

BOARD OF SUPERVISORS



SMYTH

COUNTY, VA

THURSDAY, FEBRUARY 24, 2022
5:00 P.M.



Smyth County, Virginia
121 Bagley Circle, Suite 100
Marion, VA 24354
(276) 783-3298 p

Atkins District
Chilhowie District
North Fork District
Park District
Royal Oak District
Rye Valley District
Saltville District

Charles E. Atkins
Michael L. Sturgill
Charles P. Stevenson
Kristopher S. Ratliff, DPh
S. Courtney Widener
Lori H. Deel
Roscoe D. Call

County Administrator
Assistant County Administrator

Shawn M. Utt
Alicia Richardson

MEETING AGENDA
SMYTH COUNTY BOARD OF SUPERVISORS
Thursday, February 24, 2022
5:00 PM

- 1) **CALL MEETING TO ORDER** Chairman
Pledge of Allegiance & Invocation
- 2) **AMENDMENTS TO AGENDA** Chairman
- 3) **PUBLIC HEARING** Chairman
 - a. Community Development Block Grant funding (Pg 4)
- 4) **MINUTES OF PREVIOUS MEETINGS** Chairman
Minutes of the February 10, 2022 meeting (Pg 5-29)
- 5) **CITIZENS TIME** Chairman
The Board welcomes your input. You may address the Board using the sign-in sheet located in the rear of the room. At this time, you may address the Board on items that may or may not be on the agenda. Time limit is three (3) minutes.
- 6) **OLD BUSINESS** Chairman
 - a. Committee Reports/ Recommendations
 - i. Appointments Committee (Pg 30-31)
 - ii. Budget Committee (Pg 32-38)
 - iii. Ordinance Committee (Pg 39-42)
 - iv. Personnel Committee (Pg 43-44)
 - v. Public Safety Committee (Pg 45-62)
- 7) **NEW BUSINESS** Chairman
- 8) **RECESS FOR PLANNING COMMISSION MEETING**
- 9) **RECONVENE FOR JOINT PUBLIC HEARINGS WITH** Chairman
SMYTH COUNTY PLANNING COMMISSION (Pg 63-114)
(continue with Planning Commission Agenda – enclosed)





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*County Administrator
Assistant County Administrator*

*Shawn M. Utt
Alicia Richardson*

February 18, 2022

To: Members, Smyth County Board of Supervisors
CC: Smyth County Leadership Team
From: Shawn M. Utt, Smyth County Administrator
RE: Packet summary – February 24, 2022 Board meeting

Below are summaries related to specific agenda items. Should additional information become available, we will provide as quickly as possible:

1. **Call to Order, Pledge of Allegiance & Invocation** – The pledge of allegiance will be led by Shawn Utt, County Administrator. The invocation will be provided by Sandy Elswick, Registrar.
2. **Amendments to Agenda** – if any are necessary, they will be presented at the meeting.
3. **Public Hearing**
 - a. **Community Development Block Grant** – in preparation for applying for the CDBG fund for the Cardwell Town Water Project, we will need to hold 2 public hearings. The first (this one) is to hear general ideas from the public regarding potential projects that we may consider. These may include housing, community facilities or utilities. We will need to follow-up with an additional public hearing in March when we get the funding application completed. For your information, **enclosed** (**Att. 1**) is a copy of the advertisement for this public hearing.
4. **Minutes of Previous Meeting(s)** – the minutes of the February 10, 2022 meeting are **enclosed** (**Att. 2**) for the Board's review and approval.
5. **Citizen's Time** – Time has been set aside for citizens to provide comments to the Board on general items of interest or concern.
6. **Old Business Items:**
 - a. **Committee Reports / Recommendations**
 - i. **Appointments Committee** – minutes of the meeting are **enclosed** for your information (**Att. 3**). In addition, items related to committee recommendations are also **enclosed** for your review.

- ii. Budget Committee – minutes of the meeting are **enclosed** for your information (**Att. 4**). In addition, items related to committee recommendations are also **enclosed** for your review.
 - iii. Ordinance Committee – minutes of the meeting are **enclosed** for your information (**Att. 5**). In addition, items related to committee recommendations are also **enclosed** for your review.
 - iv. Personnel Committee – minutes of the meeting are **enclosed** for your information
 - v. (**Att. 6**). In addition, items related to committee recommendations are also **enclosed** for your review.
 - vi. Public Safety Committee – minutes of the meeting are **enclosed** for your information (**Att. 7**). In addition, items related to committee recommendations are also **enclosed** for your review.
7. **New Business Items:** *none scheduled*
8. **Recess for Planning Commission Meeting:** We will take a short recess to allow the Planning Commission to commence their meeting by 6:30p. We will have a light dinner for the members of the Board in another room.
9. **Reconvene for Joint Public Hearings with Planning Commission:** I will refer you to the **enclosed** (**Att. 8**) staff report packet for the three (3) public hearings scheduled.

NOTICE OF
PUBLIC HEARING

Smyth County Board of Supervisors will conduct public hearing on Thursday, February 24, 2022 at 5:00 p.m. or as soon thereafter as may be heard, in the Board Room of the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia to solicit public input on local community development in relation to Community Development Block Grant (CDBG) funding for a project in our county.

Information on the amount of funding available, the requirements on benefit to low- and moderate-income persons, eligible activities, and plans to minimize displacement and provide displacement assistance as necessary will be available. Citizens will also be given the opportunity to comment on the County's past use of CDBG funds. All interested citizens are urged to attend. For additional information, contact Kendra Hayden, Economic Development Project Manager at 276-783-3298.

Comments and grievances can be submitted in writing to Smyth County at 121 Bagley Circle, Suite 100, Marion VA 24354, by email at pharvey@smythcounty.org, or by fax to (276) 783-9314. All emails, written comments and faxes must be received by 2:00pm on Thursday, February 24, 2022.

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

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

Legals: Please print in the **February 16th** and **February 19th, 2022**, editions of the **Smyth News & Messenger**. Please forward a certificate of publication to Shawn Utt, County Administrator, 121 Bagley Circle, Marion, VA 24354.

The Smyth County Board of Supervisors held its regular meeting on Thursday, February 10, 2022 at 5:00 p.m. The location of the meeting was in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.


PRESENT: Atkins District Supervisor Charles Atkins; Rye Valley District Supervisor Lori Deel; Park District Supervisor Kris Ratliff; Chilhowie District Supervisor Michael Sturgill; Royal Oak District Supervisor Courtney Widener


ABSENT: Saltville District Supervisor Roscoe Call; North Fork District Supervisor Phil Stevenson

STAFF: County Administrator Shawn Utt; Assistant County Administrator Lisa Richardson; Administrative Assistant Paula Harvey; County Attorney Scot Farthing; Building & Zoning Administrator Clegg Williams; Information Technology Assistant Director Heather Street

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

 2/10/2022 5:01 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order and welcomed everyone.

 2/10/2022 5:02 PM Information Systems Assistant Director, Heather Street led the Pledge of Allegiance and gave the invocation.

 2/10/2022 5:02 PM *A motion was made by Chilhowie District Supervisor Michael Sturgill to amend the agenda to include scheduling a Public Hearing for February 24, 2022 at 5:00 p.m. or shortly thereafter in relation to Community Development Block Grant funding for the Cardwell Town Water Line Replacement Project and to include the ARPA Committee meeting notes and recommendations. Vice Chair Rye Valley District Supervisor Lori Deel seconded the motion.*


After consideration, the motion PASSED by the following vote:


*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

 2/10/2022 5:04 PM Chair, Atkins District Supervisor Charles Atkins opened the Public Hearing for 243 Quail Run, Sugar Grove, VA in regards to Declaration of Public Nuisance.

 2/10/2022 5:05 PM Building & Zoning Administrator, Clegg Williams discussed the nuisance ordinance for 243 Quail Run, Sugar Grove and added he tried all possible ways to contact the owners but was unsuccessful and noted that he did post notice at the actual property.

 2/10/2022 5:06 PM Assistant County Administrator, Lisa Richardson read the rules of Public Hearings.

 2/10/2022 5:07 PM County Administrator, Shawn Utt read the following Public Hearing notice for the record:

BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS

The Smyth County Board of Supervisors will conduct a public hearing in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia on Thursday, February 10, 2022, at 5:00 P.M. or as soon thereafter to receive public input on whether the properties referenced below constitutes a public nuisance as defined by Smyth County Code, Article 3, Section 20-64.


*243 Quail Run, Sugar Grove; identified as Tax Map Nos. 74A - 2 -19 and 74A -2 - 20
Formally Addressed 500 Riverside Road, Chilhowie; identified as Tax Map No. 65C - 1 - 2*


Publication is required in cases where the property owner is unknown or the County has been unable to locate the owner. Those with an ownership interest in the property should contact Clegg Williams at 276-706-8315. Should the property be declared a public nuisance and the owner(s) do not file a plan to abate or raze the nuisance at his/her cost, the County will file a complaint with the Circuit Court and take action to remove the nuisance. The cost will be charged to the owner and is a lien against the property ranking on parity with real estate taxes. Failure to pay nuisance abatement charges may result in the property being sold for nuisance abatement costs as well as delinquent real estate taxes pursuant to Virginia Code §58.1-3965 (1950) as amended.


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


In compliance with 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
Shawn Utt, County Administrator


 2/10/2022 5:09 Diane Grant, 3624 Wilmont Avenue NW, Roanoke, VA who serves as the treasurer and registered agent of the homeowners' association discussed and passed out maps of the 243 Quail Run, Sugar Grove, VA property. Ms. Grant also provided copies of 16 letters to Board members from neighbors addressing their concerns on the tire dump. Ms. Grant said this has continued to be an ongoing issue and that it is driving down property values in the area. Ms. Grant asked the Board for their help in rectifying the situation and thanked them for their time.


 2/10/2022 5:19 PM Randy Williams, President of the homeowners' association discussed the tire dump and said it is an eye sore and appreciates the Board of Supervisor's consideration to remedy the situation. Mr. Randy Williams thanked Building & Zoning Administrator, Clegg Williams for all of his hard work in working with them on the Quail Run issue.

 2/10/2022 5:20 PM Shade Ray, one of the three current owners of the 243 Quail Run, Sugar Grove, VA spoke regarding the efforts he is making on cleaning up the property. Mr. Ray said he was recently incarcerated and that he hopes to have this cleaned up by Spring.


 2/10/2022 5:21 PM With no one else wishing to speak regarding the Declaration of Public Nuisance at 243 Quail Run, Sugar Grove, VA, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.


 2/10/2022 5:22 PM Chair, Atkins District Supervisor Charles Atkins opened the Public Hearing for 500 Riverside Road, Chilhowie, VA in regards to Declaration of Public Nuisance.


 2/10/2022 5:22 PM Building & Zoning Administrator, Clegg Williams discussed the long history with the 500 Riverside Road, Chilhowie, VA property and said most recently there are RV's moving in and added that the occupants were currently living without any sewage disposal. Mr. Williams said County Attorney, Scot Farthing was successful in getting the occupant served with the first round of a zoning violation.

 2/10/2022 5:23 PM Anne Marie Koner, 484 Riverside Road, Chilhowie, VA spoke regarding the Public Nuisance complaint at 500 Riverside Road, Chilhowie and expressed this has been an ongoing problem for about 2 ½ years. Ms. Koner said they have been threatened

by the people residing there and noted they are dumping their sewage and oil in the river behind property. Ms. Koner said she has contacted the EPA and game warden and that no one seems to want to address this issue. Ms. Koner said the situation is out of control, people are in and out at all hours of the night and it is disturbing the peace. Chilhowie District Supervisor Michael Sturgill apologized to Ms. Koner that she has continued to endure this and added he is pressing to get the issue taken care of. Park District Supervisor Kris Ratliff asked for clarification on the camper on the said property and asked if it had a permanent foundation to which Ms. Koner said it does not.

 2/10/2022 5:33 PM Tiffany Waddle, 503 Riverside Road, Chilhowie, VA spoke regarding the 500 Riverside Road, Chilhowie, VA Public Nuisance complaint. Ms. Waddle said her family was forced to move out because her kids couldn't play outside and that the occupants of 500 Riverside Road were being indecent.

 2/10/2022 5:34 PM Clegg William, Building & Zoning Administrator advised the Board that since all public comments have been taken for both Public Hearings regarding 243 Quail Run, Sugar Grove, VA and 500 Riverside Road, Chilhowie, VA that the Board can either wait until the next meeting to vote or if they wish they can waive the rules and vote tonight. Mr. Williams said he would work with the County Attorney, Scot Farthing to get court order to allow the County to go in and clean the said properties up if declared Public Nuisances.

 2/10/2022 5:34 PM With no one else wishing to speak regarding the Declaration of Public Nuisance at 500 Riverside Road, Chilhowie, VA, Chair, Atkins District Supervisor Charles Atkins closed the public hearing.

 2/10/2022 5:35 PM *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to waive the rules of public hearings. Chilhowie District Supervisor Michael Sturgill seconded the motion.*


After consideration, the motion PASSED by the following vote:

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

 2/10/2022 5:36 PM Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to declare both 243 Quail Run, Sugar Grove, VA and 500 Riverside Road, Chilhowie, VA Public Nuisances and authorize the County Attorney to move forward with legal action.

Chilhowie District Supervisor Michael Sturgill seconded the motion.


After consideration, the motion PASSED by the following vote:


*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*


NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

 2/10/2022 5:37 PM Tracy Thompson, Executive Director of the Lincoln Theater, Marion, VA provided an update on the 2022 calendar of events. Ms. Thompson said that one exciting thing is that with Covid and other venues being shutdown, they were able to get money from different sources and noted that since 2004 they are happy to report that The Lincoln Theater is 100% debt free. Ms. Thompson added that the theater brought in over 7,000 patrons last year. She also briefly discussed a theater camp they will be having this year at no cost to the children over a 2-week span and it will be for ages 6-18. Ms. Thompson thanked the Board members for their continued support and for allowing her to come speak.

 2/10/2022 5:52 PM Mr. Allan Sumpter, Residency Engineer for VDOT discussed updates on various projects throughout the County and presented information on the VDOT quarterly update. Mr. Sumpter said that VDOT is in snow season currently and coming out of that there will be a lot of activity to patch pot holes and remove trees in various locations. Mr. Sumpter briefly discussed the Rt. 11 and Railroad Drive intersection of Marion and advised those improvements are going along well. Chilhowie District Supervisor Michael Sturgill asked for clarification on what "scoping" is referring to and Mr. Sumpter answered that it means essentially reviews are being done on a specific project to see if permits are needed, talks with contractor about the schedule, and preliminary design etc. Chair, Atkins District Supervisor Charles Atkins said he, on a personal level was upset about VDOT willing to spend money on the round-a-bout and said he feels the bridge to get people in and out of the Hall Addition was more important. He also noted he understands they are funded out of two different funding sources but hoped VDOT would make the bridge replacement a higher priority.

 2/10/2022 5:52 PM Mr. Matthew Lewis, VDOT, Abingdon Residency presented information on various maintenance project updates throughout the County. Mr. Lewis welcome the newest Board member Mr. Courtney Widener. Mr. Lewis advised that VDOT is currently doing some patching on the interstates and trying to navigate through Winter. Mr. Lewis also advised that the patching in the Pleasant Heights area that Saltville District Supervisor Roscoe Call had asked about previously in his district has been completed. Mr. Lewis said VDOT plans to do more ditching this year and bring those back up to standards. Chilhowie District Supervisor Michael Sturgill thanked VDOT and Mr. Lewis for all they do. Royal Oak District Supervisor Courtney Widener asked Mr. Lewis about the Colonial Heights area off Riverside Road becoming a state-maintained road as he had a resident in the area requesting that possibility and Mr. Lewis said he would look in to it. County Administrator, Shawn Utt said he was asked about the curvy road signage in the Meek Hill area of Adwolfe Road needing to update the location and Mr. Lewis said he would also look into that.

 2/10/2022 6:23 PM A motion was made by Vice Chair Rye Valley District Supervisor Lori Deel to approve the minutes from the January 27, 2022 meeting as presented.

Royal Oak District Supervisor Courtney Widener seconded the motion.


After consideration, the motion PASSED by the following vote:


*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

 2/10/2022 6:24 PM Assistant County Administrator, Lisa Richardson, reviewed the County financial information.

 2/10/2022 6:28 PM A motion was made by Vice Chair Rye Valley District Supervisor Lori Deel to approve the following accounts payable listing.

<u>General County</u>	
Accounts Payable Listing 1/1/2022-1/31/2022	\$1,592, 968,18
Total General County	\$1,592,968.18
<u>Fund Accounts</u>	

EDA Fund 4	\$52,000.00
CDBG Food Pantry Grant Fund 303	\$9,226.57
Sheriff Fund 746	\$5,077.78
Sheriff Fund 748	\$5,653.87
Recovery Court Fund 749	\$104.99
Total Fund Accounts	\$72,063.21
TOTAL ACCOUNTS PAYABLE-JANUARY 2022	\$1,665,031.39

Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*



2/10/2022 6:29 PM Chair, Atkins District Supervisor Charles Atkins opened citizen's time.



2/10/2022 6:29 PM With no one wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizen's time.



2/10/2022 6:30 PM County Administrator, Shawn Utt discussed the Proposed Amendments to the Smyth County Code Section 23. Article XIII in regards to the Transient Occupancy Tax. Mr. Utt discussed the potential for exemption for those who are forced into a hotel due to a natural disaster or a fire and after talking with the Commissioner of Revenue in regards to the Transient Occupancy Tax it was decided that the County would step in and reimburse whoever is paying for the hotel room in those circumstances.

Vice Chair, Rye Valley District Supervisor Lori Deel discussed an email she received from one of the constituents in her district expressing their frustration with some of the Air B&B's not being charged the occupancy tax. Discussion followed.



2/10/2022 6:34 Vice Chair Rye Valley District Supervisor Lori Deel made a motion to adopt the Amendment to Smyth County Code of Ordinances Chapter 23, Article XIII in regards to the Transient Occupancy Tax.

**AMENDMENT TO SMYTH COUNTY CODE OF ORDINANCES
CHAPTER 23, ARTICLE XIII**

A public hearing was held on the ____ day of _____ 2022 at 5:00 p.m. in the Board Room of the Smyth County Administration Building, 121 Bagley Circle, Marion, Virginia to consider this amendment/re-adoption of the Smyth County, Virginia, Code of Ordinances Article XIII "Transient Occupancy Tax."

