 to close out the account. Chilhowie District Supervisor, Wade H. Blevins, seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant
NAYES: None.
ABSENT: None.

Motion was made by Atkins District Supervisor, Charles Atkins, to appropriate \$1,006.64 from Recovery Court Fund 749 for open invoices. North Fork District Supervisor, Phil Stevenson, seconded the motion.


After consideration, the motion PASSED by the following vote:

AYES: Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant
NAYES: None.
ABSENT: None.


Motion was made by Saltville District Supervisor, Roscoe D. Call to appropriate \$2,316.80 from Sheriff Fund 748 for open invoices. Atkins District Supervisor, Charles Atkins, seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES:	Saltville District- Roscoe D. Call Atkins District- Charles Atkins Park District- Kris Ratliff North Fork District- Phil Stevenson Chilhowie District- Wade H. Blevins, Jr. Rye Valley District- Lori Deel Royal Oak District- Judy Wyant
NAYES:	None.
ABSENT:	None.

 2/11/2020 7:35 PM – Interim County Administrator, Aaron Sizemore, gave an update regarding the Morrison Building and noted he is currently working on issues with the conveyance of the building. Atkins District Supervisor, Charles Atkins, requested more research be done in regard to what portions of the building are heated by the steam and which are not and what would the cost be to heat the building with the same unit that provides air conditioning. Mr. Sizemore stated he will reach out to the Maintenance Department and will provide an update as more information is available.

 2/11/2020 7:40 PM – Chair, Royal Oak District Supervisor, Judy Wyant requested the Retiree Recognition be added to the agenda for the continued Board of Supervisors meeting.

 2/11/2020 7:40 PM – Supervisor Comment time:

Saltville District Supervisor, Roscoe D. Call stated he was glad to see people in the audience more often.

North Fork District Supervisor, Phil Stevenson, stated for 40 years or better the County furnished employees within the Water Department with vehicles in order to facilitate on-call hours and streamlining of services; however a change due to a tax issue that changed that. North Fork District Supervisor, Phil Stevenson made a motion to allow the employees who have their water license who live within a reasonable distance be allowed to drive their work vehicles home, effective immediately. Atkins District Supervisor, Charles Atkins, seconded the motion. Assistant County Administrator, Lisa Richardson, clarified for the record, the reason behind the change of this policy noting the IRS rule for taxing the employee for a 'fringe benefit'. The County Attorney stated he could see the IRS taxing this as a fringe benefit, however, he explained that could be discussed if and when that situation occurs. Motion stands.

After consideration, the motion PASSED by the following vote:

AYES:	Saltville District- Roscoe D. Call Atkins District- Charles Atkins Park District- Kris Ratliff
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North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant

NAYES:

None.

ABSENT:

None.

Chair, Royal Oak District Supervisor, Judy Wyant, thanked everyone for attending and the support of all that continue to support the County. Ms. Wyant also thanked the Board for their time and contributions.

Rye Valley District Supervisor, Lori Deel, thanked everyone for being present and involved. Mrs. Deel also stated there was a Broadband Community meeting that was held in Sugar Grove, Virginia tonight and looks forward to the results of the broadband survey. Mrs. Deel stated the budget deadline is February 14th and reminded all to turn in their budget requests and asked for a summary of return on investment with each request. Lastly, Mrs. Deel stated she would like to reach out to the pastoral association in regard to giving invocation at the meeting as well.

Atkins District Supervisor, Charles Atkins, agreed that Mrs. Deel should reach out to the pastoral association and that he would support that moving forward and thanked everyone for their time and contributions.

Park District Supervisor, Kris Ratliff, thanked everyone for attending and reiterated that every decision that is made is with good intentions. Mr. Ratliff also thanked the Board and County staff.



2/11/2020 7:50 PM – The meeting is continued to February 27, 2020 at 7:00pm.


The Smyth County Board of Supervisors held its regular meeting on Thursday, February 27, 2020. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.


PRESENT: Chair, Royal Oak District – Supervisor Judy Wyant, Vice Chair, Rye Valley District Supervisor – Lori Deel, Saltville District Supervisor – Roscoe D. Call, Chilhowie District Supervisor – Wade H. Blevins Jr., Atkins District Supervisor – Charles Atkins, Park District Supervisor – Kris Ratliff, North Fork District Supervisor – Phil Stevenson (7)

ABSENT: None.

STAFF: Assistant County Administrator – Lisa Richardson, Administrative Assistant Kelly Woods, Interim County Administrator – Aaron Sizemore, Interim County Attorney – Scot Farting (4)

OTHERS: Smyth County News and Messenger, Sheriff Department Deputy, and several citizens.

 2/27/2020 5:01 PM – Chair, Royal Oak District Supervisor, Judy Wyant called the meeting to order and welcomed everyone.


 2/27/2020 5:01 PM – Atkins District Supervisor, Charles Atkins, made a motion to enter into closed session under Code of Virginia, Section 2.2-3711 – A.5 Business/Industrial Prospects, discussion concerning a business or industry considering expansion for which no previous announcements have been made as well as inviting and excusing guests and staff as needed. Park District Supervisor, Kris Ratliff, seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant

NAYES: None.

ABSENT: None.

 2/27/2020 6:09 PM – Motion was made by Atkins District Supervisor, Charles Atkins and seconded by Park District Supervisor, Kris Ratliff, to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION

CERTIFICATION OF CLOSED SESSION

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


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

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

After consideration, the motion PASSED by the following vote:

AYES:	Saltville District- Roscoe D. Call
	Atkins District- Charles Atkins
	Park District- Kris Ratliff
	North Fork District- Phil Stevenson
	Chilhowie District- Wade H. Blevins, Jr.
	Rye Valley District- Lori Deel
	Royal Oak District- Judy Wyant
NAYES:	None.
ABSENT:	None.


 2/27/2020 6:10 PM – Chair, Royal Oak District Supervisor, Judy Wyant called for a recess until the continuation of the meeting at 7:00pm.