WHEREAS, Chapter 23, Article XIII of the Smyth County, Virginia Code of Ordinances (, as amended), established for Smyth County the levy of a transient occupancy tax and provisions governing collection and remittance of such tax on short term rentals of rooms or spaces for lodging;

WHEREAS, Section 58.1-3819 of the Code of Virginia, which enabled localities to levy a transient occupancy tax, was significantly revised by action of the Virginia General Assembly in 2021 to provide for collection of the tax when accommodations are booked through an intermediary; and

WHEREAS, the Board of Supervisors desires to conform the County's ordinance governing collection and remittance of a transient occupancy tax to the revised form of Section 58.1-3819 of the Code of Virginia, and it approves the re-adoption of Chapter 23, Article XIII (Transient Occupancy Tax);

NOW, THEREFORE, ON THE BASIS OF THE FOREGOING, and in consideration of the best interests of the public health, welfare, and safety, and having held a public hearing on this proposed ordinance, the Board of Supervisors of Smyth County, Virginia hereby ordains and adopts the following as the Transient Occupancy Tax Ordinance of Smyth County:

Sec. 23-426. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accommodations means any room or space for which tax is imposed on the retail sale of the same pursuant to this article.

Accommodations fee means the room charge less the discount room charge, if any, provided that the accommodations fee shall not be less than \$0.

Accommodations intermediary means any person other than an accommodations provider that facilitates the sale of an accommodation, charges a room charge to the customer, and charges an

accommodations fee to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider. Accommodations intermediary does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person; or

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person.

Accommodations provider means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess. Accommodations provider shall include hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, boarding houses, travel campgrounds, and other persons offering a room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

Affiliate means with respect to any person, any other person directly or indirectly controlling, controlled by, or under common control with such person. For purposes of this definition, "control" (including controlled by and under common control with) shall mean the power, directly or indirectly, to direct or cause the direction of the management and policies of such person whether through ownership or voting securities or by contract or otherwise.

Commissioner means the commissioner of the revenue of the county.

Discount room charge means the full amount charged by the accommodations provider to the accommodations intermediary, or an affiliate thereof, for furnishing the accommodations.

Hotel means any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, motel, boardinghouse, rooming house or other lodging place in the county which offers lodging to any transient for compensation.

Lodging means any space or room furnished to any transient.

Person includes any individual, firm, partnership, association, corporation, person acting in a representative capacity, or any group of individuals acting as a unit.

Retail sale means a sale to any person for any purpose other than for resale.

Room charge means the full retail price charged to the customer by the accommodations intermediary or by the accommodations provider, as applicable, for the use of the accommodations, including without limitation any accommodations fee and accommodations intermediary fee, before taxes.

Short-term rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than thirty (30) consecutive days, in exchange for a charge for the occupancy.

Transient means any person who, for a period of fewer than thirty (30) consecutive days, either at his own expense or at the expense of another, obtains room or space from an accommodations provider for which a charge is made.

Travel campground means any area, site, lot, field or tract of land offering spaces for recreational vehicles, campers or campsites for transient dwelling purposes, or temporary dwelling during travel, camping, recreation or vacation uses.

Treasurer means the treasurer of the county.

Sec. 23-427. - Levy and rate.

- (a) In addition to any other tax imposed by law, A transient occupancy tax on hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, boarding houses, travel campgrounds, and other facilities offering room or space rented out for continuous occupancy for fewer than thirty (30) consecutive days.
- (b) The transient occupancy tax imposed pursuant to the authority of this article shall be imposed only for the use or possession of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.
- (c) The transient occupancy tax shall be imposed at the rate of five percent of the room charge paid by the customer for the use or possession of the room or space.
- (d) The revenue from three percent of such tax shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality.

Sec. 23-428. - Exceptions to tax.

- (a) No transient occupancy tax shall be payable under on charges for rooms or spaces paid to any hospital, medical clinic, convalescent home, or home for the aged.
- (b) The transient occupancy tax shall not be levied on charges for rooms or spaces rented and continuously occupied by the same individual or same group of individuals for thirty (30) or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering short-term rentals.

Sec. 23-429. - Collection.

- (a) Every person receiving any payment for room rental with respect to which a tax is levied under this article shall collect the amount of tax imposed by this article at the time payment for such

room rental is made. Such tax shall be deemed to be held in trust by the person required to collect the tax until remitted to the county as required by section 23-430.

- (b) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the tax imposed pursuant to this article and shall remit the same to the locality and shall be liable for the same.
- (c) For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall collect the tax imposed pursuant to this article and shall remit the same to the locality and shall be liable for the same, except as follows: when the accommodations are at a hotel, the accommodations intermediary shall remit the taxes on the accommodations fee to the locality and shall remit any remaining taxes to the hotel, which shall remit such taxes to the locality.
- (d) An accommodations intermediary shall not be liable for taxes under this article remitted to an accommodations provider but that are then not remitted to the locality by the accommodations provider. For any retail sale of accommodations facilitated by an accommodations intermediary, an accommodations provider shall be liable for that portion of the taxes under this article that relate to the discount room charge only to the extent that the accommodations intermediary has remitted such taxes to the accommodations provider.
- (e) In any retail sale of any accommodations in which an accommodations intermediary does not facilitate the sale of the accommodations, the accommodations provider shall separately state the amount of the tax in the bill, invoice, or similar documentation and shall add the tax to the room charge. In any retail sale of any accommodations in which an accommodations intermediary facilitates the sale of the accommodation, the accommodations intermediary shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

Sec. 23-430. - Reports required and remittance of tax.

The person collecting the tax levied under this article shall make a report upon such forms and setting forth such information as the Commissioner may prescribe and require. Such report shall show the amount of room charge fees, and tax collected and the amount of transient occupancy tax required to be collected. The form shall be signed by a duly authorized representative of the person; and shall be delivered to the Commissioner with the remittance of such tax. Such reports and remittances shall be made quarterly on or before October 31, January 31, April 30 and July 31 in each year and shall include the amount of tax collected during the three months immediately preceding the months in which such reports and remittances are required. If the remittance is by check or money order, the check or money order shall be made payable to the county treasurer. The Commissioner and Treasurer shall have the power to examine pertinent records for the purpose of administering or enforcing the provisions of this article.

Sec. 23-431. - Commission allowed for collection of tax.

The person collecting the transient occupancy tax shall be allowed a commission of five percent of the total amount of transient occupancy tax collected during each quarterly reporting period. The commission shall be deducted from the remittance of the amount of tax due and accounted for in each quarterly reporting period specified in this article. No commission shall be allowed if the amount due is

delinquent. The commission allowed in this section is for the purpose of defraying the expenses incurred by persons required to collect this tax.

Sec. 23-432. - Surcharge and interest.

If any person fails or refuses to remit to the Commissioner the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax by the Treasurer a surcharge of ten percent. Further, if the tax remains delinquent and unpaid for a period of one month from the date it is due and payable, there shall be added to such tax by the treasurer interest at the rate of ten percent per annum, which shall be computed on the taxes and surcharge from the first day of the month for each month or portion thereof from the date upon which the tax was due as provided in this article.

Sec. 23-433. - Penalty.

It shall be unlawful for any person to fail or refuse to collect the taxes proposed under this article, or to fail or refuse to make the reports and remittance as required. Whoever violates or fails to comply with any of the provisions of this article, or any regulation promulgated pursuant thereto, shall upon conviction of this failure be guilty of a class 3 misdemeanor and punished as provided in section 1-6 of this Code. The punishment provided for in this section shall be in addition to any other remedy for the collection of taxes provided for by law.

Sec. 23-434. - Applicability.

The provisions of this article shall apply throughout the county, including the incorporated towns within the county that do not impose a tax on transient occupancy.

Supervisor Lori Deel made a motion to approve this amendment. The motion was seconded by Supervisor Courtney Widener and the roll call vote is as follows:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Charlie E. Atkins	X		
Roscoe D. Call			X
Lori H. Deel	X		
Kristopher S. Ratliff, DPh	X		
Charles P. Stevenson			X
Mike Sturgill	X		
Courtney Widener	X		

This amendment shall be effective on and after 12:01 a.m. on the 10th day of February 2022.

I certify that this is a true and correct copy taken from the minutes of the Smyth County Board of Supervisors meeting of February 10th, 2022.


Shawn Utt, Clerk of the Board

Royal Oak District Supervisor Courtney Widener seconded the motion.


After consideration, the motion PASSED by the following vote:

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

 2/10/2022 6:35 PM County Administrator, Shawn Utt discussed the Proposed Ordinance Authorizing a county-wide Junior Firefighter Program to allow juveniles ages sixteen (16) through seventeen (17). Chair, Atkins District Supervisor Charles Atkins said he's received a lot of positive feedback from the various departments regarding the Junior program.

- *A motion was made by Vice Chair Rye Valley District Supervisor Lori Deel to adopt the Ordinance Authorizing Junior Firefighter Program for juveniles ages sixteen (16) through seventeen (17) to participate.*

ORDINANCE AUTHORIZING JUNIOR FIREFIGHTER PROGRAM

Chapter 26, Article IV, Sec. 9-400. - Persons sixteen and older allowed to engage in firefighting activities.

The Board of Supervisors authorizes Smyth County fire departments to provide junior firefighter programs as authorized by Virginia Labor and Industry and the policies of the Virginia Department of Fire Programs, for juveniles ages sixteen (16) through seventeen (17).

- A. Subject to any restriction that may be placed by the Virginia Department of Fire Programs, any person who is sixteen (16) years of age or older may engage in firefighting activity, only if allowed in the bylaws of the volunteer fire department after first obtaining his or her parents' or guardians' approval, in writing, provided that such person attained their certification under National Fire Protection Association 1001, Level One, firefighters' standards, as administered by the state department of fire programs, as soon as the course is locally available, or within twelve months of joining the volunteer department.
- B. The certification record and parental or guardian consent shall be kept on file in the office of the volunteer fire department for each participant who is enrolled in a fire company pursuant to this section.
- C. Certified copies of this Ordinance and all amendments thereto shall be filed in the offices of the County Administrator, Commission of Revenue and the Clerk of the Circuit Court of Smyth County, Virginia.
- D. Effective date. This Ordinance was duly considered following the required public hearing held on January 27, 2022 and was adopted by the Board of Supervisors of Smyth County, Virginia, at its regular meeting held on 2/10/22 the members voting as follows:

<u>Member</u>	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Charles E. Atkins	X			
Roscoe D. Call				X
Lori H. Deel	X			
Kristopher S. Ratliff, DPh	X			
Charles P. Stevenson				X
Michael L. Sturgill	X			
Courtney Widener	X			

This amendment shall be effective on and after 12:01 a.m. on the 10th day of February 2022.

I certify that this is a true and correct copy taken from the minutes of the Smyth County Board of Supervisors meeting of February 10, 2022.


Shawn Utt, Clerk of the Board

[State Law reference— Authority for above Ordinance, Code of Virginia, § 40.1-79.1]

Chilhowie District Supervisor Michael Sturgill seconded the motion.


After consideration, the motion PASSED by the following vote:

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

 2/10/2022 6:35 PM County Administrator, Shawn Utt asked the Board to consider moving the Pathway Park Regional Industrial Authority Ordinance Public Hearing which was originally scheduled for February 24, 2022 to March 10, 2022 at 5:00 p.m. or shortly thereafter due to Joint Public Hearings with the Planning Commission on the 24th.

- *A motion was made by Vice Chair, Rye Valley District Supervisor Lori Deel to move the Pathway Park Regional Industrial Authority Ordinance Public Hearing from February 24, 2022 to March 10, 2022 at 5:00 p.m. or shortly thereafter.*

Royal Oak District Supervisor Courtney Widener seconded the motion.

After consideration, the motion PASSED by the following vote:

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

 2/10/2022 6:37 PM Vice Chair, Rye Valley District Supervisor Lori Deel read the minutes from the Public Safety Committee meeting and presented the following recommendation:

- *A motion was made by Royal Oak District Supervisor Courtney Widener to recommend for the Ordinance Committee to put forth an Ordinance for the cohabitation of Smyth County Land Mobile Radio systems to construct all new cell towers. Chilhowie District Supervisor Michael Sturgill seconded the motion and it was unanimously approved.*

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

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

After further discussion, the following motion was rendered:

- *Chilhowie District Supervisor Michael Sturgill made a motion to allow the County Administrator to advertise a Request for Proposal (RFP) for speed enforcement in school and work zones in Smyth County.*

Royal Oak District Supervisor Courtney Widener seconded the motion.

After consideration, the motion PASSED by the following vote:

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*



2/10/2022 6:45 PM County Administrator, Shawn Utt read the minutes from the Solid Waste Committee meeting and presented the following recommendation:

- *North Fork District Supervisor Phil Stevenson made a motion to approve the Draper Aden & Associates Proposal No. 2101859 with the addendum to the proposal that there will be*

two separate fee options for the County to utilize based on the concept plan development. Saltville District Supervisor Roscoe Call seconded the motion and it was unanimously approved.

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


*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

Chair, Atkins District Supervisor Charles Atkins asked when the current Transfer Station lease is up and Mr. Utt said it will be up in September of 2023.

 2/10/2022 6:48 PM County Administrator, Shawn Utt read the minutes from the Water & Sewer Committee meeting and presented the following recommendations:

- *North Fork District Supervisor Phil Stevenson made a motion to recommend the approval of The Lane Group, Smyth County Comprehensive County-Wide Water Study Proposal for Professional Engineering Services and to authorize the County Administrator to execute any necessary documents on behalf of the County. Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion and it was unanimously approved.*

After consideration, the Water & Sewer Committee recommendation PASSED by the following vote:

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

- Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to recommend the approval of the Resolution for USDA Rural Development Predevelopment Planning Grant. North Fork District Supervisor Phil Stevenson seconded the motion and it was unanimously approved.

**RESOLUTION FOR
USDA RURAL DEVELOPMENT PREDEVELOPMENT PLANNING GRANT**

The Smyth County Board of Supervisors, consisting of seven members, in a duly called meeting held on the _____ day of February, 2022 at which a quorum was present **RESOLVED** as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development, (the Government) for the Predevelopment Planning Grant and associated construction project associated with the County's Comprehensive Water Study and Interconnect Project, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the County Administrator be authorized to execute on behalf of Smyth County, the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board of Supervisors.

Adopted this the ____ day of February, 2022

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Board of Supervisors of Smyth County in a duly assembled meeting on the _____ day of _____, 2022.

Shawn M. Utt, Clerk

After consideration, the Water & Sewer Committee recommendation **PASSED** by the following vote:

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

 2/10/2022 6:51 PM Chair, Atkins District Supervisor Charles Atkins read the minutes from the American Rescue Plan Act (ARPA) Committee meeting and presented the following recommendations:

- *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to recommend the approval for up to \$250,000 for the Blue Ridge Discovery Center request for a Waste-Water Treatment System. North Fork District Representative John McLean seconded the motion and it was unanimously approved.*

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

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

- *Park District Representative Dr. Mike Robinson made a motion to recommend to approve the Mount Roger's Regional Partnership request for \$110,000 for the Mount Roger's I81-I77 Crossroads Talent Recruitment program. North Fork District Representative John McLean seconded the motion and it was unanimously approved.*

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

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and*

Park District Supervisor Kris Ratliff

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

- *Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to recommend to approve the \$364,500 year-one funding request for the Smyth County Fire Training Academy. Park District Representative Dr. Mike Robinson seconded the motion and it was unanimously approved.*

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

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

- *Chilhowie District Representative Ronnie Corvin made a motion to recommend to approve \$50,000 for external marketing purposes for Smyth County Tourism. Park District Representative Dr. Mike Robinson seconded the motion and it was unanimously approved.*

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

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

After further discussion, the following motions were rendered:

- Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to approve \$15,000 from supplemental appropriations to go towards the Smyth County Public Library – Saltville Branch building study as originally requested through the ARPA committee.

Chilhowie District Supervisor Michael Sturgill seconded the motion:

After consideration, the motion PASSED by the following vote:

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

- Vice Chair, Rye Valley District Supervisor Lori Deel made a motion to approve \$30,000 from supplemental appropriations for the Smyth County Chamber of Commerce Child Development Program as originally requested through the ARPA committee.

Royal Oak District Supervisor Courtney Widener seconded the motion.

After consideration, the motion PASSED by the following vote:

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*



2/10/2022 7:10 PM A motion was made by Royal Oak District Supervisor Courtney Widener to approve the Smyth County School Board additional appropriation for Technology Fund in the amount of \$100,000.

Park District Supervisor Kris Ratliff seconded the motion.

After consideration, the motion PASSED by the following vote:

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: Chilhowie District Supervisor Michael Sturgill

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*



2/10/2022 7:11 PM County Attorney Report – Scot Farthing provided an update on various projects he is working on and advised he was given a to-do task list and if the Board has anything else for him to add to please let him know.



2/10/2022 7:14 PM County Administrator Report -

Mr. Utt discussed the recent VACO trip he, Mr. Sturgill and Mr. Widener attended in Richmond last week and said that one thing he learned was that there had been concerns on tax related bills that could potentially affect County finance and added that most of those bills had been overturned with the exception of the grocery tax. Mr. Utt said he is optimistic the County will not be greatly affected by whatever grocery tax bill that goes through.



2/10/2022 7:16 PM Supervisor Comment Time -


Park District Supervisor Kris Ratliff thanked the staff for their hard work on assembling and gathering information for the Board meeting packets and also thanked County Attorney, Scot Farthing for his work on the legal side of things. Dr. Ratliff commended the other Board members for taking hard stances on other issues regarding concerns of the citizens.

Chilhowie District Supervisor Michael Sturgill said there was good news regarding the COVID numbers starting to decline. Mr. Sturgill said it has been hard keeping the schools staffed and takes a lot extra to stay afloat. Mr. Sturgill thanked the Board for working together and said that he is looking forward to a great year.

Chair, Atkins District Supervisor Charles Atkins thanked everyone for being here and taking care of the nuisance complaints. Mr. Atkins was thankful for the willingness to discuss and make headway as a Board and with the budget rolling around for everyone to pray for those folks involved as it is not an easy process. Mr. Atkins also added it may be time for the Board to start looking at designating some funding for discretionary road development within the County. Mr. Atkins thanked the Board for their open discussions.

Vice Chair, Rye Valley District Supervisor Lori Deel thanked the ARPA committee and for those appointed for listening and understanding the project. Mrs. Deel said there are so many good organizations with good causes and added it is difficult to comb through those things. Mrs. Deel expressed her appreciation for those folks that showed up tonight to speak at the Public Hearing and for standing together to move forward to take care of the nuisance issues. Mrs. Deel thanked for Board and staff for their continued hard work.

Royal Oak District Supervisor Courtney Widener was glad to see things such as the nuisances moving forward towards resolution and in making citizens happy. Mr. Widener said he enjoyed his recent VACO trip to Richmond and that he learned a lot. Mr. Widener wished for everyone to have a safe trip home.

 2/10/2022 7:24 PM Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)1 – discussion for consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of public officers, appointees or employees, regarding the County Attorney position recruitment.

Vice Chair, Rye Valley District Supervisor Lori Deel seconded the motion and it was unanimously approved.


After consideration, the motion PASSED by the following vote:

*AYES: Atkins District Supervisor Charles Atkins,
Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*

 2/10/2022 7:36 PM Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution certifying the business conducted in closed session as follows. Vice Chair, Rye Valley District Supervisor seconded the motion.

RESOLUTION
CERTIFICATION OF CLOSED SESSION

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

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

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

After consideration, the motion PASSED by the following vote:

*AYES: Chair, Atkins District Supervisor Charles Atkins,
Vice Chair, Rye Valley District Supervisor Lori Deel,
Royal Oak District Supervisor Courtney Widener,
Chilhowie District Supervisor Michael Sturgill, and
Park District Supervisor Kris Ratliff*

NAYS: None.

ABSTAINERS: None.

*ABSENT: North Fork District Supervisor Phil Stevenson,
Saltville District Supervisor Roscoe Call*



2/10/2022 7:39 PM With no further business to discuss, the meeting was adjourned. The next meeting will be February 24, 2022 at 5:00 p.m.

A meeting of the Smyth County Appointment Committee was held at the County Office Building on Thursday, February 17, 2022 at 10:30 a.m.

Committee Members Present:

Saltville District Supervisor Roscoe Call, Chair (electronically)
 Royal Oak District Supervisor Courtney Widener
 Atkins District Supervisor Charles Atkins

Staff Members:

County Administrator, Shawn Utt
 Assistant County Administrator, Lisa Richardson
 Administrative Assistant, Paula Harvey

Saltville District Supervisor Roscoe Call called the meeting to order at 10:37 a.m.

Mr. Utt reviewed the following information:

1. **Mt. Rogers ASAP Board** – Mr. Utt discussed that Ms. Wyant's term on the Mt. Rogers ASAP Board as the County's representative has expired. Mr. Utt said that he has reached out to the ASAP group to obtain information relatable to the expectations of a board member but has not received a response back at this time. The consensus of the committee was to table this until further information is received.
2. **Pathway Regional Industrial Facilities Authority (PRIFA)** – Mr. Utt discussed the PRIFA agreement, which provides for three members from Smyth County to serve on the Board including 1 member from the Board of Supervisors, 1 member from the Economic Development Authority (EDA) and the County Administrator. He noted that the EDA met yesterday and have a recommendation to nominate John McLean as their representative. Mr. Utt also suggested nominating Kendra Hayden, Economic Development Project Manager as an alternate in case a member can't attend a meeting. The Board of Supervisors representative is still to be determined.
 - *A motion was made by Royal Oak District Supervisor Courtney Widener to recommend to appoint Shawn Utt, County Administrator, John McLean, Economic Development Authority Representative to serve on the Pathway Regional Industrial Facilities Authority Board and to nominate Kendra Hayden, Economic Development Assistant as alternate. Saltville District Supervisor Roscoe Call seconded the motion and it was unanimously approved.*
3. **Smyth-Washington Industrial Facilities Authority (SWIFA)** – Bradley Powers currently serves as Smyth County's citizen representative on the SWIFA Board and his term is set to expire on February 28, 2022. Mr. Utt would like to recommend the committee to consider reappointing him to the role for an additional 4-year term set to expire February 28, 2026. Mr. Utt did note that the SWIFA board was working on

an agreement to wind down the board's operations and eventually disband the board since the useful industrial property has been sold. This process may take a year or so to work its way out.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to recommend to reappoint Bradley Powers to the Smyth-Washington Industrial Facilities Authority Board for an additional 4-year term set to expire February 28, 2026. Atkins District Supervisor Charles Atkins seconded the motion and it was unanimously approved.*

4. **Regional Preparedness Advisory Committee – Interoperability (RPAC-I)** –

Mr. Utt provided a memo from Curtis Crawford regarding a necessary appointment for the statewide interoperability committee and specifically for the regional committee. Mr. Crawford, Emergency Management Coordinator has been asked to serve as the regional chairman for the committee. Mr. Utt would like to recommend the committee to appoint Mr. Crawford as the voting member and Shannon Williams, 911 Coordinator as the alternate.

- *A motion was made by Atkins District Supervisor Charles Atkins to recommend to appoint Curtis Crawford, Emergency Management Coordinator to serve as the County's voting member on the Regional Preparedness Advisory Committee – Interoperability and Shannon Williams, 911 Coordinator to serve as the alternate. Royal Oak District Supervisor Courtney Widener seconded the motion and it was unanimously approved.*

5. **Southeast Rural Community Assistance Project (SERCAP)** – Mr. Utt discussed that he has been serving on the SERCAP Board, which is a community service agency with a 7-state region that provides water, sewer and landfill assistance for over 10 years and added that since his term was coming to an end he would like to continue on the Board for an additional 5-year term per committee recommendation.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to recommend to reappoint County Administrator, Shawn Utt to serve on the Southeast Rural Community Assistance Project Board for an additional 5-year term. Atkins District Supervisor Charles Atkins seconded the motion and it was unanimously approved.*

6. **Local Selective Service Board** – Mr. Utt reminded the committee that there are still two (2) vacancies that need to be filled to serve at the County's Local Selective Service (LSS) for a 10-year term.

With no further business to discuss, the meeting was adjourned at 10:53 p.m.

A meeting of the Smyth County Budget Committee was held at the County Office Building on Thursday, February 17, 2022 at 1:00 p.m.

Committee Members Present:

Atkins District Supervisor Charles Atkins, Chair
Rye Valley District Supervisor Lori Deel (electronically)
Chilhowie District Supervisor Michael Sturgill

Committee Members Absent:

None

Staff Members:

County Administrator, Shawn Utt
Assistant County Administrator, Lisa Richardson
Administrative Assistant, Paula Harvey

Chair, Atkins District Supervisor Charles Atkins called the meeting to order at 1:01 p.m.

County Administrator, Shawn Utt presented the following for consideration:

Budget Amendment #7 – A request was received from the School Board to amend their budget by \$950,000 with \$350,000 going toward Technology and \$600,000 going toward their facilities/maintenance. Mr. Utt noted that these funds are from the School Board's ESSER grants which are comparative to the County's ARPA funding.

- *A motion was made by Rye Valley District Supervisor Lori Deel to recommend the approval of the FY21/22 Budget Amendment #7a to include \$950,000 with \$350,000 going towards Technology and \$600,000 going toward Facilities/Maintenance for the School Board (Fund 009). Atkins District Supervisor Charles Atkins seconded the motion. Chilhowie District Supervisor Michael Sturgill abstained.*

Mr. Utt discussed that the County had previously applied for funding through the Mount Rogers Planning District Commission's Water and Wastewater grant to help with repairs to the Nick's Creek Pump Station. Mr. Utt is requesting a recommendation on Budget Amendment #7 to include the invoice in the amount of \$29,435.

- *A motion was made by Rye Valley District Supervisor Lori Deel to recommend the approval of the FY21/22 Budget Amendment #7b to include \$29,435 from Capital Improvements to go towards the Nick's Creek Pump Station repairs. Atkins District Supervisor Charles Atkins seconded the motion and it was unanimously approved.*

Supplemental Budget Appropriation Request - Mr. Utt discussed the need for a supplemental appropriation for the Drug Court Fund 749 that was inadvertently left out of the 3rd quarter appropriations in January in the amount of \$42,421.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to recommend a supplemental appropriation for Drug Court Fund 749 in the amount of \$42,421. Rye*

Valley District Supervisor Lori Deel seconded the motion and it was unanimously approved.

Chilhowie District Supervisor Michael Sturgill discussed dispatcher part-time pay increases. Mr. Utt reported that according to his calculations, it would cost about \$6,000 for the rest of the fiscal year to move the part-time dispatcher's hourly rate to be the same as a full-time employee's rate.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to recommend moving \$6,000 from the Board of Supervisor's Supplemental Appropriations line (001-011010-8888) to the Sheriff Department's County-Funded Dispatchers – Part-time line (001-021070-1004) and to increase the part-time hourly rate to \$15 per hour. Rye Valley District Supervisor Lori Deel seconded the motion and it was unanimously approved.*

With no further business to discuss, the meeting was adjourned at 1:14 p.m.



SMYTH COUNTY BOARD OF SUPERVISORS

RESOLUTION SMYTH COUNTY BUDGET FISCAL YEAR 2021-2022 – AMENDMENT #7

WHEREAS, the Smyth County Board of Supervisors, on June 8, 2021 adopted the Fiscal Year 2021-2022 Budget in the original amount of \$94,916,778; and

WHEREAS, on August 26, 2021, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #1) for Fiscal Year 2021-2022 in the amount of \$100,246,861 to allow for FY21 budget rollovers; and,

WHEREAS, on September 14, 2021, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #2) for Fiscal Year 2021-2022 in the amount of \$99,996,861 to allow for the loss of revenues related to the County meals tax implementation delay; and,

WHEREAS, on October 12, 2021, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #3) for Fiscal Year 2021-2022 in the amount of \$100,126,223; and,

WHEREAS, on December 14, 2021, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #4) for Fiscal Year 2021-2022 in the amount of \$100,613,336; and,

WHEREAS, on December 14, 2021, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #5) for Fiscal Year 2021-2022 in the amount of \$100,786,202; and,

WHEREAS, on January 27, 2022, the Smyth County Board of Supervisors adopted an amended budget (Budget Amendment #6) for Fiscal Year 2021-2022 in the amount of \$100,792,202; and,

WHEREAS, the aggregate amount of budget amendment #7 is \$979,435 which would increase the Fiscal Year 2021-2022 budget to a total of \$101,771,637 as shown in greater detail on Exhibit A attached hereto.

NOW, THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors sets forth and approves the amended Smyth County Budget for the Fiscal Year 2021-2022 in the amount of \$101,771,637.

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

Adopted this the 24th day of February, 2022

ATTEST:

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Shawn M. Utt, Clerk

Charles Atkins, Chair

Exhibit A
FY 2021-22
Budget Amendment #7 (2-17-22)

Part 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
FUND 009	State School Funds	009-021010-0230	VA DOE ESSER Funds	\$ (973,911)	\$ (950,000)	\$ (1,923,911)	Additional ESSER Grant Funding
FUND 502	Capital Improvements	502-012010-0148	Mt. Rogers PDC-Water	\$ -	\$ (29,435)	\$ (29,435)	Grant funding for Nick's Creek Pump Station
Total Revenues With Amendment				\$ (100,792,202)	\$ (979,435)	\$ (101,771,637)	

Part 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget Amount	Notes
FUND 009	Smyth County School Operations	009-099990-5804	Facilities	\$ 5,973,216	\$ 600,000	\$ 6,573,216	Use of ESSER Grant Funding
FUND 009	Smyth County School Operations	009-099990-5806	Technology	\$ 1,521,396	\$ 350,000	\$ 1,871,396	Use of ESSER Grant Funding
FUND 502	Capital Improvements	502-012010-0243	PDC GRANT TA	\$ -	\$ 29,435	\$ 29,435	
Total Expenditures With Amendment				\$ 100,792,202	\$ 979,435	\$ 101,771,637	

Revenues	\$	(100,792,202)	\$	(979,435)	\$	(101,771,637)
Expenditures	\$	100,792,202	\$	979,435	\$	101,771,637
Difference	\$	-	\$	-	\$	-

SMYTH COUNTY SCHOOL BOARD

DR. DENNIS G. CARTER, DIVISION SUPERINTENDENT
121 BAGLEY CIRCLE, SUITE 300
MARION, VIRGINIA 24354-3140
PHONE: 276-783-3791
FAX: 276-783-3291

JESSE CHOATE, CHAIRMAN
SUSAN B. WILLIAMS, VICE-CHAIRPERSON
TARA E. FRENCH, CLERK
CHARLES M. BUCHANAN, JR.

ROGER L. FRYE
DR. PAUL L. GRINSTEAD
DR. KYLE N. RHODES
TODD WILLIAMS

To: Smyth County Board of Supervisors
From: Smyth County School Board
Date: February 14, 2022
Re: Budget Amendment

At their regularly scheduled February Board meeting, the Smyth County School Board unanimously supported a request for an additional budget amendment. As expenses and revenue related to additional ESSER funds increase, we need to adjust our approved budget to reflect those changes. The Smyth County School Board is requesting the consideration of a budget amendment for \$950,000. Specifically, the \$950,000 designated as \$350,000 for Technology and \$600,000 for Maintenance.

Thank you for your consideration.



MOUNT ROGERS PLANNING DISTRICT COMMISSION

WILLIE GREENE, Chair
RANDY PENNINGTON, Vice-Chair

STEVE GOBBLE, Treasurer
AARON SIZEMORE, Executive Director

1021 Terrace Drive Marion, Virginia 24354 Phone 276-783-5103 Fax 276-783-6949

October 8, 2021

Mr. Shawn Utt
Smyth County
121 Bagley Circle, Suite 100
Marion, Virginia 24354

RE: Nicks Creek Pump Station Improvements for Hutton Branch Water

Dear Shawn,

Congratulations! Mount Rogers Planning District Commission would like to inform you that Smyth County has been awarded \$29,435 in grant funds from the Southwest Virginia Regional Water/Wastewater Construction Funds for the above-mentioned project. These funds, however, are subject to availability and may decrease as a result of future reductions to the budget of the Commonwealth of Virginia as approved by the Governor's Office.

The MRPDC and the county shall arrange a meeting to review your project's readiness to proceed, go over the terms and conditions of the Individual Project Agreements (IPAs), and sign the IPAs.

Also, as a condition of this award, the MRPDC requires its participation in all press conferences or announcements of this grant.

If you have any questions, please do not hesitate to contact me at breed@mrpdc.org.

Sincerely,

Brian J. Reed
Deputy Director

SERVING LOCAL GOVERNMENTS IN
BLAND - CARROLL - GRAYSON - SMYTH - WASHINGTON - WYTHE
BRISTOL - GALAX

MRPDC is an equal opportunity provider and employer.



Smyth County Virginia
121 Bagley Circle, Suite 100
Marion, VA 24354
(276) 783-3298 phone
www.smythcounty.org

*Atkins District
Chilhowie District
North Fork District
Park District
Royal Oak District
Rye Valley District
Saltville District*

*Charles E. Atkins, Chair
Michael L. Sturgill
Charles P. Stevenson
Kristopher S. Ratliff, DPh
S. Courtney Widener
Lori H. Deel, Vice-Chair
Roscoe D. Call*

*County Administrator
Assistant County Administrator*

*Shawn M. Utt
Alicia Richardson*

MEMO

To: Shawn Utt, County Administrator
Budget Committee

From: Christy Bise – Accounts Payable *CBise*

Date: February 16, 2022

Subject: Fund 749 Appropriation Request

The current remaining appropriation balance for Recovery Court Fund 749 is \$16,072.07. I have a salary cost invoice for October-December 2021 to be paid out of that fund that totals \$32,397.25.

I am requesting the committee's consideration of an additional appropriation for Fund 749 so I can continue to pay invoices from that fund.

Should you have any questions please let me know.

A meeting of the Smyth County Ordinance Committee was held at the County Office Building Thursday February 17, 2022 at 9:00 a.m.

Committee Members Present:

Chilhowie District Supervisor Michael Sturgill
Atkins District Supervisor Charles Atkins

Committee Members Absent:

Park District Supervisor Kris Ratliff, Chair

Staff Members:

County Administrator, Shawn Utt
Assistant County Administrator, Lisa Richardson
Administrative Assistant, Paula Harvey

Chilhowie District Supervisor Michael Sturgill called the meeting to order at 9:04 a.m.

County Administrator presented the following for review:

Use of Photo Speed Monitoring Devices – Mr. Utt spoke regarding the potential partnership that the Public Safety Committee has been working on to help implement new state code language that would allow the use of photo speed monitoring devices (i.e., cameras) to help enforce the speed limits in construction zones as well as school zones. Mr. Utt said the state code will not allow these photo speed monitoring devices in other areas, although noted it would be great if they could be used on Rt 16/Back of the Dragon. Mr. Utt advised the next step from the Public Safety Committee would be to recommend the development of and RFP document since there are multiple companies offering the same type of service but that prior to signing any contracts or agreements the County would need to adopt an ordinance. Mr. Utt recommend the committee set a public hearing for a draft ordinance related to the use of speed monitoring devices in school crossing zones and work zones.

- *A motion was made by Atkins District Supervisor Charles Atkins to recommend scheduling a Public Hearing on an Ordinance related to the use of speed monitoring devices in school crossing zones and road work zones for March 10, 2022 at 5:00 p.m. or shortly thereafter. Chilhowie District Supervisor Michael Sturgill seconded the motion and it was unanimously approved.*

Noise Ordinance – Mr. Utt and staff have been discussing the County's current noise ordinance and concluded that since it has been deemed to be unenforceable by the Commonwealth Attorney then it would be a good idea to consider either eliminating or amending it. Mr. Utt said one of the new issues being heard from recent zoning requests are complaints that the County does not enforce an ordinance it has on the books so that in returns causes a bit of confusion. Mr. Utt said he spoke with both the

Sheriff and the Commonwealth Attorney and both are in agreement that the best solution for now would be to repeal the current County noise ordinance.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to recommend to repeal the County's current noise ordinance until other enforcement alternatives can be explored. Atkins District Supervisor Charles Atkins seconded the motion and it was unanimously approved.*

Zoning Ordinance Updates – Mr. Utt discussed information regarding the County's need for updates within the County's Zoning Ordinances. Mr. Utt would like the Board to consider an amendment that would bring the ZO in line with the Subdivision Ordinance and exempt the County from ZO in regards to lot size requirement when related to public service uses such as (pump stations, water tanks, radio towers, etc.) with the current requirement being a 1-acre minimum. Mr. Utt said the County is currently working through the Comprehensive Plan update and noted that the process will likely conclude with recommendations for further updates. Mr. Utt said he would work with Building & Zoning Administrator, Clegg Williams to pull a list of those various zoning issues that need revisions before the next Ordinance committee meeting. Discussion ensued.

With no further business to discuss, the meeting was adjourned at 9:29 p.m.

SAMPLE ORDINANCE FROM ALTAVISTA, VA

An Ordinance to add new Section 74-92.1 to the Code of the Town of Altavista, 1968, relating to Operation of Vehicles.

Be it ordained by the Town Council of the Town of Altavista:

1. That a new Section 74-92.1 be added to the Code of the Town of Altavista, 1968, as follows:

Sec. 74-92.1 Use of photo speed monitoring devices in school crossing zones.

(a) Pursuant to Section 46.2-882.1 of the Code of Virginia, the Altavista Police Department is hereby authorized to install and operate photo speed monitoring devices in school crossing zones designated by Altavista, or to contract with a private vendor to do so on its behalf, for the purpose of recording violations of Section 46.2-873 of the Code of Virginia or Town Code 74-92.

(b) For purposes of this section, “photo speed monitoring device” means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles. “School crossing zone” has the same meaning ascribed to it in Code of Virginia §46.2-873. A state or local law enforcement agency may place and operate a photo speed monitoring device in school crossing zones for the purposes of recording such violations pursuant to §46.2-882.1.