 2/27/2020 7:15 PM – Chair, Royal Oak District Supervisor, Judy Wyant called the meeting back to order and opened citizens time. The following citizen(s) spoke:

Richard Simms, from South Carolina is here tonight to identify why the Ordinance Committee voted against the zoning issue he brought forth. Mr. Simms stated there are lots on Anderson Avenue that residents would like to place a mobile home on the property, but the zoning won't allow for a special use permit. There are 16 mobile homes adjacent to that street and he would like an explanation. Chair, Royal Oak District Supervisor, Judy Wyant explained this was an agenda item and will be discussed as the committee meeting minutes are read.

 2/27/2020 7:17 PM – Chair, Royal Oak District Supervisor, Judy Wyant closed citizens time.

 2/27/2020 7:17 PM – Assistant County Administrator, Lisa Richardson, explained there was a representative from VEC to request the use of office space but she hasn't arrived. This item will be revisited once the attendees have arrived.

 2/27/2020 7:17 PM – Saltville District Supervisor, Roscoe D. Call brought for the Ordinance Committee recommendations. North Fork District Supervisor, Phil Stevenson asked if Mr. Call remembers another situation similar situation with Buddy Call in McCready. Mr. Call stated that

was within the corporate limits of the Town of Saltville. This item will be revisited once Clegg Williams is present.

Saltville District Supervisor, Roscoe D. Call, brought for the Ordinance Committee recommendation to take the future land use map to the full board for adoption.

After consideration, the motion PASSED by the following vote:


AYES:	Saltville District- Roscoe D. Call Atkins District- Charles Atkins Park District- Kris Ratliff North Fork District- Phil Stevenson Chilhowie District- Wade H. Blevins, Jr. Rye Valley District- Lori Deel Royal Oak District- Judy Wyant
NAYES:	None.
ABSENT:	None.

Mr. Clegg Williams gave a brief overview for Mr. Simms and clarified that single wide trailers are not permitted within the current zoning. The options that were available would change all areas zoned within the County and after reaching out to the Town of Marion and they do not allow single wides in a residentially zoned area either. Discussion continued.


Chair, Royal Oak District Supervisor, Judy Wyant stated it was the Ordinance Committee recommendation to leave the ordinance as-is and not make any changes. In doing this, it does not grant the special use permit to Mr. Simms.

After consideration, the motion PASSED by the following vote:

AYES:	Saltville District- Roscoe D. Call Atkins District- Charles Atkins Park District- Kris Ratliff Rye Valley District- Lori Deel Royal Oak District- Judy Wyant
NAYES:	Chilhowie District- Wade H. Blevins, Jr. North Fork District- Phil Stevenson
ABSENT:	None.

 2/27/2020 7:29 PM – Christy Lowe Manager in Wytheville and Lisa Reedy, came to speak to the Board regarding the request for temporary use of additional office space use. Ms. Lowe stated the Wytheville VEC has been looking for additional office space for some time due to the conditions of the current site. In their research for this move, some of their spaces utilized won't house the entirety of the staff. In discussions with Assistant County Administrator, Lisa Richardson, Ms. Lowe requested the use of additional space on the 4th floor as well as being open additional hours with the staff that will be present. Mrs. Richardson noted the map in the packet and explained room 432, 433 are available as well as 427-429 are options as well. Rye Valley District Supervisor, Lori Deel, made a motion to modify the existing MOU to add the additional space for a period of nine months

with a continued in kind contribution. Atkins District Supervisor, Charles Atkins, seconded the motion.

 2/27/2020 7:44 PM – Interim County Administrator, Aaron Sizemore, spoke regarding a potential modification on the Tobacco Revitalization Opportunity Fund (TROF) performance agreement for Scholle IPN. Mr. Sizemore noted the company has already met approximately 80% of their performance goals and discussions are being held with the Tobacco Commission regarding the potentially early release of those funds. The documents will be made available for this modification at the next Board of Supervisors meeting.

 2/27/2020 7:45 PM – Atkins District Supervisor, Charles Atkins brought forward the following recommendations from the Budget Committee:

Item #1: It is the Committee's recommendation to approve the budget amendment request as shown below for CSA in the amount of \$600,000.00. This will increase the current FY2019-2020 budget from \$89,774,539.00 to \$90,374,539.00.

Expense:

001-083040-5701 (CSA Pool Funds)	\$600,000.00
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Revenue:

001-022500-0001 (CSA Pool Funds)	\$459,840.00
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001-022500-0005 (CSA Use of Fund Balance)	\$140,160.00
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After consideration, the motion PASSED by the following vote:

AYES:

Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant

NAYES:

None.

ABSENT:

None.

Item #2: It is the Committee's recommendation to approve the budget transfer request of \$10,000.00 for Animal Control as shown below.

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
035010-5102 (Propane Service)	035010-3002 (Prof. Services Vet)	\$10,000.00

After consideration, the motion PASSED by the following vote:

AYES:

Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel

NAYES: Royal Oak District- Judy Wyant
ABSENT: None.

Item #3: It is the Committee's recommendation to approve the budget transfer request of \$10,000.00 for the Commonwealth Attorney's Office as shown below.

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
022010-1001 (Salaries & Wages)	022010-5308 (Office Supplies)	\$10,000.00

After consideration, the motion PASSED by the following vote:

AYES: Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant
NAYES: None.
ABSENT: None.

Item #4: It is the Committee's recommendation to approve the budget transfer request of \$4,169.00 for the Sheriff's Office as shown below.

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
021070-1001 (Salaries & Wages)	021070-5408 (Vehicle & Power Eq.)	\$4,169.00

After consideration, the motion PASSED by the following vote:

AYES: Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant
NAYES: None.
ABSENT: None.

Item #5: It is the Committee's recommendation to enter into an hourly contract with Scot Farthing and Graham Law. North Fork District Supervisor, Phil Stevenson, questioned the need for two attorneys. Atkins District Supervisor, Charles Atkins, clarified stating Graham Law would be utilized for deeds and legal documents, etc.