(c) All photo speed monitoring devices placed in school crossing zones shall, at a minimum, produce a certificate or a facsimile thereof, sworn to or affirmed by a law enforcement officer, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall be prima facie evidence of the facts contained therein.

(d) The driver of a motor vehicle found to be in violation of Section 46.2-873 of the Code of Virginia or Town Code 74-92 based upon evidence obtained from a photo speed monitoring device, shall be liable for a civil penalty of one hundred dollars (\$100.00) imposed in accordance with this section if such vehicle is found as evidenced by information obtained from a photo speed monitoring device placed and operated in a school crossing zone to have violated Section 46.2-873 of the Code of Virginia or Town Code 74-92. within the Town of Altavista .

(e) Any person found liable under this ordinance may contest the summons charging the violation, as provided by Code of Virginia Section 46.2-882.1.

(f) Any civil penalty levied for a violation of Code of Virginia § 46.2-882.1 shall be payable to the Town of Altavista.

2. This Ordinance shall become effective immediately upon passage.

A meeting of the Personnel Committee was held at the County Office Building Thursday, February, 17, 2022 at 9:30 a.m.

Committee Members Present:

Chilhowie District Supervisor, Mike Sturgill
Atkins District Supervisor Charles Atkins

Committee Members Absent:

Park District Supervisor Kris Ratliff

Staff Members:

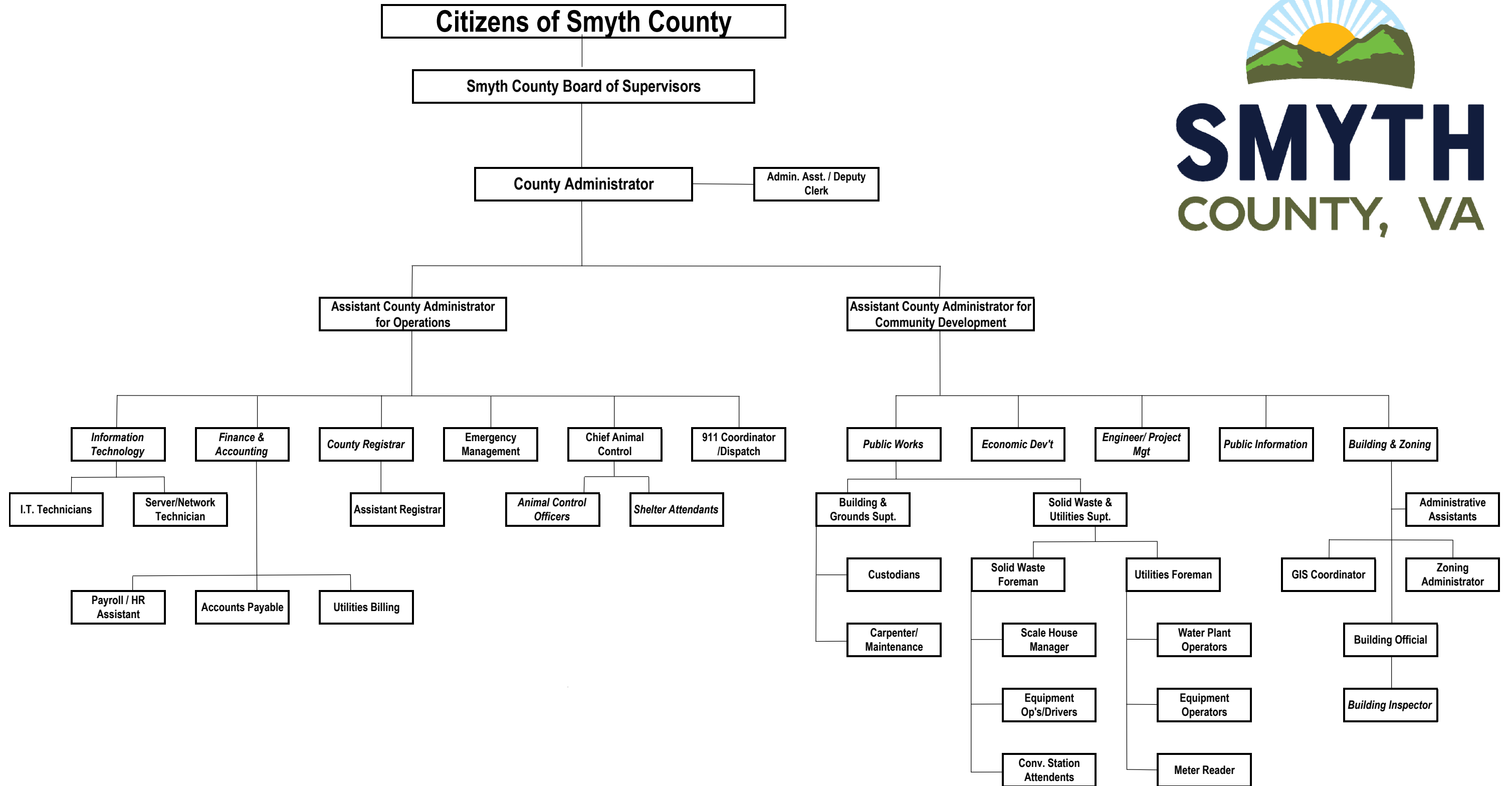
County Administrator, Shawn Utt
Assistant County Administrator, Lisa Richardson
Administrative Assistant, Paula Harvey

Chilhowie District Supervisor Michael Sturgill called the meeting to order at 9:29 a.m.

County Administrator, Shawn Utt presented the following for discussion:

Organizational Chart – The committee discussed the proposed changes to the County's organizational chart. Mr. Utt noted the updates included identifying separate crew leaders for the Solid Waste and Utilities Crews as well as a promotion of Clegg Williams to Assistant County Administrator for Development. The chart separated out the various department's Mr. Williams and Ms. Richardson will help lead. Mr. Utt noted that the changes to the organizational structure will be accomplished with the existing funding levels and additional funds would not be needed. The committee thanked Mr. Utt for the update and noted that no action was necessary at this point.

With no further business to discuss, the meeting was adjourned at 9:38 p.m.



A meeting of the Smyth County Public Safety Committee was held at the County Office Building Thursday, February 17, 2021 at 11:00 a.m.

Committee Members Present:

Rye Valley District Supervisor, Lori Deel, Chair (electronically)
Chilhowie District Supervisor, Michael Sturgill
Royal Oak District Supervisor, Courtney Widener

Committee Members Absent:

None

Staff Members Present:

County Administrator, Shawn Utt
Assistant County Administrator, Lisa Richardson
Administrative Assistant, Paula Harvey
Emergency Management Coordinator, Curtis Crawford (electronically)
911 Coordinator/EMD Director, Shannon Williams

Others Present:

Project Manager, Adam Nelson – Federal Engineering (electronically)
Technical Lead, Terry Forehand – Federal Engineering (electronically)

Rye Valley District Supervisor Lori Deel called the meeting to order at 11:01 a.m.

Adam Nelson and Terry Forehand from Federal Engineering gave a presentation on the “Smyth County, Virginia Radio System Assessment and Recommendations”. The highlights included a new, 8-site radio system using existing towers and water tanks but replacing everything with updated equipment. They are also recommending moving from an analog radio system to a digital system and utilizing the Federally-recommended P25 radio system.

Rye Valley District Supervisor Lori Deel asked about the life of the proposed P25 radio system versus the current analog system and Mr. Nelson said the P25 system would definitely last longer. Mr. Nelson and Mr. Williams both added that if the Board is looking at alternatives other than the P25 system that it would possibly hinder getting any grant awards to help with the funding and the committee agreed.

The committee also discussed that there will likely need to be some cost sharing with the Towns and private ambulance services on whatever new radio system that is chosen but those conversations are still in their infancy.

The committee agreed to take a few weeks to look over the proposal and by the next Public Safety meeting on March 3, 2022 have a recommendation on the radio system for the March 10, 2022 Board of Supervisor’s Meeting,

With no further business to discuss, the meeting was adjourned at 12:12 p.m.

Smyth County, Virginia Radio System Assessment and Recommendations



**Smyth County Board Meeting
February 17, 2022**



Agenda



- ***FE* Scope of Work**
- **Report Overview**
- **Existing Systems Issues**
- **Conceptual Design**
- **Deployment Options**
- **Next Steps**

2



FE Scope of Work



- **Project Initiation Meeting (9/1/21)**
- **Existing Document Reviews (existing systems)**
- **User Needs Workshop (10/5/21)**
 - Coverage, capacity, interoperability, resiliency, spectrum
- **Existing System Assessment**
 - Site Surveys (10/6/21-10/8/21)
 - Existing System Analysis
- **Coverage Workshop (10/25/21)**
- **Radio System Assessment and Recommendations Report (Delivered 1/26/22)**

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Report Overview



- Documenting of Site Surveys, User Interviews, Coverage Workshop
- Coverage, capacity, reliability analysis of County Fire/EMS and Law systems
- Conceptual Design for new system that meets user needs
- Coverage, capacity, reliability, budgetary estimates for Conceptual Design
- Next steps



Existing Systems Issues



- **Performance**

- Poor coverage in various areas around the county, noise, interference

- **Channel capacity**

- Not enough channels to support operational and paging needs

- **Resiliency**

- Age of equipment, equipment obsolescence, limited redundancy, microwave link failures

- **System features**

- Lack of visibility, network management system



Conceptual Design



- **New UHF Project 25 (P25) Radio System**
 - New VHF spectrum may be difficult to obtain
 - UHF appears to be available
- **9 sites, 4 simulcast trunking channels**
 - Provides improved coverage throughout County
 - Simulcast means less licensing, more consistent performance, same capacity system wide
 - P25 Phase 2 trunking – six talk paths (i.e., simultaneous conversations)
 - Sufficient capacity for 1% Grade of Service
- **Estimated Capital Costs: \$22M**

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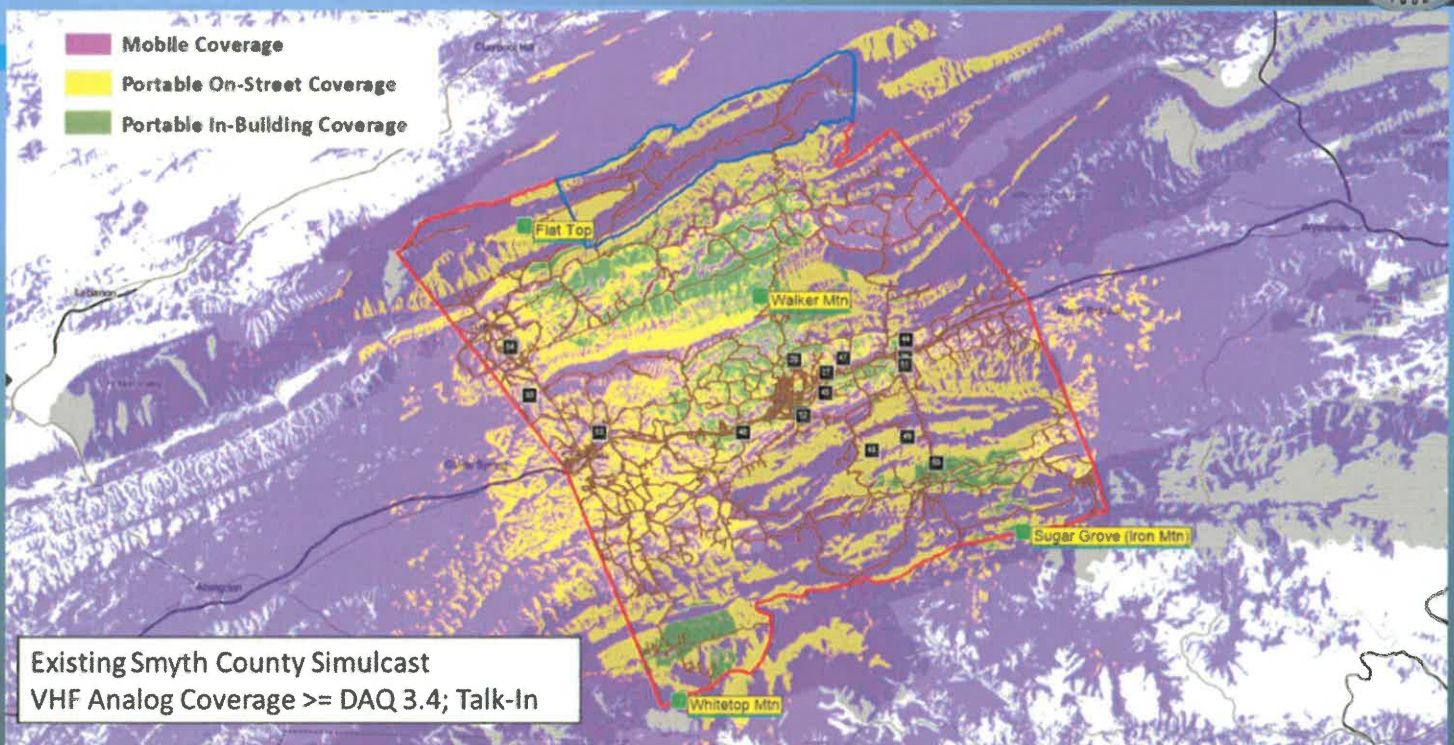
Coverage Requirements



- **Mobile Coverage**
 - 95% of County
- **Portable On-Street Coverage**
 - 95% of Calls for Service (2020 CFS data used)
- **Portable In-Building Coverage**
 - 95% of three Towns (Marion, Chilhowie, Saltville)



Coverage Comparison

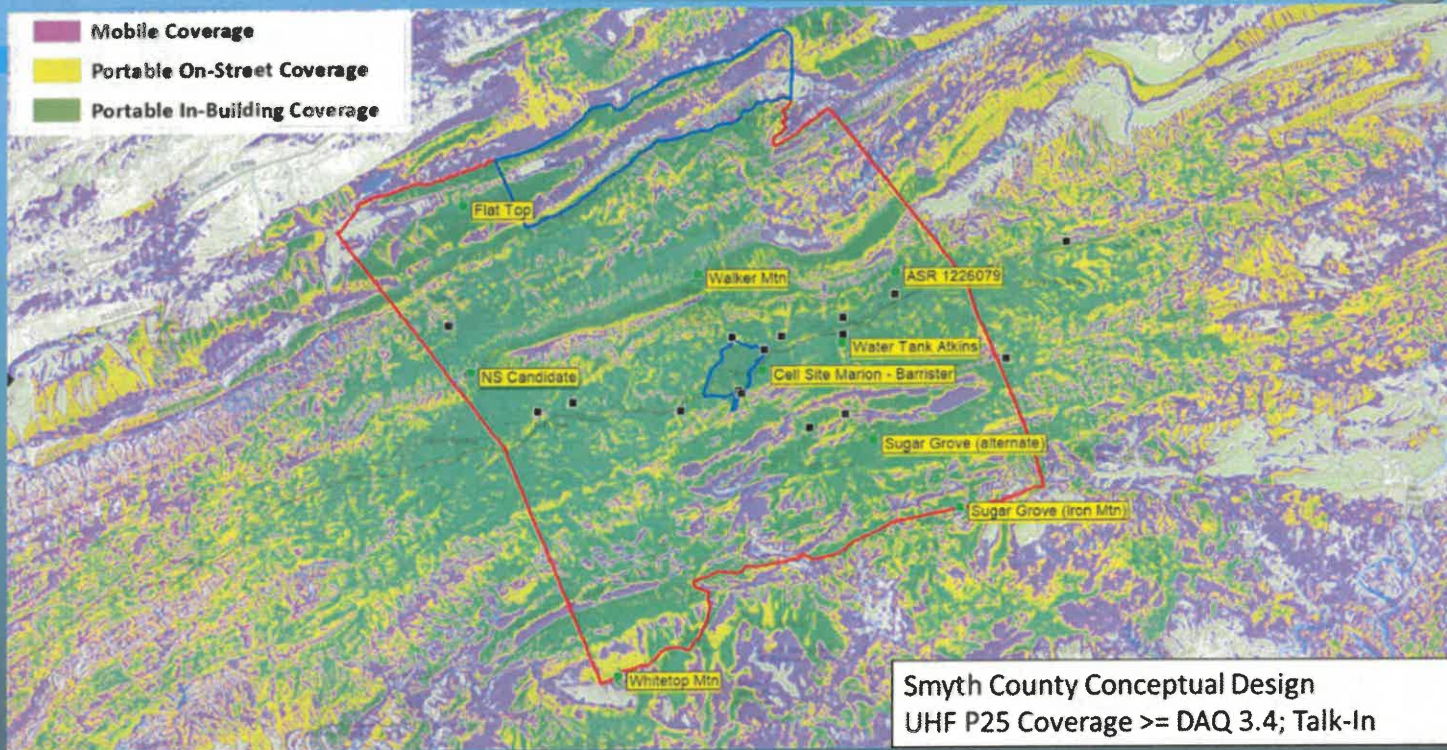


Existing System: 4-Site VHF Analog Fire/EMS Simulcast

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Coverage Comparison



Conceptual Design: 9-Site UHF P25 Simulcast

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Coverage Percentages



System Description	Coverage Percentages					
	Mobile (County)		Portable On-Street (2020 Calls for Service)		Portable In-Building (Three Towns)	
	Talk-Out	Talk-In	Talk-Out	Talk-In	Talk-Out	Talk-In
Existing VHF County Simulcast System	92	99	61	49	12	10
Conceptual Design – UHF P25 Phase 2 System	99	99	99	95	90	76

- Conceptual design meets outdoor coverage requirement
- Substantial improvements in inbuilding coverage

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P25 Characteristics



- **Public Safety community and TIA began development of the standard in 1989**
- **Open standard allows for communication between different P25 systems**
- **Federal grant funding prioritizes P25**
- **Over 2,800 P25 systems on air today**
 - 37 Statewide systems, many regional, county, municipal systems
- **38 P25 product and service providers**
 - Provides for a wide range of equipment options
- **Analog operation retained in all radios**

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P25 Characteristics

Attribute	New P25 System Comparison to Existing Systems
Coverage	Superior to analog and other digital technologies for a given number of sites
Interoperability	Enhanced interoperability with several P25 systems in vicinity (or planned), analog mode maintained (multi-band radios required for VHF)
Features	Encryption, Radio ID, other P25 features driven by public safety user needs
Feasibility	Federal and state grant funding eligible
Cost	Typically, more expensive than DMR or analog upgrades





Capital Cost Breakdown

- The following is an undiscounted estimate of the capital expenditures over a 36-month period, starting with contract execution with a system vendor:

- Y1-Q1 : \$3,345,760
- Y1-Q2 : \$4,182,200
- Y2-Q1 : \$4,182,200
- Y2-Q4 : \$3,345,760
- Y3-Q1 : \$5,271,200
- Y3-Q3 : \$836,440
- Y3-Q4 : \$836,440





Potential Cost Savings

- Vendor discounts
- Grant funding
- Lower-tier subscriber units
- Subscriber radios available from multiple vendors
- Vendor financing
- Lease purchase agreements
- Public-private partnerships (e.g., backhaul, site development)
- Different deployment options



Deployment Options



- **Phased Buildout**

- Migrate primary sites to new system, add “fill-in” sites later
- Provides improvements with less expensive initial investment

- **Adjacent Projects**

- Floyd, Twin Counties/Galax
 - **Currently in Procurement Phases**

- **FirstNet**

- Built out along I-81 (AT&T footprint)
- All PTT communications over broadband (internet)
- Best effort delivery

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Next Steps



- **County approval to proceed with procurement support**
 - Develop Functional Specifications
 - Publish Request for Proposals (RFP)
- **Vendors Q&A and proposal submissions**
- **Proposal evaluations and selection**
- **Contract award, negotiations**



Contact Details



Adam Nelson

Project Manager

Mobile: (540) 809-6096

anelson@fedeng.com

Terry Forehand

Technical Lead

Mobile: (904) 563-4840

tforehand@fedeng.com

Brad Barber

Vice President

Mobile: (850) 377-7707

bbarber@fedeng.com

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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

AGENDA

Thursday, February 24, 2022

6:30 p.m.

1. Call Meeting to Order
2. Adoption of Agenda
3. Reappointment Updates
4. Election of Officers:
 - Temporary Chairperson
 - Chairperson
 - Vice-Chairperson
 - Secretary
 - Clerk
5. Review meeting dates for 2022
6. Adopt Minutes of December 30, 2021 meeting
7. Adopt Operating Procedures
8. Adopt Annual Report for 2021
9. Citizens Time
10. Other Business, if any
11. Questions/Comments from Commissioners
12. Recess

JOINT PUBLIC HEARING WITH BOARD OF SUPERVISORS

7:00 p.m.

13. Chairman of the Board and Chairman of the Planning Commission call the joint public hearing to order.
14. Consideration for JWM Enterprises, LLC requesting a map amendment to rezone approximately 14 acres from Commercial to Industrial.
15. Application for George Palmer requesting a special use permit for a truck stop.
16. Application for JWM Enterprises, LLC requesting a special use permit for mining, quarrying, mineral extraction and processing operation.
17. Adjourn public hearing
18. Reconvene Planning Commission meeting to deliberate applications.
19. Adjournment

APPLICATION FOR MAP AMENDMENT

Commercial to Industrial

Applicant: JWM Enterprises, LLC
Site: Near 2312 Lee Highway and 2340 Lee Highway Marion, Virginia.
Tax Map Nos.: Tax Map Nos. 56G-1-42, 56G-1-42A, 56G-1-41B, the Eastern Portion of 56G-A-3, and the Eastern Portion of 56G-1-41A

Background Information

JWM Enterprises, LLC is requesting to purchase approximately 14 acres on Lee Highway in Marion, Virginia. The majority of the subject tracts are identified as Commercial/Industrial, and the remainder is identified as Urban Residential on the *Future Land Use Map* in the Comprehensive Plan.

Relevant Zoning Ordinance Sections

§ 3-4 Commercial District (current zoning designation)
§ 3-5 Industrial District (proposed zoning designation)
Article IX Amendments

Adjoining Property Owners

Kim Aaron Gollehon
P.O. Box 1616
Chilhowie, VA 24319

Mable Hayden ETAL
2140 Red Stone Road
Marion, VA 24354

Southern States Marion Co-op
P.O. Box 26234
Richmond, VA 23260

CTP East LLC
564 West 700 S Suite 104
Pleasant Grove, UT 84062

Ronald & Sharon Shadley
P.O. Box 704
Marion, VA 24354

Anthony & Monica Powers
393 Rolling Hills Drive
Marion, VA 24354

William A & April D Morgan
397 Rolling Hills Drive
Marion, VA 24354

VDOT Abingdon Residency
ATTN: Conrad Hill
700 East Main Street
Abingdon VA 24210

Antoinette Roberts Goodrich
368 North Overlook Drive
Marion, VA 24354



Smyth County Building and Zoning Department

121 Bagley Circle, Suite 120, Marion, VA 24354
Phone (276) 706-8317 Fax (276) 783-9314
buildingandzoning@smythcounty.org

Zoning Ordinance
Floodplain Ordinance
Subdivision Ordinance
Erosion Control Ordinance
Manufactured Home Ordinance
Virginia Uniform Statewide Building Code

APPLICATION TO AMEND ZONING ORDINANCE OR MAP

Article IX of Zoning Ordinance

Date 2/1/22

Application Fee: \$250.00

Name of Applicant JWM Enterprises LLC
Mailing Address 1762 Stony Battery Rd
Telephone: (Home) _____ (Cell) 276.695.6014 (Email) _____

Property Owner (if not applicant) _____
Mailing Address _____
Telephone: (Home) _____ (Cell) _____ (Email) _____

Preferred Method of Contact (circle one): Home ☐ Cell ☒ Email ☐

911 Site Address or Adjoining Address 2312 Lee Highway & 2340 Lee Highway

Legal Description of Property: 360-1-42 WB 2021 Page 640
Tax Map Number portion of 360-1-42A + 360-1-41B Deed Book 232 Page 705
Subdivision Name 360-1-41A + 360-A-3 Lot # 721

Proposed Map Amendment:
Existing Zoning District Commercial Proposed Zoning District Industrial

Proposed Text Amendment:
Existing Text: N/A

Proposed Text: N/A

Has the same or substantially same amendment been proposed previously? No

Attach a Site Plan showing the following information:

- Shape and dimensions of lot
- Existing structures with distances to lot lines.
- Dimensions and locations of all proposed buildings or structures (including additions or alterations) with distances to lot lines.
- Existing and intended uses of the land and of each building or part of a building
- Significant natural features, such as woods, streams, etc.
- Existing and proposed roads and driveways
- Source of water and means of sewage disposal
- Existing public water and sewer lines
- Off-street parking spaces

Attach a list of names and addresses of all abutting property owners and property owners directly across the street.

AFFIDAVIT:

I swear that: (check one)

☒ No member of the Smyth County Planning Commission or Smyth County Board of Supervisors or no member of the immediate household of any member of the Planning Commission or the Board of Supervisors has any interest in the property for which this Special Use Permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust;
or

_____ Members of the Smyth County Planning Commission or Smyth County Board of Supervisors or members of the immediate household of members of the Planning Commission or the Board of Supervisors who have an interest in the property for which this Special use permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust are listed below.

Disclosure of Ownership of Property for which this Special Use Permit is requested:

Names of all owners of the property, including in the case of corporate ownership, the name of stockholders, officers and directors, and in any case the names and addresses of all of the real parties of interest. (Requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.)

Justin W McClellan

2-1-22

Date

[Signature]
Signature of Applicant

NOTARY PUBLIC

STATE/Commonwealth of Virginia
City/County of Smyth

The foregoing signature(s) were subscribed and sworn before me this 1st day of Feb, 2022 by Justin William McClellan and

[Signature]
Notary Public

My Commission Expires 4/30/22

My Registration No. 315307



Smyth County
Building and Zoning Department

121 Bagley Circle, Suite 120, Marion, VA 24354
Phone (276) 706-8317 Fax (276) 783-9314
buildingandzoning@smythcounty.org

Zoning Ordinance
Floodplain Ordinance
Subdivision Ordinance
Erosion Control Ordinance
Manufactured Home Ordinance
Virginia Uniform Statewide Building Code

OWNER'S CONSENT FORM

I/we hereby grant permission for JWM Enterprises LLC
to seek a:

- ☒ Special Use Permit
☒ Map Amendment (Rezoning)
☐ Variance to the Subdivision Ordinance
☐ Variance to the Zoning Ordinance
☐ Other: _____

for property I/we own at 2312 Lee Highway - Marion

Tax Map No. 56G-1-42A, 56G-1-41B, portion of 56G-1-41A, & portion of 56G-A-3

Jan 26 2022
Date

Mable Sadie Hayden
Owner's Signature

MABLE SADIE HAYDEN
Print Name

Telephone

Date

Owner's Signature

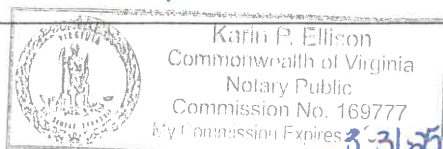
Print Name

Telephone

NOTARY PUBLIC

STATE/Commonwealth of Virginia
City/County of Smyth

The foregoing signature(s) were subscribed and sworn before me this 26th day of January, 2022 by Mable Sadie Hayden and _____



Karin P. Ellison
Notary Public

My Commission Expires 3-31-25

My Registration No. 169777

OWNER'S CONSENT FORM

I/we hereby grant permission for Justin McClellan
to seek a:

- ☒ Special Use Permit
- ☒ Map Amendment (Rezoning)
- ☐ Variance to the Subdivision Ordinance
- ☐ Variance to the Zoning Ordinance
- ☐ Other: _____

for property I/we own at 2340 Lee Highway
Tax Map No. 56G-1-42

1/31/22
Date

Jeffrey Richardson
Owner's Signature
Jeffrey Richardson
Print Name Phone _____

Date

Owner's Signature

Print Name Phone _____

NOTARY PUBLIC

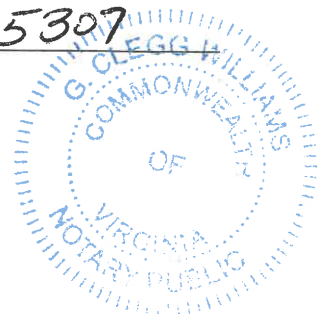
STATE/Commonwealth of Virginia
City/County of Smyth

The foregoing signature(s) were subscribed and sworn before me this 31 day of January, 2022 by Jeffrey Richardson and _____

G. Clegg Williams
Notary Public

My Commission Expires 4/30/22 My Registration No. 315307

SMYTH COUNTY BUILDING AND ZONING DEPARTMENT
121 BAGLEY CIRCLE, SUITE 120, MARION, VA 24354
Telephone (276) 706-8316 or (276) 706-8317
Facsimile (276) 783-9314
buildingandzoning@smythcounty.org



LAST WILL AND TESTAMENT
OF
LYNDA RICHARDSON-HILL

I, LYNDA RICHARDSON-HILL, being of sound and disposing mind and memory do hereby, make, publish, and declare this to be my Last Will and Testament, hereby revoking ~~any and all wills and/or codicils at any time heretofore made~~ by me.

I.

I direct that all my just debts, funeral expenses, including the costs of a suitable marker, taxes, and the costs of administration of my estate be paid as soon as possible after my death by my executor hereinafter named.

II.

I hereby devise and bequeath to my nephew Jeffrey Richardson, my house and lot located at 3208 Fountain Park Boulevard, Knoxville, Tennessee.

III.

I hereby devise and bequeath my one-half (1/2) interest in and to the Hutton Branch, Smyth County, property to my brother Arlis Richardson, if he survives me. Should he predecease me I then devise and bequeath my one-half interest in that property to my nephew, Jeffrey Richardson.

IV.

I hereby devise and bequeath my one-third (1/3) interest in and to the homeplace located on Lee Highway and Adwolfe Road to my brothers, Arlis Richardson and Buford

Richardson, to share and share alike. Should either of my brother predecease me I then devise my one-third interest in the homeplace to the surviving brother. If neither of my brothers is living at the time of my death, I then devise and bequeath my one-third interest in the homeplace to my nephew, Jeffrey Richardson.

V.

All the rest residue and remainder of my property I, give, devise and bequeath unto my nephew, Jeffrey Richardson, including real, personal or mixed, wheresoever located, in fee simple. If Jeffrey is not living at the time of my death I then give, devise and bequeath the remainder of my property to my brother, Arlis Richardson. Should Arlis predecease me I then give, devise and bequeath the remainder of my property to my brother, Buford Richardson.

VI.

I hereby nominate and appoint my nephew, Jeffrey Richardson, as Executor of this My Last Will and Testament, and direct that no surety shall be required on his official bond.

VII.

In the administration of my estate, my executor shall have all the powers enumerated in Section 64.1-57 of the Code of Virginia, 1950, as amended. I specifically direct that my executor have the power to sell any real estate of which I die seized.

IN WITNESS WHEREOF, I have hereunto set my hand and

seal to this my Last Will and Testament this the 28
day of JUNE, 1994.

Lynda Richardson Hill (SEAL)
LYNDA RICHARDSON-HILL

The above signature of the testatrix was made and the foregoing will was acknowledged to be her last will and testament by the said testatrix in the presence of us, three competent witnesses, present at the same time; and we, the said witnesses, do hereunto subscribed the said will on the date last above written, in the presence of the said testatrix, and of each other, at the request of the said testatrix, who was then of sound mind and over the age of eighteen years.

Laura S. Campbell
Witness

Venitia A. Funk
Witness

Peggy Lou Thomas
Witness

STATE OF VIRGINIA, at large:

Before me, the undersigned authority, on this day personally appeared Lynda Richardson-Hill, Laura S. Campbell, Venitia A. Funk, and Peggy Lou Thomas, known to me to be the testatrix and the witnesses, respectively, whose names are signed to the foregoing instrument, and all of these persons being by me first duly sworn, Lynda Richardson-Hill, the testatrix,

declared to me and to the witnesses in my presence that said instrument is her last will and testament and that she had willingly signed the same and executed it in the presence of said witnesses as her free and voluntary act for the purposes herein expressed; that the said witnesses stated before me that the foregoing will was executed and acknowledged by the testatrix as her last will and testament in the presence of each other, did subscribe their names thereto as attesting witnesses on the day of the date of said will, and that the said testatrix, at the time of the execution of said will, was over the age of eighteen years and of sound and disposing mind and memory.

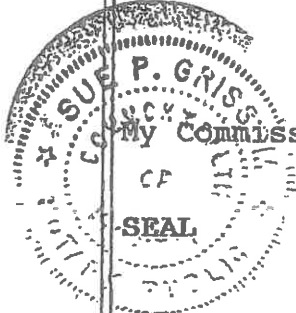
Lynda Richardson Hill
LYNDA RICHARDSON-HILL

Laura S. Campbell
Witness

Venitia A. Funk
Witness

Peggy Lou Thomas
Witness

Subscribed, sworn and acknowledged before me this
the 28th day of June, 1994, by Lynda
Richardson-Hill, testatrix and Laura S. Campbell,
Venitia A. Funk, and Peggy Lou Thomas,
witnesses.



[Signature]
VIRGINIA
IN THE CLERK'S OFFICE OF
SOUTH GILES COUNTY Public

MAY 07, 2021 AT 11:41 AM
WILLS/FIDUCIARY

My Commission Expires

9/28/96

INSTRUMENT #210000135 WAS RECORDED
UPON CERTIFICATION OF ACKNOWLEDGEMENT
THERE TO ANNEXED, ADMITTED TO RECORD.
THE FEE AND TAX OF \$81.00 IMPOSED
BY LAW HAVE BEEN PAID (REPT 21000002963)

VIRGINIA: IN THE CIRCUIT COURT OF SMYTH COUNTY

WILL FILE NO. 210000135

IN RE: LYNDA LOU RICHARDSON HILL, Deceased

ORDER FOR PROBATE OF WILL
AND
QUALIFICATION OF EXECUTOR

A paper writing purporting to be the last will and testament of Lynda Lou Richardson Hill, deceased, was this day presented to the Clerk by her nephew, Jeffrey Trent Richardson, the Executor named therein, and offered for probate.

It appearing that the decedent resided at 737 Lincoln Avenue, Marion, Virginia 24354, in Smyth County, Virginia, within the jurisdiction of this Court, and died on April 15, 2021; and the paper writing dated June 28, 1994, consisting of four (4) typewritten pages, having been executed and witnessed as provided by §64.2-452 or §64.2-453 of the Code of Virginia, it is ESTABLISHED and ADJUDGED to be the true last will and testament of Lynda Lou Richardson Hill, deceased, and is ORDERED to be recorded as such.

Thereupon Jeffrey Trent Richardson asked permission to qualify as Executor and such permission was GRANTED. Jeffrey Trent Richardson then appeared, made oath as the law directs, and entered into and acknowledged before the Clerk a bond in the penalty of \$25,000.00, without surety, the will requesting that none be required. This bond, being payable and conditioned according to law, is ORDERED to be recorded.

Certificate is GRANTED the Executor for obtaining a probate of the will of Lynda Lou Richardson Hill, deceased, in due form.

The statement of responsibilities required by §64.2-507 of the Code of Virginia, and the written notice of probate and the affidavit referred to in §64.2-508, were given to the Executor.

Pursuant to §64.2-1302, inventory and settlement are hereby waived.

Enter this 7th day of May, 2021.


JOHN H. GRAHAM, CLERK

5-17-21cc:jsr

THIS DEED, made this 7th day of JULY, 1970 by and
 between HOWARD CHITWOOD, ^{and LORENE CHITWOOD, his wife} ~~WIDOWER~~ parties of the first part,
 whether one or more in number, BRADFORD L. HAYDEN
 and MABLE H. HAYDEN, husband and wife parties of the second
 part, whether one or more in number:

- W I T N E S S E T H -

That for and in consideration of the sum of
 TWENTY NINE THOUSAND FIVE HUNDRED dollars (\$ 29,500.00)
 paid and to be paid as follows: \$8,500.00 cash in hand
 paid, the receipt of which is hereby acknowledged,
 and the balance secured by a deed of trust of even date,
 the said parties of the first part do hereby grant and convey
 with general warranty and with the English Covenants unto
 the said parties of the second part as tenants by the entireties
 with right of survivorship as at common law that certain
 tract or parcel of land lying and being in Chilhowie
 District, Smyth County, Virginia and described as follows:

BEGINNING at an iron pin in the southern
 line of U. S. Highway Number 11 as re-located
 and corner to the property of the Drive-In Theater;
 thence with said U. S. Highway 11 N 74 17 W 400
 feet to a Highway Monument; thence continuing
 with said Highway N 73° 5' W 108.8 feet to a point
 in the eastern line of a Entrance Drive which
 is 41 feet in width; thence with said entrance
 drive S 28° 30' W 438.85 feet to a point; thence
 S 16° 10' W 51.19 feet to a stake; S 49° 33' E
 376.03 feet to a stake; thence S 22° 06' W 415.2
 feet to a post; thence S 39° 58' W 345.9 feet to
 a post; thence S 83° 35' E 711 feet to a point;
 thence S 81° 30' E 360 feet to a post; thence N 23°
 45' E 102.75 feet to a point; thence N 25° 00' E 501.65

LAW OFFICES
 ROY HAMPTON BURKE, JR.
 PROFESSIONAL BUILDING
 MARION, VIRGINIA

7/13/70 mailed
 Bradford Hayden
 Rt. 1
 Marion, Va.

feet to a point corner to Drive-In Theater;
thence N 73° 30' W 322.6 feet to a post;
thence N 36° 30' W 468.6 feet to an iron pin;
thence N 32° 56' E 340.4 feet to the point
of beginning.