After consideration, the motion PASSED by the following vote:


AYES: Saltville District- Roscoe D. Call

Atkins District- Charles Atkins
Park District- Kris Ratliff
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant
NAYES: North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
ABSENT: None.

Item #6: It is the Committee's recommendation to advertise for a full-time County Attorney until March 31, 2020.


After consideration, the motion PASSED by the following vote:

AYES: Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant
NAYES: None.
ABSENT: None.

 2/27/2020 7:53 PM – Atkins District Supervisor, Charles Atkins, made a motion to enter into closed session under Code of Virginia, Section 2.2-3711 – A.1; Personnel Matters; Discussion, consideration, or interviews of prospective candidates for employment and contracts, and also for discussion and review of Administrative staff. Park District Supervisor, Kris Ratliff, seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant
NAYES: None.
ABSENT: None.

 2/27/2020 9:13 PM – Motion was made by Atkins District Supervisor, Charles Atkins and seconded by Park District Supervisor, Kris Ratliff, to adopt the following resolution certifying the business conducted in closed session as follows:

RESOLUTION

CERTIFICATION OF CLOSED SESSION

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

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

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

After consideration, the motion PASSED by the following vote:

AYES:


Saltville District- Roscoe D. Call
Atkins District- Charles Atkins
Park District- Kris Ratliff
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant

NAYES:

None.

ABSENT:

North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.

 2/27/2020 9:14 PM – Atkins District representative, Charles Atkins, made a motion to direct the Interim County Administrator to terminate the employment of Administrative Assistant, Kelly Woods as an at-will employee of the County. Park District Supervisor, Kris Ratliff, seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES:

Atkins District- Charles Atkins
Park District- Kris Ratliff
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant

NAYES:

Saltville District- Roscoe D. Call

ABSENT:

North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.


 2/27/2020 9:15 PM – Chair, Royal Oak District Supervisor, Judy Wyant opened Supervisor comment time.

Saltville District Supervisor, Roscoe D. Call had no comment.

Royal Oak District Supervisor, Judy Wyant, thanked everyone for attending and for their patience.

Rye Valley District Supervisor, Lori Deel, thank everyone for attending as well and offered safe travels home.

Atkins District Supervisor, Charles Atkins, also expressed his gratitude for attendance and patience. Park District Supervisor, Kris Ratliff, echoed the thankful sentiments.

 2/27/2020 9:17 PM – With no further business to discuss, Rye Valley District Supervisor, Lori Deel, made a motion to adjourn. Atkins District Supervisor, Charles Atkins, seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES:

Atkins District- Charles Atkins
Park District- Kris Ratliff
Rye Valley District- Lori Deel
Royal Oak District- Judy Wyant

NAYES:

None.

ABSENT:

North Fork District- Phil Stevenson
Chilhowie District- Wade H. Blevins, Jr.
Saltville District- Roscoe D. Call

A meeting of the Smyth County Personnel Committee was held at the County Office Building on Thursday, February 20, 2020 at 4:00 pm.

Committee Members Present: Royal Oak District Supervisor, Judy Wyant, Chairperson
Atkins District Supervisor, Charles Atkins

Absent: Park District Supervisor, Mr. Kris Ratliff

Staff Members: Aaron Sizemore, Interim County Administrator

Chairman, Ms. Judy Wyant called the meeting to order at 4:15 P.M.

A motion was made by Atkins District Supervisor Charles Atkins to go into closed session under Code of Virginia 2.2-3711 **A.1; Personnel Matters**; Discussion, consideration, or interviews of prospective candidates for employment and contract; promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. Royal Oak District Supervisor Judy Wyant seconded the motion. All agreed unanimously.

It was moved by Atkins District Supervisor Charles Atkins, seconded by Royal Oak District Supervisor Judy Wyant to adopt the following resolution certifying the business conducted in closed session as follows. All agreed unanimously.

RESOLUTION

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Smyth County personnel Committee has convened a closed session meeting on February 20, 2020, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

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

With nothing further to discuss, Atkins District Supervisor Charles Atkins adjourned the meeting.

PERFORMANCE AGREEMENT

This Performance Agreement (this "Agreement") is made and entered into this 12th day of February, 2019, by and among the TOBACCO REGION REVITALIZATION COMMISSION, a body corporate and political subdivision of the Commonwealth of Virginia (the "Commission"), the SMYTH COUNTY BOARD OF SUPERVISORS (the "Grantee"), a political subdivision of the Commonwealth, and SCHOLLE IPN PACKAGING, INC., a Nevada corporation (the "Company") whose Federal Employer Identification Number is 02-0751751.

WITNESSETH:

WHEREAS, the Grantee has been selected to receive a grant in the amount of \$195,000 (the "Grant") from the Commission for the Grantee's use in inducing the Company to construct or locate taxable assets and employ persons in Smyth County (the "Locality"); and

WHEREAS, the Grantee has indicated its desire to tender the Grant to the Company for its use and benefit, provided that the Company commits to the achievement of certain goals relating to employment and the construction or location of taxable assets in compliance with the terms hereof; and

WHEREAS, the Commission, the Grantee and the Company desire to set forth their understanding and agreement as to the use of the Grant, the obligations of each party hereto, the conditions under which the Grant must be repaid, and the obligations of each party hereto in the Event of Default (as defined herein); and

WHEREAS, the Commission has determined that the approval and funding of the Grant constitutes a valid public purpose for the expenditure of public funds and is consistent with and in furtherance of the Commission's public purposes as outlined in Section 3.2-3100, *et. seq.* of the *Code of Virginia* of 1950, as amended;

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises, and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby represent, warrant, covenant, and agree as follows:

Section 1. Disbursement of the Grant

After receipt by the Commission of this Agreement fully executed by all parties hereto, and provided that the Grantee is not in default on its obligations to the Commission as of the date first written above, the Commission shall disburse the Grant to the Grantee on one of the following schedules to be selected by the Grantee:

Schedule 1 – In Arrears. Not more than two (2) installments as requested by the Grantee in writing at such times as the Grantee may elect, subject to the reasonable approval of the Commission. The amount of each disbursement shall be limited to that portion of the Grant which has been earned by the Company based upon information described in Section 5 or 6 of this Agreement, as applicable, when the same is delivered to and approved by the Commission in its sole discretion.

Schedule 2 – In Advance. As requested by the Grantee in writing at such times as the Grantee may elect, subject to the reasonable approval of the Commission. The amount of the disbursement shall **not** be limited to that portion of the Grant which has been earned by the Company; however, the disbursement shall only be made within 120 days after the latest signature on this Agreement and after the Grantee Certification attached hereto as **Exhibit B** has been completed by the Grantee and delivered to and approved by the Commission in its sole discretion.

Fifty percent (50%) of the Grant is allocated for the Company's taxable asset obligation set forth in Section 4 of this Agreement and fifty percent (50%) of the Grant is allocated for the Company's employment obligation set forth in Section 3 of this Agreement. Unless otherwise agreed to in writing by all parties to this Agreement, Grantee shall disburse all Grant proceeds to the Company or for the Company's benefit within 30 days of receipt of Grant proceeds from the Commission or return the undisbursed proceeds to the Commission.

Section 2. Grant Restrictions and Conditions

Under this Agreement, the Commission places no restriction on the use of the Grant proceeds by the Company, and imposes no conditions beyond those described herein. Should any such restrictions or conditions be imposed by the Grantee, the same shall be described in **Exhibit A**, which shall be attached hereto and made a part hereof, but which shall be binding upon the Company only if signed thereon by an authorized representative of the Company. The Grantee shall be responsible for enforcement of any restrictions or conditions described in said **Exhibit A**.

Section 3. Employment Obligation

The Company shall employ* at least 42 persons in the Locality with a quarterly aggregate payroll of at least \$421,260. Said employment and payroll will be in addition to those already employed in the Locality by the Company and paid during the calendar quarter ending on *September 30, 2018*, hereinafter called the "Base Quarter." Persons employed by the Company in the Locality shall be counted as employed hereunder only to the extent that they (a) exceed the aggregate number of employees at all Company locations within the Commonwealth of Virginia during the Base Quarter, and (b) are not counted as fulfillment of any other employment obligation made to the Commission by the Company under any other agreement.

Section 4. Obligations Regarding Taxable Assets

The Company shall locate or construct taxable assets in the Locality having an assessed value of at least \$10,290,000, as determined by the Locality's Commissioner of Revenue ("COR"). If the Locality elects to arrange for reimbursement to the Company of all, or any portion of, the tax paid by the Company on said taxable assets, or elects to waive all or any portion of such tax liability, the Company's aforementioned obligation to locate or construct taxable assets in the Locality shall not be waived or reduced. The Company shall receive credit for the value of all taxable assets so determined by the COR, notwithstanding the local taxing authority's election to waive or refund the taxes so levied. Said taxable assets will be in addition to those counted in fulfillment of any other taxable asset or capital investment obligation made to the

**For purposes of this Agreement the number of persons "employed" means the number of persons who received pay in any given quarter and is calculated by adding together the number of persons who received pay in each month of the quarter and dividing that sum by three (3).*

Commission by the Company under any other agreement. If the Company is exempt from the payment of property taxes on certain assets by state law, the Company shall not be entitled to receive or keep any portion of the Grant allocated to its investment in those certain assets.

The Grantee shall, upon receipt of tax revenue from the Company, calculate and return to the Commission a portion of tax revenue as described in Exhibit C.

Section 5. Determination of Performance - Employment

In order to earn the Grant, the Company must meet its employment obligations hereunder not later than thirty-six (36) months after the end of the Base Quarter. The Company's employment obligations will be deemed to have been fully met when it can document any three (3) consecutive calendar quarters after the Base Quarter in which:

- (i) the average number of employees who received pay from the Company during each of those three (3) consecutive quarters* exceeds the average number of employees who received pay in the Base Quarter by at least the number promised in Section 3 above, AND
- (ii) the total wages paid by the Company to employees in each of those three quarters exceed the wages paid by the Company to employees in the Base Quarter by at least the amount promised in Section 3 above, AND
- (iii) all such employees worked in the Locality, AND
- (iv) all Company employees in Virginia have been reported to the Virginia Employment Commission ("VEC") in accordance with VEC regulations. The Company's failure to satisfy such requirements shall be a breach hereof, and shall constitute an Event of Default hereunder by the Company. Employment gains by the Company in the Locality that are offset by employment losses elsewhere in Virginia shall not be counted as employment hereunder.

All determinations of performance made under this Section 5 shall be based upon reports made by, or on behalf of, the Company to the VEC including but not limited to *VEC Form FC-20 Employer's Quarterly Tax Report* and *O.M.B. Form No 1220-0134 Multiple Worksite Report – BLS 3020* (or any successor forms designated by VEC, or accepted by VEC in lieu thereof). If such tax filings include Company employees who did not work in the Locality, it shall be the duty of the Company to provide additional information sufficient to identify those employees who did work in the Locality. Employees of control affiliates (*e.g.*, subsidiary companies, parent companies, entities under common ownership or control) or employees of independent contractors hired by the Company shall not be counted as employees of the Company in fulfillment of its promise hereunder UNLESS such entities and their relationship to the Company are disclosed to and approved by the Commission in writing, AND such entities supply the Commission with the same employment documentation as described herein. Employees of temporary employment agencies ("temps") who are assigned to work for the Company in the Locality shall not be counted UNLESS evidenced by letter from the temporary employment agency setting forth the number of man-hours so assigned during the Base Quarter and the 36 months immediately following the Base Quarter. Such man hours shall be credited to the Company's job-creation obligation at the rate of one job for one quarter for every 520 man hours evidenced by such letter.

*The number of persons who received pay in any given quarter is calculated by adding together the number of persons who received pay in each month of the quarter and dividing that sum by three (3).