The aforesaid property is part of
the same property conveyed to Howard Chitwood
by H. Carson Chitwood et ux by deed dated
July 1, 1965 and recorded in the Clerk's Office of Smyth
County, Virginia in Deed Book 208, Page 373.

WITNESS the following signature and seal:

Howard Chitwood (SEAL)
Lanora Chitwood (SEAL)

STATE OF VIRGINIA
COUNTY OF SMYTH

I Roy H. Burke a Notary Public in and
for the County and State aforesaid do hereby certify that
Howard Chitwood ^{Lorene Chitwood} whose names are signed to the foregoing
writing bearing date on the 7 day of JULY 1970 have acknowledged
the same before me in my County and State aforesaid.

GIVEN UNDER MY HAND THIS 20 DAY OF July, 1970

LAW OFFICES
ROY HAMPTON BURKE, JR.
PROFESSIONAL BUILDING
MARION, VIRGINIA

Roy H. Burke
Commissioner in Charge
Court of Smyth County, Virginia
Notary Public

MY COMMISSION EXPIRES: _____

BOOK 237 PAGE 723

THIS DEED OF TRUST, made JULY 7,, 1970, between
BRADFORD L. HAYDEN & MABLE H. HAYDEN, husband and wife
of the first part and Roy H. Burke, Jr., Marion, Virginia
Trustee, of the second part.

WITNESSES: That in consideration of one dollar,
the receipt of which is acknowledged, and for the purposes
of securing payment of the indebtedness set out below,
the parties of the first part hereby grant and convey
to the party of the second part, with general warranty
of title, the following real estate:

That certain tract or parcel of land lying and
being in Chilhowie District, Smyth County, Virginia and
being the same property conveyed to Bradford L. Hayden
et ux by Howard Chitwood by deed dated July 7, 1970
and recorded in the Clerk's Office of Smyth County, Virginia
in Deed Book , Page .

IN TRUST: To secure the holder thereof the payment
of a note in amount of TWENTY ONE THOUSAND DOLLARS
(\$ 21,000.00), dated July 7, 1970 due 6 months
from date and bearing interest at the rate of
7 per cent per annum, ; executed by Bradford L. Hayden
and Mable H. Hayden and payable to the order of
Howard Chitwood and to secure the payment of any renewal
or renewals or said note, in whole or in part.

LAW OFFICES
ROY HAMPTON BURKE, JR.
PROFESSIONAL BUILDING
MARION, VIRGINIA

This whole amount secured by this deed of trust, having been fully paid, the same is
hereby released, this 21 day of Aug 1971

I hereby certify that the \$21,000.00 note herein
secured has been exhibited to me marked paid and cancelled
This 21 day of Aug 1971

7-21-70 mailed
Howard Chitwood
Hillsdale, Va.

Testa Barbara W. Kern, Dep. Clerk

Testa Barbara W. Kern, Dep. Clerk

In event of default in payment, of the debt secured or of the breach of any covenant entered into or imposed upon the parties of the first part, then at the request of any beneficiary the Trustee shall proceed to sell the property hereby conveyed, at public auction, at the premises or at the front door of the Smyth County Court House in Marion, Virginia upon the following terms: For cash as to an amount sufficient to pay the cost of execution this trust, including trustee's commission of five per cent, to pay all taxes and prior liens, if any, on said property, and pay the amount owing upon the debt secured; as to the residue of the purchase price, if any, upon such terms as the Trustee shall prescribe; and the Trustee shall receive receipt for any apply the proceeds of sale in the manner provided by law.

Advertisement required by publication of notice of time, place and terms of sale once a week for two (2) successive weeks in a newspaper published in Smyth County, Virginia.

Insurance required \$ 21,000.00 Homestead and all other exemption waived by grantors.

The parties of the first part hereby grant to the holder of the note hereby secured the right and power to appoint a substitute Trustee in event of the resignation, death, incapacity, disability, removal or absence from this State of the Trustee named above.

Parties of the first part covenants that they are seized in fee simple and have the right to convey the aforesaid land to the party of the second part; that the said land is free from all encumbrances; that they have done no act to encumber the said land; and that they will perform all duties imposed upon them by this Deed of Trust and by Section 55.50 and 55-60 of the Code of Virginia of 1950, as amended, which statute is made a part thereof.

WITNESS the following signatures and seals:

Bradford L. Hayden (SEAL)

Mable H. Hayden (SEAL)

STATE OF VIRGINIA
COUNTY OF SMYTH

I, Charles L. Purnum, a Notary Public in and for the County and State aforesaid do hereby certify that Bradford L. Hayden and Mable H. Hayden whose names are signed to the foregoing writing bearing date on the 10 day of JULY 1970 have acknowledged the same before me in my County and State aforesaid.

1970. GIVEN UNDER MY HAND THIS 20th DAY OF July

Charles L. Purnum
Notary Public

MY COMMISSION EXPIRES June 12, 1973

LAW OFFICES
ROY HAMPTON BURKE, JR.
PROFESSIONAL BUILDING
MARION, VIRGINIA

VIRGINIA: In the Clerk's Office of the Circuit Court of Smyth County, this 20th day of July, 1970, the foregoing writing was presented and with the certificate attached, and filed for record at 12:00 o'clock P. M. after payment of \$ tax imposed by Sec. 55-54 (b).

Teste: Blair E. Purnum Clerk

THIS DEED, made this 17 day of July, 1961

by and between Howard Carson Chitwood and Jane A. Chitwood
Husband and wife

parties of the first part, whether one or more in number,
Bradford L. Hayden

parties of the second part, whether one or more in number;

- WITNESSETH -

THAT FOR and in consideration of the sum of
Eight Thousand Six Hundred no/100----- Dollars

(\$ 8,600.00) paid and to be paid as follows: \$ 3,600.00
cash in hand paid, the receipt of which is hereby acknowledged,
and the balance of \$ 6,000.00 evidenced by one negotiable
note bearing even date, payable to the order of the parties of the
first part, bearing interest at the rate of None per cent per
annum and a vendors lien is hereby expressly retained to secure
said unpaid purchase price, the parties of the first part do here-
by bargain, sell, grant and convey, with covenants of general
warranty of title and with the English Covenants, unto the parties
of the second part, That certain tract or parcel of land lying
and being in Chilhowie District, Smyth County, Virginia, and
described by survey as follows: Beginning at a highway monument
in the southern line of U.S. Highway #11; thence with said Highway
N 74° W 324 feet to an Iron pin corner to Drive In Theatre Property;
thence with said Theatre property S 18° 23' W 617.5 feet to an
iron pin; corner to property this day conveyed to Howard Chitwood;
thence with the Chitwood property S 73° 30' E 128 feet to a point;
thence N 25° 35' E 575.25 feet to a post; thence S 71° 43' 123.3
feet to a point; thence N 18° 57' E 58 feet to the point of
beginning and being part of the property conveyed to Howard
Chitwood in the name of Howard Chitwood, Sr, and Ethel M. Chitwood;
Howard C. Chitwood in the name of Howard C. Chitwood, Jr. and
Jane A. Chitwood by John B. Penman et ux by deed dated February
17, 1961, and of record in the Clerk's Office of Smyth County,

LAW OFFICES
ROY HAMPTON BURKE, JR.
PROFESSIONAL BUILDING
HARRISON, VIRGINIA

Mr. Penman
15
18
1961
17
18
1961

I hereby certify that the 6,000.00 note secured has been exhibited to me marked paid and cancelled.
This 15 day of December 1961
Clerk

15
18
1961
17
18
1961

Virginia, in Deed Book 174, Page 423, and the interest of Ethel M. Chitwood was acquired from her heirs at law by Howard Chitwood by deed dated November 24, 1964, and of record in the Clerk's Office of Smyth County, Virginia, in Deed Book 207, Page 348.

The parties of the first part and the parties of the second part mutually agree that there shall be a thirty foot right of way from the land herein conveyed along the Eastern line of the Drive In Theatre property to U.S. Highway #11; and it is further mutually agreed between the parties hereto that either of the parties hereto may dedicate same as a public road in the future if they so desire, said right of way is across this property.

The aforesaid property is Tract Number 1 of the property conveyed to Howard Carson Chitwood et ux by Howard Chitwood by deed dated July 1, 1965 and recorded in Deed Book Page

The aforesaid note is due in Sixty days and bears no interest if paid within sixty days but should same not be paid within sixty days then said note shall bear interest at 7% per annum.

This conveyance is made subject to the conditions, restrictions, easements and reservations of record, if any, affecting the aforesaid property and constituting constructive notice.

The parties of the first part covenant they they are seized in fee, simple of said land; that they have the right to convey the said property to the grantees herein named; that the said grantees shall have quiet and peaceful possession of said property, free from all encumbrances; that the parties of the first part have done no act to encumber the said property; that they, the said parties of the first part, will execute such further assurances of said property as may be requisite.

WITNESS the following signatures and seals:

Howard C. Chitwood (SEAL)

Jane A. Chitwood (SEAL)

STATE OF VIRGINIA

COUNTY OF SMYTH, TO-WIT

I Roy H. Burke, Jr. Commissioner in Charge, a Notary Public in and for the County aforesaid in the State of Virginia, do hereby certify that Howard Carson Chitwood and Jane A. Chitwood whose names are signed to the foregoing writing bearing date on the 17 day of July, 1969, have acknowledged the same before me in my County and State aforesaid.

GIVEN under my hand this 21 day of July, 1969.

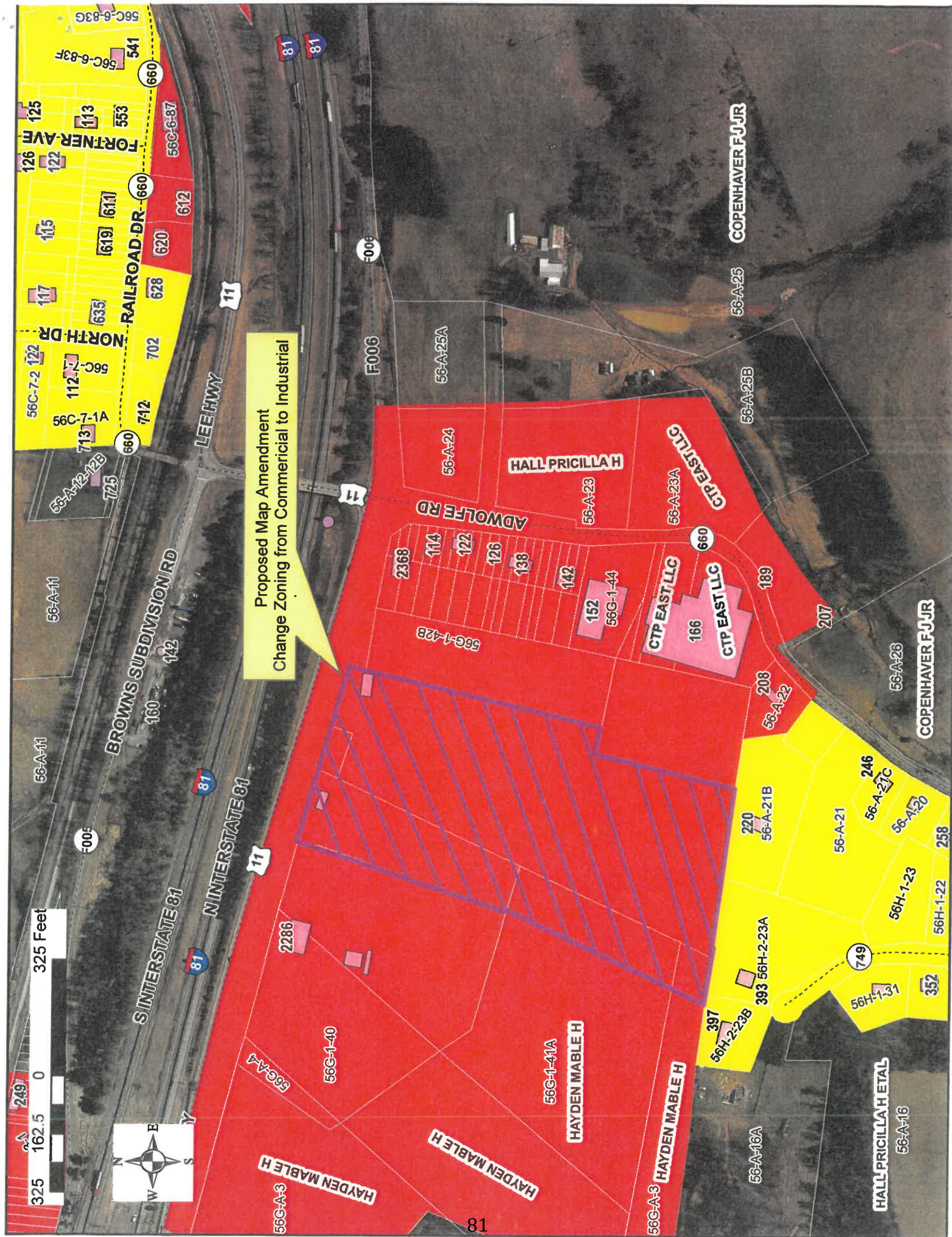
Roy H. Burke, Jr.
Notary Public
Commissioner in Charge
for Circuit Court of Smyth County
Va.

My Commission expires:

LAW OFFICES
ROY HAMPTON BURKE, JR.
PROFESSIONAL BUILDING
HARRISBURG, VIRGINIA

VIRGINIA: In the Clerk's Office of the Circuit Court of Smyth County, this 21 day of July, 1969, the foregoing writing was presented and with the certificate annexed, admitted to record at 4:45 o'clock P. M. after payment of \$ 9.00 tax imposed by Sec. 50-3. (b).

Teste: Martin A. Berry - Deputy Clerk





View from the entrance looking West
on Lee Highway.



View from the entrance looking East
on Lee Highway.



View from Lee Highway looking at the
unaddressed structure on tax map #
56G-1-42A.



View from Lee Highway looking
toward 2340 Lee Highway.



View from Lee Highway looking
toward 2312 Lee Highway.

[illegible]

APPLICATION FOR SPECIAL USE PERMIT

Truck Stop

Applicant: George Palmer
Site: Beside 416 Chestnut Ridge Road; Marion, Virginia
Tax Map Nos.: 55-6-1; 55A1; 55-5-2

Background Information

George Palmer is applying for a special use permit to establish a truck stop on his property adjoining 416 Chestnut Ridge Road in Marion.

Relevant Zoning Ordinance Sections

Section 3-4 Commercial District
Article X Definitions
Article VI Special Use Permit

Adjoining Property Owners

VDOT Abingdon Residency ATTN: Conrad Hill 700 East Main Street Abingdon VA 24210	William M & Sylvia H Clapp P.O. Box 247 Marion, Virginia 24354	Siddhi-Vinayaka LLC 12412 Maple Street Glade Spring, Virginia 24340
Lillian Rosa Widener Doss EST c/o James Darrel Widener 16266 Murrayfield Road Chilhowie, Virginia 24319	Smyth County Lodge # 1004 Loyal Order of the Moose Inc P.O. Box 88 Marion, Virginia 24354	R F Sturgill ETALS P.O. Box 5009 Chilhowie, Virginia 24319
Smyth County Board of Supervisors 121 Bagley Circle, Suite 100 Marion, Virginia 24354	Dennis & Charlotte Harris P.O. Box 1741 Chilhowie, Virginia 24319	Doris Wyatt & Mike Blevins 149 Lancaster Lane Marion, Virginia 24354
Paul J & Priscilla Grinstead 141 Lancaster Lane Marion, Virginia 24354	Richard L & Rebecca Dolinger P.O. Box 980 Chilhowie, Virginia 24319	H G B T P.O. Box 590 Chilhowie, Virginia 24319
Phillip C Gibson 226 Chesire Lane Marion, Virginia 24354	Nancy Carol Lagerholm 230 Chesire Lane Marion, Virginia 24354	Joyce M Davidson P.O. Box 603 Chilhowie, VA 24319

SMYTH COUNTY BUILDING AND ZONING DEPARTMENT

121 BAGLEY CIRCLE, SUITE 120, MARION, VA 24354

Telephone (276) 706-8316

Facsimile (276) 783-9314

APPLICATION FOR SPECIAL USE PERMIT

Article VI of Zoning Ordinance

Date: 1/28/2022

Application Fee: \$250.00

Name of Applicant: George and Nancy Palmer

Mailing Address: 416 Chestnut Ridge Road

City: Marion State: VA Zip: 24354

Phone: (Home): (276) 646 - 5288 (Cell) (____) ____ - ____

Email: _____

Property Owner's Name (if not Applicant) Same

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: (Home): (____) ____ - ____ (Cell) (____) ____ - ____

Email: _____

Preferred Method of Contact (circle one): ☒ Home ☐ Cell ☐ E-mail

911 Site Address or Adjoining 911 Address: 212 Chesnut Ridge Road

City: Marion State: VA Zip: 24354

Tax Map No. 3 parcels: 55-5-2, 55-6-1, 55A-A-1

Existing Use of Property: Farming

Proposed Use as defined in the Zoning Ordinance: Commercial + Special Use of Truck Stop

Uses of immediately adjoining properties: Agriculture, Forested, I-81, Undeveloped County Property, & Palmer Residence, Chestnut Ridge Road

Source of Water: Public Water Main Across Chestnut Ridge Road. Means of Sewage Disposal: Public Sewer Mains onsite.

Attach a Site Plan showing the following information:

- Shape and dimensions of lot
- Existing structures with distances to lot lines.
- Dimensions and locations of all proposed buildings or structures (including additions or alterations) with distances to lot lines.
- Existing and intended uses of the land and of each building or part of a building
- Significant natural features, such as woods, streams, etc.
- Existing and proposed roads and driveways
- Existing public water and sewer lines

h. Off-street parking spaces

Zoning District: District C – Commercial ©

Attach a list of names and addresses of all abutting property owners and property owners directly across the street.

AFFIDAVIT:

I swear that: (check one)

☒ No member of the Smyth County Planning Commission or Smyth County Board of Supervisors or no member of the immediate household of any member of the Planning Commission or the Board of Supervisors has any interest in the property for which this Special Use Permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust;
or

☐ Members of the Smyth County Planning Commission or Smyth County Board of Supervisors or members of the immediate household of members of the Planning Commission or the Board of Supervisors who have an interest in the property for which this Special use permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust are listed below.