Section 6. Determination of Performance – Taxable Assets

In order to earn the Grant, the Company must meet its taxable asset obligations hereunder not later than thirty-six (36) months after the Base Quarter. Company assets located, constructed, or leased in the Locality prior to the Base Year will not be counted in fulfillment of the Company's taxable asset obligation. For purposes of this Agreement, the calendar year that includes the Base Quarter shall be called the "Base Year."

Leased assets not on record with the COR in the name of the Company will be counted in fulfillment of the Company's taxable asset obligation only if a copy of the lease is submitted to the Commission indicating that the asset(s) under lease meet the other requirements listed above and were not leased from the Locality or its control affiliates at a substantial discount from market rates.

The Company's achievement toward meeting its taxable asset obligation shall be based on asset values assessed by the COR for the Locality and shall be the sum of the following:

- a. the highest real property assessed value of record for any one of the three years, less and except the assessed value prior to the Base Year, PLUS
- b. the first personal property assessed value for each asset first appearing of record during the three calendar years following to the Base Year.

The Commission shall rely upon the information described above as the same is reported to the Commission by the COR in writing, without exception.

Taxable assets owned by subsidiary companies, related entities, or entities under common ownership or control shall not be counted as taxable assets of the Company in fulfillment of its taxable asset obligation hereunder UNLESS such entities and their relationships to the Company are disclosed to and approved by the Commission in writing, AND such entities supply the Commission with the same taxable assets documentation as described herein.

Section 7. Verification of Performance

The Company hereby expressly grants its consent for (a) the COR for the Locality to release to the Tobacco Commission or the Grantee records necessary to disclose the information required in this Section, and (b) the Virginia Employment Commission to release to the Tobacco Commission all Company employment records of any kind held by the Virginia Employment Commission.

If any of the taxable assets described in Section 4 have been acquired or improved on behalf of the Company by a lessor, the Company shall be responsible for gathering and reporting to the Commission information regarding the taxable assets acquired or improved by the lessor on behalf of the Company.

Section 8. Events of Default

If any of the following should occur within the thirty-six (36) month period after the end of the Base Quarter, it shall constitute an "Event of Default" and the Commission may, at its election, accelerate the

Company's obligation to repay the portion of the Grant that has not been earned as of the date of the Event of Default:

- a. The Company applies for or consents to the appointment of a receiver, trustee or liquidator of all or a substantial part of its assets, files a voluntary petition of bankruptcy, makes a general assignment for the benefit of creditors, files a petition or an answer seeking reorganization or arrangement with creditors, or if an order, judgment or decree shall be entered by any court of competent jurisdiction, on the application of a creditor, adjudicating the Company as bankrupt or insolvent or approving a petition seeking reorganization of the Company or appointing a receiver, trustee or liquidator of the Company or of all or a substantial part of its assets which remains undismissed, undischarged or unstayed for a period of forty-five (45) days;
- b. The Company ceases to be of record and in good standing with the Virginia State Corporation Commission, and such failure is not cured within sixty (60) days from notice thereof, unless Company obligations hereunder have been assumed by another entity and that assumption was approved by the Commission and the Grantee;
- c. The Company fails, for reasons other than an Event of Force Majeure (as defined herein), to fulfill at least twenty-five percent (25%) of either its employment obligation described in Section 3 above or its taxable asset obligation described in Section 4 above within eighteen (18) months after the end of the Base Quarter;
- d. The Company's employment level is less than 75% of that found in the Base Quarter in more than 2 calendar quarters following the Base Quarter;
- e. The Company fails to provide verification to the Commission as described in Section 7, within sixty (60) days from a written request from the Commission; or
- f. The Company closes its business in the Locality for a period of more than thirty (30) days during the thirty-six (36) months following the Base Quarter.

Section 9. Repayment Obligation

In the event that the Company does not meet its obligations hereunder within thirty-six (36) months after the end of the Base Quarter, or an Event of Default occurs, the Company shall repay to the Grantee the unearned portion of the Grant that has been received by the Company, which is calculated as follows:

- a. A minimum increase in taxable assets is required before **any** portion of the Grant is earned by the Company, hereinafter called the Minimum Investment Requirement. The Minimum Investment Requirement is (a) \$1.0 million if the taxable asset obligation described in Section 4 hereof is higher than \$1.0 million **or** (b) one-half of the taxable asset obligation described in Section 4 hereof when listed as lower than \$1.0 million.
- b. Subject to the terms of Section 9.d. below, after exceeding the Minimum Investment Requirement, the fraction of the Grant allocated to employment that is earned by the Company is determined by dividing the average number of employees receiving pay during the three consecutive quarters as determined in Section 5 above with the highest employee count by the number of jobs promised in Section 3.

- c. The method of computation set forth in Paragraph 9.b. above will be used only if the quarterly aggregate payroll for the three consecutive quarters described in Section 5 equals or exceeds that promised in Section 3. If that quarterly aggregate payroll is less than that promised in Section 3, the number of qualifying employees shall be reduced in proportion to the shortfall in quarterly aggregate payroll and the reduced number of employees shall be used to determine whether Company has satisfied its employment obligation hereunder.
- d. After exceeding the Minimum Investment Requirement, the fraction of the Grant allocated to taxable assets that is earned by the Company is determined by dividing the greatest value of assets attested to by the COR under Sections 6 and 7 above by the taxable assets promised in Section 4.
- e. All unearned portions of the Grant shall be repaid by the Company to the Grantee not later than thirty (30) days after the date on which the Company is notified of the unearned amount. The Grantee agrees to remit the same to the Commission. Any refund owed by the Company to the Grantee hereunder shall immediately constitute an obligation of the Grantee to repay the Commission and such Grantee's obligation shall **not** be contingent upon successful collection of any amount from the Company. **The Grantee shall be liable for repayment to the Commission that portion of the Grant determined by the Commission to be due under the terms of this Section and hereby agrees to make such repayment without regard to whether Grantee has received repayment from the Company as further certified on Exhibit B attached hereto.**
- f. Interest shall accrue on unpaid balances at the rate of three percent (3%) per annum beginning on the 31st day after the Company is notified of the amount due.
- g. Monies due to the Locality pursuant to this Agreement, if any, shall be considered to be owed to the Treasurer for the Locality and subject to the Treasurer's statutory powers provided for in the Code of Virginia.
- h. If the Company does not meet its employment obligations or taxable asset obligations hereunder by the date which is thirty-six (36) months after the end of the Base Quarter because of an Event of Force Majeure (as defined herein), the date by which a requirement to meet such commitments shall be extended day-for-day for a period equal to the time elapsed during the Event of Force Majeure. "Event of Force Majeure" means any of the following: acts of God, strikes, lockouts, crime, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, tornadoes, storms, floods, washouts, draughts, or explosions.
- i. In the event the Commission is required to take legal action under this Agreement, the Grantee and the Company, jointly and severally, shall be liable for all of the Commission's costs expended for the administration and enforcement of this Agreement, including but not limited to reasonable attorney's fees and court costs.

Section 10. Acknowledgment and Notice

The Company and the Grantee each acknowledge and agree to its respective repayment obligation in accordance with this Agreement. Any notices required or permitted under this Agreement shall be given in writing, and shall be deemed to be received upon receipt or refusal after mailing of the same in the United States Mail by certified mail, postage fully pre-paid or by overnight courier (refusal shall mean return of certified mail, undelivered) and addressed as follows:

if to the Company, to:

NAME: SCHOLLE IPN PACKAGING, INC.
ADDRESS: 50 Deer Valley Road
Chilhowie, VA 24319
Attention: Ricardo Bernardo, Plant Manager

if to the Grantee, to:

NAME: SMYTH COUNTY BOARD OF SUPERVISORS
ADDRESS: 121 Bagley Circle, Suite 100
Marion, VA 24354
Attention: Michael Carter, County Administrator

if to the Commission, to:

NAME: TOBACCO REGION REVITALIZATION COMMISSION
ADDRESS: 701 East Franklin Street, Suite 501
Richmond, VA 23219
Attention: Evan Feinman, Executive Director

This Agreement constitutes the entire agreement between the parties hereto and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Company may not assign its rights or obligations under this Agreement without the prior written consent of the Grantee and the Commission; provided that the Company shall have the right, without the consent of the Grantee or the Commission, to assign its rights (not its obligations) under this Agreement to any entity that controls, is controlled by, or is under common control with, the Company.

This Agreement is made, and intended to be performed, in the Commonwealth and shall be construed and enforced by the laws of that state. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of the Locality and such litigation shall be brought only in such court.

This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument. If any provision of this Agreement is determined to be unenforceable, then the remaining provisions of this Agreement shall, in the sole discretion of the

Commission, be voidable by the Commission or interpreted as in effect as if such unenforceable provisions were not included therein.


The Company hereby warrants that from the date of this Agreement until all obligations hereunder have been satisfied that it is, and will remain, registered and in good standing with the Virginia State Corporation Commission and that the Company is, and will remain, legally authorized to conduct business in the Commonwealth of Virginia.

The provisions of this Agreement are intended to and shall survive closing, the delivery of any deed or other instrument, and any other event. If this Agreement has not been executed by all parties hereto and returned to the Commission within 90 days from the date hereof, the Grantee's and the Company's rights to the Grant Proceeds shall automatically terminate.

[Remainder of this page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to become effective as of the date first written above.

TOBACCO REGION REVITALIZATION
COMMISSION

By: 
Evan Feinman, Executive Director

Date: 4-30-19

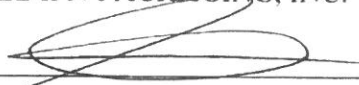
SMYTH COUNTY BOARD OF SUPERVISORS

By: 

Title: Chairman

Date: 4-18-19

SCHOLLE IPN PACKAGING, INC.

By: 

Title: PLANT MANAGER

Date: 04/18/2019

Grant Restrictions

Grantee Certification

The SMYTH COUNTY BOARD OF SUPERVISORS (the "Grantee"), a political subdivision of the Commonwealth, hereby certifies that (a) it unconditionally guarantees the Company's performance under and pursuant to the Performance Agreement (this "Agreement") dated as of February 12, 2019, by and among the TOBACCO REGION REVITALIZATION COMMISSION, a body corporate and political subdivision of the Commonwealth of Virginia (the "Commission"), the Grantee, and SCHOLLE IPN PACKAGING, INC., a Nevada corporation (the "Company"), and (b) it holds collateral security from the Company sufficient to provide a secondary source of repayment in the event that the Company cannot or will not repay the unearned portion of the Grant (as defined in the Agreement) to the Commission. Such collateral security is described as follows:

The Grantee hereby acknowledges that the sufficiency of the collateral security for the Grant is the sole responsibility of the Grantee.

SMYTH COUNTY BOARD OF SUPERVISORS

By: _____

Title: _____

Date: _____

Revenue Sharing Addendum

The SMYTH COUNTY BOARD OF SUPERVISORS (the "Grantee"), a political subdivision of the Commonwealth, hereby guarantees to pay the TOBACCO REGION REVITALIZATION COMMISSION, a body corporate and political subdivision of the Commonwealth of Virginia (the "Commission"), an amount equal to 5% of annual net new taxes collected by the Grant described in the Performance Agreement (this "Agreement") dated as of February 12, 2019 by and among the, the Grantee, the Commission, and SCHOLLE IPN PACKAGING, INC., a Nevada corporation (the "Company"). The total amount of Local tax revenue provided to the Commission shall not exceed 105% of the Grant amount.

"Local tax revenue" means the amount of taxes assessed by the Grantee to the Company under Title 58.1, Subtitle II of the *Code of Virginia*, including, but not limited to, real property taxes, business and occupational license taxes, machinery and tools taxes, and tangible personal property taxes.

"Generated by the Grant" means local taxes assessed on taxable property (personal and real) and activities built and/or generated by the Company in performance of its obligations in Section 3 and Section 4 of the Agreement. For new Companies, this shall be determined to be all applicable taxes generated by the Company. For expansions of existing Companies, this shall be all additional taxes above the tax year prior to the base year of this grant.