Disclosure of Ownership of Property for which this Special Use Permit is requested:

Names of all owners of the property, including in the case of corporate ownership, the name of stockholders, officers and directors, and in any case the names and addresses of all of the real parties of interest. (Requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.)

George W Palmer
NANCY R. PALMER

1-28-2022

Date

George W Palmer Nancy R. Palmer
Signature of Applicant

NOTARY PUBLIC

STATE/Commonwealth of Virginia
City/County of Smyth

The foregoing signature(s) were subscribed and sworn before me this 28 day of

Nancy R. Palmer, 2022 by George William Palmer and

G. Clegg Williams
Notary Public

My Commission Expires 4/30/22 My Registration No. 315307



BK0506 P6803

THIS DEED, made this 3d day of March, 1998, by and between Lucy H. CROCKETT, unmarried, Grantor, and George W. PALMER and Nancy R. PALMER, husband and wife, whose mailing address is Route 5, Box 502, Marion, Virginia 24354, Grantees;

: W I T N E S S E T H :

THAT FOR and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, the receipt whereof is hereby acknowledged and the great affection that I hold for the Grantees; and the sum of \$500 payable per month by the Grantees to the Grantor herein for each month for the remainder of the Grantor's life, which debt is evidenced by one negotiable non-interest bearing promissory note of even date herewith made by the Grantees payable to the order of Lucy H. Crockett, at Route 5, Box 506 B, Marion, Virginia 24354, beginning on the 3d day of April, 1999 and on the 3d day of every month thereafter, and secured by a VENDOR'S LIEN hereby expressly reserved to secure the payment of same, the Grantor does hereby GRANT, CONVEY and SELL with covenants of General Warranty of title and the English Covenants unto the Grantees as tenants by the entirety with the right of survivorship as at common law, all those certain tracts or parcels of land lying and being in the Chilhowie Magisterial District of Smyth County, Virginia, and more particularly described as follows, to wit:

All the remaining lands which the Grantor owns being bounded on the north by Interstate 81, on the east and south by State Route 645, and on the west by the lands of George W. Palmer, et ux; the County of Smyth and Lillian W. Doss and being designated as Tax Map parcel numbers 55A-(A)-(001)-A; 55A-(A)-(001)-0; 55-(05)-(002)-0; 55-(05)-(002)-A; 55-(05)-(002)-B; and 55-(06)-(001)-0.

Being a part of the property which Neil Johnson Crockett devised to Lucy H. Crockett in her will dated June 24, 1968 which was probated on August 30, 1978 in the Circuit Court Clerk's Office of Smyth County, Virginia in Will Book 29, page 715 and a part of the property Lucy Herndon Crockett conveyed to


FREEDMAN ASSOCIATES
ATTORNEYS AT LAW
121 North Church Street
Marion, Virginia 24354

BK0506 PG804

Lucy Herndon Crockett by deed dated September 29, 1978 and recorded in the aforesaid Clerk's Office in Deed Book 298, page 419.

This conveyance is made subject to all conditions, restrictions, easements, reservations of record, if any, affecting the aforesaid property and constituting constructive notice.

LIFE ESTATE: The Grantor hereby reserves unto herself a life estate in and to the property herein conveyed. This life estate entitles her to all rents from the property during her lifetime.

WITNESS THE FOLLOWING SIGNATURE AND SEAL:

Lucy H. Crockett (SEAL)
LUCY H. CROCKETT

STATE OF VIRGINIA:

AT LARGE:

I, Karin R. Pruitt, a Notary Public in and for the State of Virginia, at large, do hereby certify that Lucy H. Crockett, unmarried, whose name is signed to the foregoing deed, has this day personally appeared before me and acknowledged the same.

Given under my hand this 13th day of March, 1998.

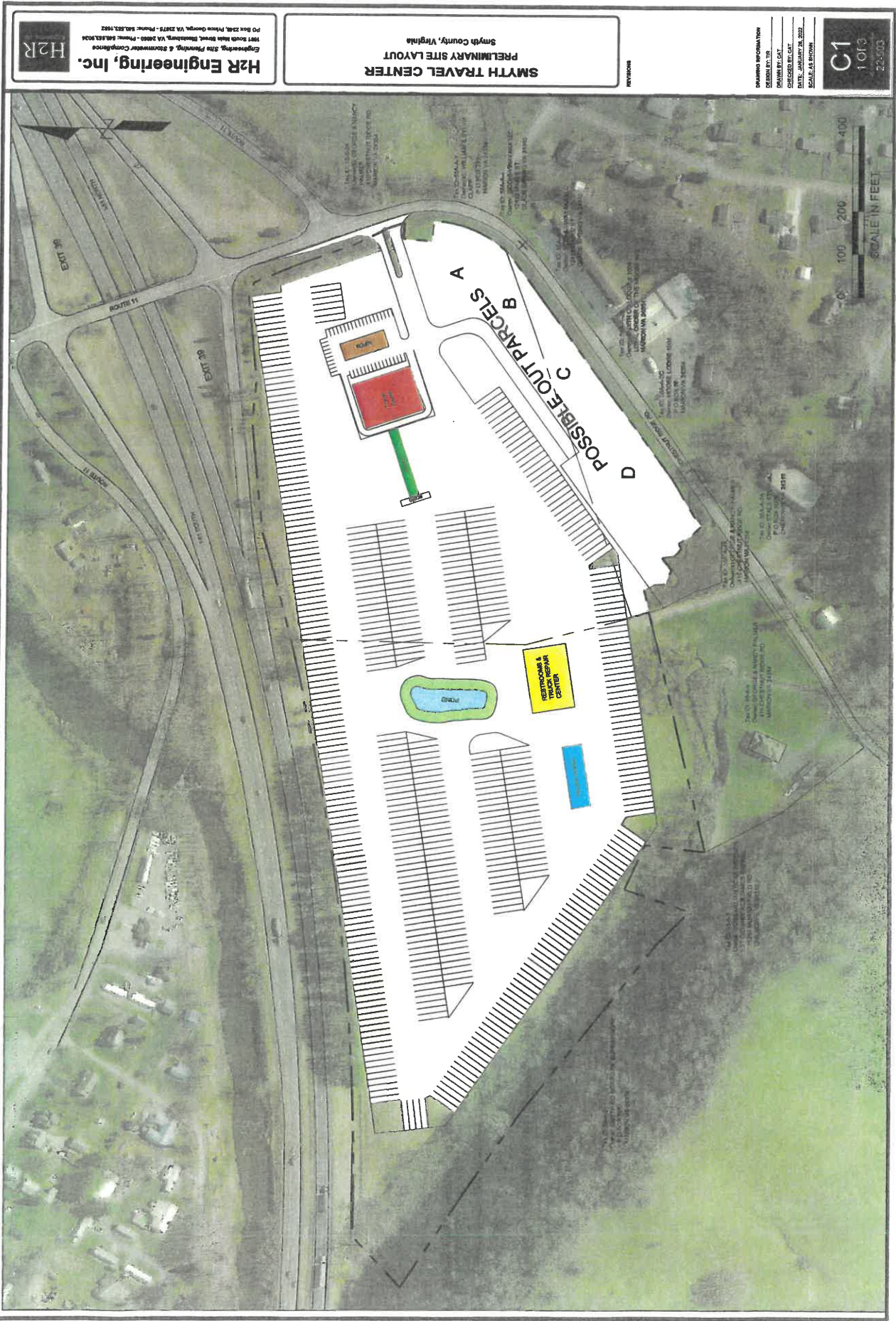
My Commission expires: March 31, 2001

Karin R. Pruitt
NOTARY PUBLIC


FREEDMAN ASSOCIATES
ATTORNEYS AT LAW
121 North Church Street
Norfolk, Virginia 23510

To: Nancy Palmer

INSTRUMENT 898888733
RECORDED IN THE CLERK'S OFFICE OF
SMITH ON
MARCH 16, 1998 AT 09:31AM
\$88.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$44.00 LOCAL: \$44.00
JIMMY L. WARREN, CLERK
BY: Diana L. Supper (DC)



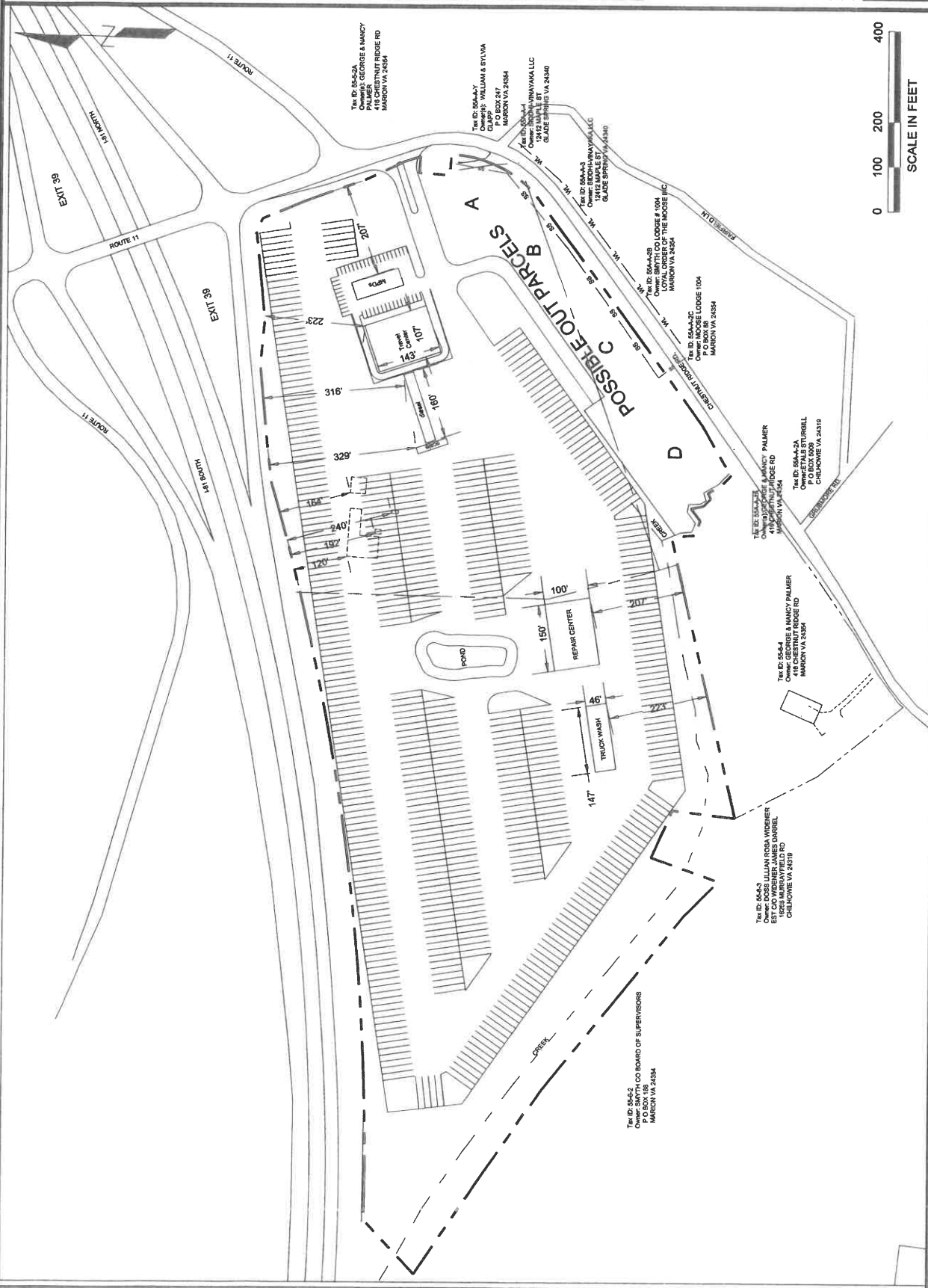
H2R Engineering, Inc.
 Engineering, Site Planning, & Environmental Compliance
 1981 South Main Street, Blacksburg, VA 24060 - Phone: 800.853.1922
 PO Box 2248, Phoenix, AZ 85001 - Phone: 800.853.1922

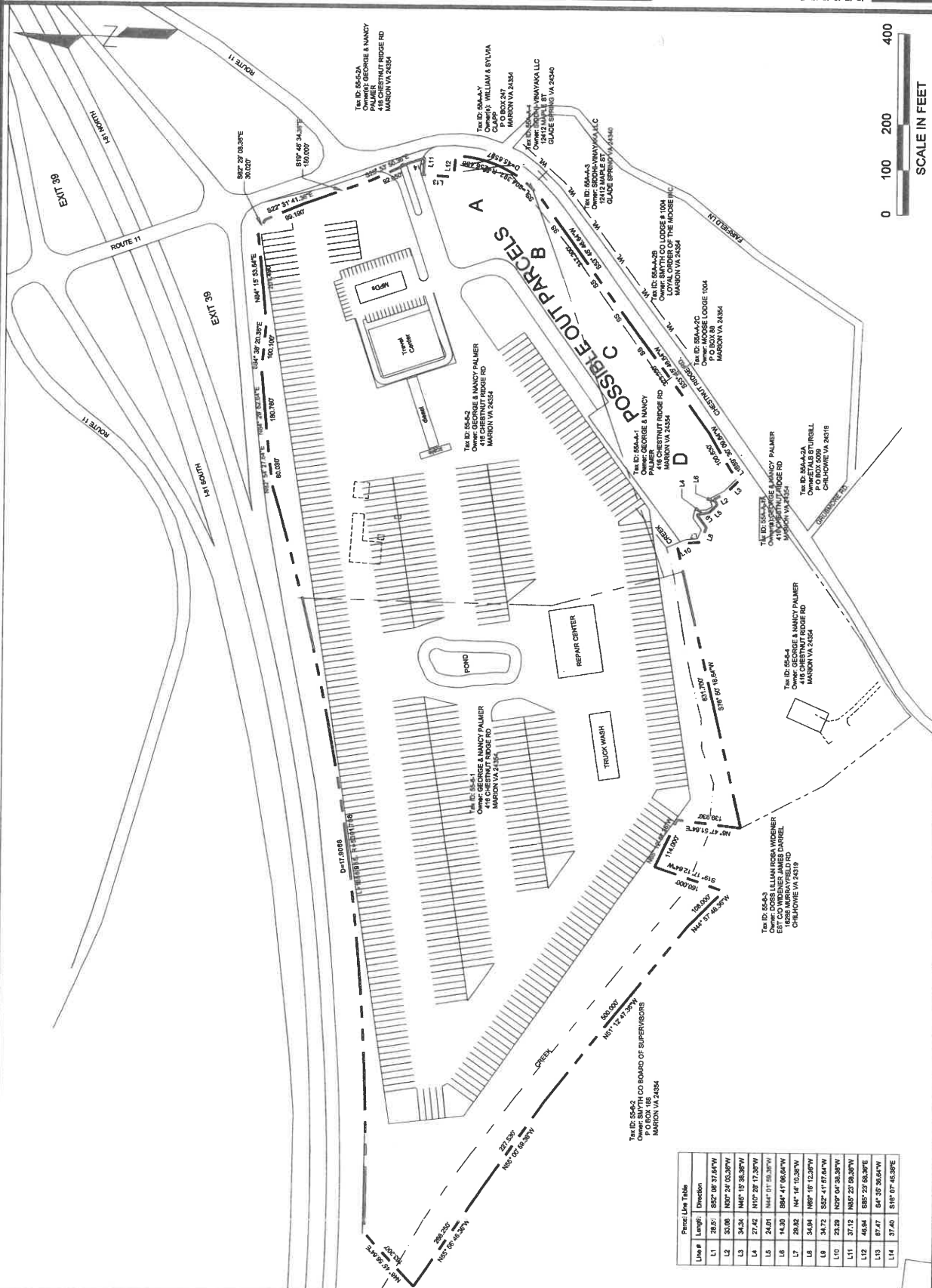
SMYTH TRAVEL CENTER
PRELIMINARY SITE LAYOUT
 Smyth County, Virginia

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	01/24/2023
2	REVISED BY: CAT	01/24/2023
3	DATE: JANUARY 24, 2023	
4	SCALE: AS SHOWN	

C1
 1013
 22-003





Line#	Length	Direction
L1	28.35	S82° 28' 33.30°W
L2	33.08	N07° 24' 03.30°W
L3	54.34	N45° 19' 38.30°W
L4	27.42	N10° 28' 17.30°W
L5	24.01	N44° 11' 39.30°W
L6	14.30	S84° 41' 06.60°W
L7	28.93	N4° 41' 13.30°W
L8	54.34	N07° 19' 12.30°W
L9	34.72	S02° 41' 07.60°W
L10	23.29	N09° 04' 38.30°W
L11	37.12	N05° 25' 58.30°E
L12	46.94	S85° 23' 58.30°E
L13	87.47	S4° 35' 30.60°W
L14	37.40	S14° 07' 45.90°E

George Palmer
Beside 416 Chestnut Ridge Road; Marion, Virginia
Special Use Permit: Truck Stop



View from the proposed entrance looking North toward
Lee Highway and Exit 39 (I-81)



View from the proposed entrance looking West over the
proposed project site.



View from I-81 looking over the project site.



View from the proposed entrance looking toward 273, 263,
and 259 Chestnut Ridge Road.

APPLICATION FOR SPECIAL USE PERMIT MINING, QUARRYING, MINERAL EXTRACTION AND PROCESSING OPERATION

Applicant: JWM Enterprises, LLC
Site: 2312 Lee Highway and 2340 Lee Highway Marion, Virginia.
Tax Map Nos.: Tax Map Nos. 56G-1-42, 56G-1-42A, 56G-1-41B, the Eastern Portion of 56G-A-3, and the Eastern Portion of 56G-1-41A

Background Information

JWM Enterprises LLC is negotiating to purchase approximately 14 acres on Lee Highway in Marion, Virginia. Ultimately, they would like to establish a truck terminal, contractor storage yard and a mining, quarrying, mineral extraction, and processing operation. For all of that to be approved they must first get the property rezoned to Industrial. If approved, they have also applied for a special use permit to establish the proposed mining, quarrying, mineral extraction, and processing operation.