The amount of payment shall be calculated based on annual assessments ("the Assessment") as issued to the Company by the Commissioner of the Revenue for the <locality>. Subsequent appeals or revised assessments shall be taken into consideration solely at the discretion of the Commission.

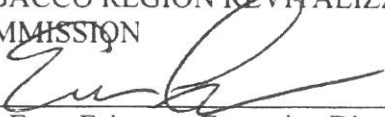
The payment obligation of Grantee under this Addendum is contingent upon receipt of tax payments by the Company.

The first payment is due and shall be made to the Commission within thirty (30) days of the due date found on the Company's tax assessment after the agreements are signed. Extensions to this date may be made at the sole discretion of the Commission.

In the event of a repayment obligation pursuant to Section 9 of the Agreement, any payments by Grantee to the Commission under this Addendum shall be credited to the Grantee.

The Company hereby expressly grants its consent for the Commissioner of the Revenue for SMYTH COUNTY to release to the Commission records of all local tax assessments made to the Company for all tax periods including and beginning after February 12, 2019.

TOBACCO REGION REVITALIZATION
COMMISSION

By: 
Evan Feinman, Executive Director

Date: 4-30-19


SMYTH COUNTY BOARD OF SUPERVISORS

By: 

Title: Chairman

Date: 4-18-19

SCHOLLE IPN PACKAGING, INC.

By: 

Title: PLANT MANAGER

Date: 04/18/2019



Smyth County Planning Commission

121 Bagley Circle, Suite 120, Marion, VA 24354
Phone (276) 706-8316 Fax (276) 783-9314

Hazel Wagoner, Atkins District
Graham Davidson Jr., Chilhowie District
Robert Campbell, North Fork District
Joel Pugh, Park District
Tony Dean, Royal Oak District
Paul Shepherd, Rye Valley District
David Spence, Saltville District
Clegg Williams, Zoning Administrator
Sarah Parris, Administrative Assistant

To: Aaron Sizemore
From: Clegg Williams *CW*
Date: March 3, 2020
Subject: Recommendations from Planning Commission

At the joint public hearing on Thursday, February 27, 2020, the following motion was rendered:

Recommendation on the request of William "Billy" Lawson – Lawson and Livestock, LLC – Special Use Permit:

Commissioner David Spence made a motion to recommend approval of Mr. Lawson's Special Use Permit request for an event center. Commissioner Tony Dean seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES: Pugh, Spence, Wagoner, Shepherd, Davidson, Jr., Dean
NAYS: None.
ABSTAINERS: None.
ABSENT: Campbell

Note from Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.

SMYTH COUNTY PLANNING COMMISSION

Thursday, February 27, 2020

The Smyth County Planning Commission met in their regular meeting on Thursday, February 27, 2020, at 6:00 P.M. in the Smyth County Office Building.

Commissioners Present: Joel Pugh, Chairman, Park District, Graham Davidson, Jr., Vice-Chairman Chilhowie District, Hazel Wagoner, Atkins District, Tony Dean, Royal Oak District, Paul Shepherd, Rye Valley District, David Spence, Saltville District.

Commissioners Absent: Robert Campbell, North Fork District

Staff Present: Clegg Williams, and Sarah Parris

At approximately 6:15 p.m. Mr. Pugh called the meeting to order.

Adoption of Agenda: Mr. Pugh opened the floor for motions to approve the agenda as presented. Ms. Wagoner made a motion which was seconded by Mr. Spence and unanimously passed.

Election of Officers:

Mr. Dean made a motion to nominate Clegg Williams as the Temporary Chairman and was seconded by Ms. Wagoner and unanimously carried.

Chairman: Mr. Williams then opened the floor for nominations of Chairman for calendar year 2020. Mr. Davidson, Jr. nominated Mr. Pugh for Chairman; it was seconded by Mr. Spence. With no other nominations, Mr. Pugh was elected to serve as Chairman for 2020, with the following vote recorded.

Vote: 5 yeas	Dean, Davidson, Jr., Spence, Wagoner, Shepherd
1 abstain	Pugh
1 absent	Campbell

Vice Chairman: Mr. Pugh opened the floor for nominations of Vice-Chairman for calendar year 2020. Mr. Spence nominated Mr. Davidson, Jr. for Vice Chairman; it was seconded by Mr. Dean. With no other nominations, Mr. Davidson, Jr. was elected to serve as Vice Chairman for 2020, with the following vote recorded.

Vote: 5 yeas	Dean, Pugh, Spence, Wagoner, Shepherd
1 abstain	Davidson, Jr.
1 absent	Campbell

Secretary: Mr. Pugh opened the floor for nominations of Secretary for calendar year 2020. Mr. Davidson, Jr. nominated Ms. Wagoner; it was seconded by Mr. Spence. With no other nominations, Ms. Wagoner was elected to serve as Secretary for 2020, with the following vote recorded.

Vote: 5 yeas	Davidson, Jr., Pugh, Spence, Shepherd, Dean
1 abstain	Wagoner
1 absent	Campbell

Clerk: Mr. Pugh opened the floor for nomination of Clerk for calendar year 2020. Mr. Spence nominated Sarah Parris; it was seconded by Mr. Davidson, Jr. With no other nominations, Ms. Parris was elected to serve as Clerk for 2020. The following vote was recorded.

Vote: 6 yeas	Spence, Wagoner, Shepherd, Davidson, Jr., Dean, Pugh
0 nays	
1 absent	Campbell

Set Calendar for 2020: Mr. Spence made the motion to set the meetings for the fourth Thursday at 6:00 or 6:30 p.m. with the exception of November and December due to Thanksgiving and Christmas Eve holiday. November's meeting is set tentatively for Thursday, November 19th and December's meeting is set tentatively for Thursday, December 17th. Mr. Dean seconded the motion and the following vote was recorded.

Vote: 6 yeas	Spence, Wagoner, Shepherd, Davidson, Jr., Dean, Pugh
0 nays	
1 absent	Campbell

Minutes: Mr. Spence made a motion to approve the minutes of the Thursday, December 26, 2019, meeting. Ms. Wagoner seconded the motion and the following vote was recorded.

Vote: 6 yeas	Spence, Wagoner, Shepherd, Davidson, Jr., Dean, Pugh
0 nays	
1 absent	Campbell

Adopt Operating Procedures: Mr. Spence made a motion to adopt the operating procedures as presented. Mr. Dean seconded the motion and the following vote was recorded.

Vote: 6 yeas	Spence, Wagoner, Shepherd, Davidson, Jr., Dean, Pugh
0 nays	
1 absent	Campbell

Adopt Annual Report for 2019: Mr. Spence made a motion to adopt the annual report as presented. Mr. Dean seconded the motion and the following vote was recorded.

Vote: 6 yeas	Spence, Wagoner, Shepherd, Davidson, Jr., Dean, Pugh
0 nays	
1 absent	Campbell

Citizens' Time: No citizens were present.

Other Business: Mr. Williams gave an update on the Ordinance Committee. Mr. Pugh recommended Tony Dean, David Spence, and Graham Davidson, Jr. serve on the Ordinance Committee.

Questions/Comments for the Commissioners: None

Recess: At approximately 6:29 p.m. Mr. Spence made the motion to recess the Planning Commission's meeting until their 7:00 p.m. joint public hearing with the Board of Supervisors and was seconded by Mr. Davidson, Jr.

JOINT PUBLIC HEARING WITH BOARD OF SUPERVISORS

Board Members Present: Judy Wyant, Chairman; Royal Oak District, Lori Deel, Vice-Chairman, Rye Valley District, Kris Ratliff, Park District, Roscoe Call, Saltville District, Charlie Atkins, Atkins District, Phil Stevenson, North Fork District, Wade Blevins, Chilhowie District

Commissioners Present: Joel Pugh, Chairman, Park District, Graham Davidson, Jr, Vice-Chairman, Chilhowie District, Hazel Wagoner, Atkins District, Tony Dean, Royal Oak District, Paul Shepherd, Rye Valley District, David Spence, Saltville District.

Commissioners Absent: Robert Campbell, North Fork District

Staff Present: Aaron Sizemore, Interim County Administrator; Lisa Richardson, Assistant County Administrator, Clegg Williams, Zoning Administrator; Sarah Parris, and Kelly Woods, Administrative Assistants. Approximately 4 citizens were present.

At 7:00 p.m. Judy Wyant, Chairman of the Board of Supervisors, and Joel Pugh, Chairman of the Planning Commission, called the joint public hearing to order. Ms. Wyant read the advertisement as placed in the Smyth County News and Messenger.

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

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, February 27, 2020, at 7:00 P.M. or as soon after 7:00 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application(s) to the Zoning Ordinance of Smyth County, Virginia:

An application from William "Billy" Lawson – Lawson Land & Livestock LLC for a Special Use Permit for an Event Center. The property is located at 1114 Valley Road, Saltville Virginia, identified as Tax Map Numbers. 41-2-3; 41-2-4; 41-2-5; 41-2-6; 41-2-7 and zoned Agricultural/Rural.

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

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

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

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

Aaron Sizemore, Interim County Administrator
Joel Pugh, Chairman of the Planning Commission

William "Billy" Lawson – Lawson Land and Livestock, LLC

Special Use Permit for an Event Center:

Mr. Williams explained Billy Lawson – Lawson Land and Livestock, LLC owns several tracts of land on Valley Road. He is interested in establishing an event center on the property and as required by our ordinance has applied for a special use permit. The

property is located near 1114 Valley Road, it is identified by tax map #'s 41-2-3; 41-2-4; 41-2-5; 41-2-6; 41-2-7 and zoned Agricultural/Rural. Notification was sent to all of the adjoining property owners and an affidavit to that affect is on file. Mr. Williams stated he did not receive any questions regarding the application, but did hear from VDOT and the Smyth County Health Department. Mr. Williams highlighted Section 3-2.2 (rr) which allows event centers in the agricultural/rural district by issuance of a special use permit and Article 6 which contains the provisions for Special Use Permits and noted the 2013 Comprehensive Plan identifies this property as Rural Residential on the Future Land Use Map.

Mr. Lawson proposed a 180-year old home on property to use for events and wants to generate revenue for up keep on the home. He plans to use the property for a wedding venue by using the two barns and home. He has been working with the Smyth County Health Department and VDOT on preliminary plans.

Mr. Ratliff questioned Mr. Lawson on overnight stays. Mr. Lawson stated that it had not been discussed at this point. Mr. Stevenson asked Mr. Williams to define the zoning requirements. Mr. Williams defined the definition of an event center and stated the home is a single-family dwelling and is approved with zoning as long as it is cleared with the Health Department. Mr. Lawson stated the home will be used by the wedding party. Mr. Ratliff stated he was not opposed to overnight guest, he was just getting clarification.

Citizens: No citizens spoke regarding Mr. Lawson's request.

Adjoin Public Hearing: Chairman Judy Wyant and Chairman Joel Pugh closed the joint public hearing at approximately 7:09 p.m.

Reconvene Planning Commission: Chairman Pugh reconvened the Commission at approximately 7:10 p.m. and opened the floor to Commissioners for comments or questions.

Recommendation on the request of William "Billy" Lawson – Special Use Permit: Commissioner David Spence made a motion to recommend approval of Mr. Lawson's Special Use Permit request for an event center. Commissioner Tony Dean seconded the motion.

After consideration, the motion PASSED by the following vote:

AYES:	Pugh, Spence, Wagoner, Shepherd, Davidson, Jr., Dean
NAYS:	None.
ABSTAINERS:	None.
ABSENT:	Campbell

Adjournment: At approximately 7:11 p.m. Mr. Dean made motion to adjourn the Planning Commission's meeting and was seconded by Mr. Spence. All were in favor.

Hazel Wagoner, Secretary