Relevant Zoning Ordinance Sections

§ 3-5	Industrial District
Article X	Definitions
Article VI	Special Use Permit

Adjoining Property Owners

Kim Aaron Gollehon
P.O. Box 1616
Chilhowie, VA 24319

Mable Hayden ETAL
2140 Red Stone Road
Marion, VA 24354

Southern States Marion Co-op
P.O. Box 26234
Richmond, VA 23260

CTP East LLC
564 West 700 S Suite 104
Pleasant Grove, UT 84062

Ronald & Sharon Shadley
P.O. Box 704
Marion, VA 24354

Anthony & Monica Powers
393 Rolling Hills Drive
Marion, VA 24354

William A & April D Morgan
397 Rolling Hills Drive
Marion, VA 24354

VDOT Abingdon Residency
ATTN: Conrad Hill
700 East Main Street
Abingdon VA 24210

Antoinette Roberts Goodrich
368 North Overlook Drive
Marion, VA 24354



Smyth County Building and Zoning Department

121 Bagley Circle, Suite 120, Marion, VA 24354
Phone (276) 706-8317 Fax (276) 783-9314
buildingandzoning@smythcounty.org

Zoning Ordinance
Floodplain Ordinance
Subdivision Ordinance
Erosion Control Ordinance
Manufactured Home Ordinance
Virginia Uniform Statewide Building Code

APPLICATION FOR SPECIAL USE PERMIT

Article VI of Zoning Ordinance

Date: February 3, 2022

Application Fee: \$250.00

Name of Applicant JWM Enterprises, LLC

Mailing Address 1762 Stoney Battery Road; Marion, VA 24354

Phone: (Home) _____ (Cell) 276-685-6014 (Email) _____

Property Owner's Name (if not Applicant) Jeff Richardson Mable Hayden ETAL

Mailing Address 737 Lincoln Ave 2140 Red Stone Road

Phone: (Home) _____ (Cell) marion VA 24354 (Email) Marion VA 24354

Preferred Method of Contact (circle one): ☐ Home ☒ Cell ☐ Email

911 Site Address or Adjoining 911 Address Near 2312 Lee Highway; Marion VA 24354

Tax Map No. 56G-1-42; 56G-4-42A; Portion of 56G-4-A-3; Portion of 56G-1-41A; and Portion of 56G-1-41B.

Existing Use of Property: Single family dwelling, vacant, log yard

Proposed Use as defined in the Zoning Ordinance: Mining, quarrying, mineral extraction, i. processing operation

Uses of immediately adjoining properties: Business, Residential Single-Family Dwellings, Interstate I-81

Source of Water: Thomas Bridge Means of Sewage Disposal: Smyth County

Attach a Site Plan showing the following information:

- Shape and dimensions of lot
- Existing structures with distances to lot lines.
- Dimensions and locations of all proposed buildings or structures (including additions or alterations) with distances to lot lines.
- Existing and intended uses of the land and of each building or part of a building
- Significant natural features, such as woods, streams, etc.
- Existing and proposed roads and driveways
- Existing public water and sewer lines
- Off-street parking spaces

Zoning District: (Currently) Commercial → (pending approval) Industrial

Attach a list of names and addresses of all abutting property owners and property owners directly across the street.

AFFIDAVIT:

I swear that: (check one)

☒ No member of the Smyth County Planning Commission or Smyth County Board of Supervisors or no member of the immediate household of any member of the Planning Commission or the Board of Supervisors has any interest in the property for which this Special Use Permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust;
or

_____ Members of the Smyth County Planning Commission or Smyth County Board of Supervisors or members of the immediate household of members of the Planning Commission or the Board of Supervisors who have an interest in the property for which this Special use permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust are listed below.

Disclosure of Ownership of Property for which this Special Use Permit is requested:

Names of all owners of the property, including in the case of corporate ownership, the name of stockholders, officers and directors, and in any case the names and addresses of all of the real parties of interest. (Requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.)

Jeff Richardson

Mable Hayden ETAL

2/8/22 _____
Date Signature of Applicant

NOTARY PUBLIC

STATE/Commonwealth of Virginia
City/County of Smyth

The foregoing signature(s) were subscribed and sworn before me this 8th day of February, 2022 by Justin William McClellan and _____

J. Clegg Williams

Notary Public

My Commission Expires 4/30/22 My Registration No. 315307



Smyth County
Building and Zoning Department

121 Bagley Circle, Suite 120, Marion, VA 24354
Phone (276) 706-8317 Fax (276) 783-9314
buildingandzoning@smythcounty.org

Zoning Ordinance
Floodplain Ordinance
Subdivision Ordinance
Erosion Control Ordinance
Manufactured Home Ordinance
Virginia Uniform Statewide Building Code

OWNER'S CONSENT FORM

I/we hereby grant permission for JWM Enterprises LLC
to seek a:

- ☒ Special Use Permit
☒ Map Amendment (Rezoning)
☐ Variance to the Subdivision Ordinance
☐ Variance to the Zoning Ordinance
☐ Other: _____

for property I/we own at 2312 Lee Highway - Marion

Tax Map No. 56G-1-42A, 56G-1-41B, portion of 56G-1-41A, & portion of 56G-A-3

Jan 26 2022 Mable Sadie Hayden
Date Owner's Signature

MABLE SADIE HAYDEN
Print Name Telephone

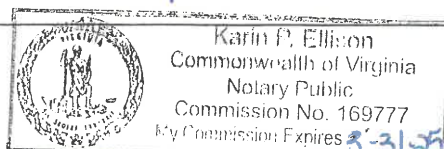
Date Owner's Signature

Print Name Telephone

NOTARY PUBLIC

STATE/Commonwealth of Virginia
City/County of Smyth

The foregoing signature(s) were subscribed and sworn before me this 26th day of January, 2022 by Mable Sadie Hayden and



Karin P. Ellison
Notary Public

My Commission Expires 3-31-25

My Registration No. 169777

OWNER'S CONSENT FORM

I/we hereby grant permission for Justin McClellan
to seek a:

- ☒ Special Use Permit
- ☒ Map Amendment (Rezoning)
- ☐ Variance to the Subdivision Ordinance
- ☐ Variance to the Zoning Ordinance
- ☐ Other: _____

for property I/we own at 2340 Lee Highway
Tax Map No. 56G-1-42

1/31/22
Date

Jeffrey Richardson
Owner's Signature
Jeffrey Richardson
Print Name Phone _____

Date

Owner's Signature

Print Name Phone _____

NOTARY PUBLIC

STATE/COMMONWEALTH OF Virginia
City/County of Smyth

The foregoing signature(s) were subscribed and sworn before me this 31 day of January, 2022 by Jeffrey Richardson and _____

G. Clegg Williams
Notary Public

My Commission Expires 4/30/22

My Registration No. 315307

SMYTH COUNTY BUILDING AND ZONING DEPARTMENT
121 BAGLEY CIRCLE, SUITE 120, MARION, VA 24354
Telephone (276) 706-8316 or (276) 706-8317
Facsimile (276) 783-9314
buildingandzoning@smythcounty.org



LAST WILL AND TESTAMENT
OF
LYNDA RICHARDSON-HILL

I, LYNDA RICHARDSON-HILL, being of sound and disposing mind and memory do hereby, make, publish, and declare this to be my Last Will and Testament, hereby revoking ~~any and all wills and/or codicils at any time heretofore made~~ by me.

I.

I direct that all my just debts, funeral expenses, including the costs of a suitable marker, taxes, and the costs of administration of my estate be paid as soon as possible after my death by my executor hereinafter named.

II.

I hereby devise and bequeath to my nephew Jeffrey Richardson, my house and lot located at 3208 Fountain Park Boulevard, Knoxville, Tennessee.

III.

I hereby devise and bequeath my one-half (1/2) interest in and to the Hutton Branch, Smyth County, property to my brother Arlis Richardson, if he survives me. Should he predecease me I then devise and bequeath my one-half interest in that property to my nephew, Jeffrey Richardson.

IV.

I hereby devise and bequeath my one-third (1/3) interest in and to the homeplace located on Lee Highway and Adwolfe Road to my brothers, Arlis Richardson and Buford

Richardson, to share and share alike. Should either of my brother predecease me I then devise my one-third interest in the homeplace to the surviving brother. If neither of my brothers is living at the time of my death, I then devise and bequeath my one-third interest in the homeplace to my nephew, Jeffrey Richardson.

V.

All the rest residue and remainder of my property I, give, devise and bequeath unto my nephew, Jeffrey Richardson, including real, personal or mixed, wheresoever located, in fee simple. If Jeffrey is not living at the time of my death I then give, devise and bequeath the remainder of my property to my brother, Arlis Richardson. Should Arlis predecease me I then give, devise and bequeath the remainder of my property to my brother, Buford Richardson.

VI.

I hereby nominate and appoint my nephew, Jeffrey Richardson, as Executor of this My Last Will and Testament, and direct that no surety shall be required on his official bond.

VII.

In the administration of my estate, my executor shall have all the powers enumerated in Section 64.1-57 of the Code of Virginia, 1950, as amended. I specifically direct that my executor have the power to sell any real estate of which I die seized.

IN WITNESS WHEREOF, I have hereunto set my hand and

seal to this my Last Will and Testament this the 28
day of JUNE, 1994.

Lynda Richardson Hill (SEAL)
LYNDA RICHARDSON-HILL

The above signature of the testatrix was made and the foregoing will was acknowledged to be her last will and testament by the said testatrix in the presence of us, three competent witnesses, present at the same time; and we, the said witnesses, do hereunto subscribed the said will on the date last above written, in the presence of the said testatrix, and of each other, at the request of the said testatrix, who was then of sound mind and over the age of eighteen years.

Laura S. Campbell
Witness
Venitia A. Funk
Witness
Peggy Lou Thomas
Witness

STATE OF VIRGINIA, at large:

Before me, the undersigned authority, on this day personally appeared Lynda Richardson-Hill, Laura S. Campbell, Venitia A. Funk, and Peggy Lou Thomas, known to me to be the testatrix and the witnesses, respectively, whose names are signed to the foregoing instrument, and all of these persons being by me first duly sworn, Lynda Richardson-Hill, the testatrix,

declared to me and to the witnesses in my presence that said instrument is her last will and testament and that she had willingly signed the same and executed it in the presence of said witnesses as her free and voluntary act for the purposes herein expressed; that the said witnesses stated before me that the foregoing will was executed and acknowledged by the testatrix as her last will and testament in the presence of each other, did subscribe their names thereto as attesting witnesses on the day of the date of said will, and that the said testatrix, at the time of the execution of said will, was over the age of eighteen years and of sound and disposing mind and memory.

Lynda Richardson Hill
LYNDA RICHARDSON-HILL

Laura S. Campbell
Witness

Venitia A. Funk
Witness

Peggy Lou Thomas
Witness

Subscribed, sworn and acknowledged before me this the 28th day of June, 1994, by Lynda Richardson-Hill, testatrix and Laura S. Campbell, Venitia A. Funk, and Peggy Lou Thomas, witnesses.



[Signature]
VIRGINIA
IN THE CLERK'S OFFICE OF
SHYTH COUNTY Public

MAY 07, 2021 AT 11:41 AM

WILLS/FIDUCIARY

9/28/96

INSTRUMENT #210000135 WAS RECORDED

UPON CERTIFICATION OF ACKNOWLEDGEMENT

THERETO ANNEXED, ADMITTED TO RECORD.

THE FEE AND TAX OF \$81.00 IMPOSED

BY LAWYER BERNARD A. BRANT (21000002963)

VIRGINIA: IN THE CIRCUIT COURT OF SMYTH COUNTY

WILL FILE NO. 210000135

IN RE: LYNDA LOU RICHARDSON HILL, Deceased

ORDER FOR PROBATE OF WILL
AND
QUALIFICATION OF EXECUTOR

A paper writing purporting to be the last will and testament of Lynda Lou Richardson Hill, deceased, was this day presented to the Clerk by her nephew, Jeffrey Trent Richardson, the Executor named therein, and offered for probate.

It appearing that the decedent resided at 737 Lincoln Avenue, Marion, Virginia 24354, in Smyth County, Virginia, within the jurisdiction of this Court, and died on April 15, 2021; and the paper writing dated June 28, 1994, consisting of four (4) typewritten pages, having been executed and witnessed as provided by §64.2-452 or §64.2-453 of the Code of Virginia, it is ESTABLISHED and ADJUDGED to be the true last will and testament of Lynda Lou Richardson Hill, deceased, and is ORDERED to be recorded as such.

Thereupon Jeffrey Trent Richardson asked permission to qualify as Executor and such permission was GRANTED. Jeffrey Trent Richardson then appeared, made oath as the law directs, and entered into and acknowledged before the Clerk a bond in the penalty of \$25,000.00, without surety, the will requesting that none be required. This bond, being payable and conditioned according to law, is ORDERED to be recorded.

Certificate is GRANTED the Executor for obtaining a probate of the will of Lynda Lou Richardson Hill, deceased, in due form.

The statement of responsibilities required by §64.2-507 of the Code of Virginia, and the written notice of probate and the affidavit referred to in §64.2-508, were given to the Executor.

Pursuant to §64.2-1302, inventory and settlement are hereby waived.

Enter this 7th day of May, 2021.


JOHN H. GRAHAM, CLERK

THIS DEED, made this 7th day of JULY, 1970 by and between HOWARD CHITWOOD, ^{and LORENE CHITWOOD, his wife} ~~WIDOWER~~ parties of the first part, whether one or more in number, BRADFORD L. HAYDEN and MABLE H. HAYDEN, husband and wife parties of the second part, whether one or more in number:

- W I T N E S S E T H -

That for and in consideration of the sum of TWENTY NINE THOUSAND FIVE HUNDRED dollars (\$ 29,500.00) paid and to be paid as follows: \$8,500.00 cash in hand paid, the receipt of which is hereby acknowledged, and the balance secured by a deed of trust of even date, the said parties of the first part do hereby grant and convey with general warranty and with the English Covenants unto the said parties of the second part as tenants by the entireties with right of survivorship as at common law that certain tract or parcel of land lying and being in Chilhowie District, Smyth County, Virginia and described as follows:

BEGINNING at an iron pin in the southern line of U. S. Highway Number 11 as re-located and corner to the property of the Drive-In Theater; thence with said U. S. Highway 11 N 74 17 W 400 feet to a Highway Monument; thence continuing with said Highway N 73° 5' W 108.8 feet to a point in the eastern line of a Entrance Drive which is 41 feet in width; thence with said entrance drive S 28° 30' W 438.85 feet to a point; thence S 16° 10' W 51.19 feet to a stake; S 49° 33' E 376.03 feet to a stake; thence S 22° 06' W 415.2 feet to a post; thence S 39° 58' W 345.9 feet to a post; thence S 83° 35' E 711 feet to a point; thence S 81° 30' E 360 feet to a post; thence N 23° 45' E 102.75 feet to a point; thence N 25° 00' E 501.65

LAW OFFICES
ROY HAMPTON BURKE, JR.
PROFESSIONAL BUILDING
MARION, VIRGINIA

7/13/70 mailed
Bradford Hayden
Rt. 1
Marion, Va.

feet to a point corner to Drive-In Theater;
thence N 73° 30' W 322.6 feet to a post;
thence N 36° 30' W 468.6 feet to an iron pin;
thence N 32° 56' E 340.4 feet to the point
of beginning.

The aforesaid property is part of
the same property conveyed to Howard Chitwood
by H. Carson Chitwood et ux by deed dated
July 1, 1965 and recorded in the Clerk's Office of Smyth
County, Virginia in Deed Book 208, Page 373.

WITNESS the following signature and seal:

Howard Chitwood (SEAL)
Lanora Chitwood (SEAL)

STATE OF VIRGINIA
COUNTY OF SMYTH

I Roy H. Burke a Notary Public in and
for the County and State aforesaid do hereby certify that
Lorene Chitwood
Howard Chitwood whose names are signed to the foregoing
writing bearing date on the 7 day of JULY 1970 have acknowledged
the same before me in my County and State aforesaid.

GIVEN UNDER MY HAND THIS 20 DAY OF July, 1970

LAW OFFICES
ROY HAMPTON BURKE, JR.
PROFESSIONAL BUILDING
MARION, VIRGINIA

Roy H. Burke
Commission Expires January 1971
Count of Smyth County, Virginia
Notary Public

MY COMMISSION EXPIRES: _____

BOOK 237 PAGE 723

THIS DEED OF TRUST, made JULY 7,, 1970, between
BRADFORD L. HAYDEN & MABLE H. HAYDEN, husband and wife
of the first part and Roy H. Burke, Jr., Marion, Virginia
Trustee, of the second part.

WITNESSES: That in consideration of one dollar,
the receipt of which is acknowledged, and for the purposes
of securing payment of the indebtedness set out below,
the parties of the first part hereby grant and convey
to the party of the second part, with general warranty
of title, the following real estate:

That certain tract or parcel of land lying and
being in Chilhowie District, Smyth County, Virginia and
being the same property conveyed to Bradford L. Hayden
et ux by Howard Chitwood by deed dated July 7, 1970
and recorded in the Clerk's Office of Smyth County, Virginia
in Deed Book , Page .

IN TRUST: To secure the holder thereof the payment
of a note in amount of TWENTY ONE THOUSAND DOLLARS
(\$ 21,000.00), dated July 7, 1970 due 6 months
from date and bearing interest at the rate of
7 per cent per annum, ; executed by Bradford L. Hayden
and Mable H. Hayden and payable to the order of
Howard Chitwood and to secure the payment of any renewal
or renewals or said note, in whole or in part.

LAW OFFICES
ROY HAMPTON BURKE, JR.
PROFESSIONAL BUILDING
MARION, VIRGINIA

I hereby certify that the \$21,000.00 note herein
secured has been exhibited to me marked paid and cancelled
This 2 day of Aug 1971
Teste: Barbara W. Henry, Dep. Clerk

The whole amount secured by this deed of trust, having been fully paid, the same is
hereby released this 2 day of Aug 1971
Teste: Barbara W. Henry, Dep. Clerk

7-21-70 marked
Howard Chitwood
Hillsdale, Va.

In event of default in payment, of the debt secured or of the breach of any covenant entered into or imposed upon the parties of the first part, then at the request of any beneficiary the Trustee shall proceed to sell the property hereby conveyed, at public auction, at the premises or at the front door of the Smyth County Court House in Marion, Virginia upon the following terms: For cash as to an amount sufficient to pay the cost of execution this trust, including trustee's commission of five per cent, to pay all taxes and prior liens, if any, on said property, and pay the amount owing upon the debt secured; as to the residue of the purchase price, if any, upon such terms as the Trustee shall prescribe; and the Trustee shall receive receipt for any apply the proceeds of sale in the manner provided by law.

Advertisement required by publication of notice of time, place and terms of sale once a week for two (2) successive weeks in a newspaper published in Smyth County, Virginia.

Insurance required \$ 21,000.00 Homestead and all other exemption waived by grantors.

The parties of the first part hereby grant to the holder of the note hereby secured the right and power to appoint a substitute Trustee in event of the resignation, death, incapacity, disability, removal or absence from this State of the Trustee named above.

Parties of the first part covenants that they are seized in fee simple and have the right to convey the aforesaid land to the party of the second part; that the said land is free from all encumbrances; that they have done no act to encumber the said land; and that they will perform all duties imposed upon them by this Deed of Trust and by Section 55.50 and 55-60 of the Code of Virginia of 1950, as amended, which statute is made a part thereof.

WITNESS the following signatures and seals:

Bradford L. Hayden (SEAL)

Mable H. Hayden (SEAL)

STATE OF VIRGINIA
COUNTY OF SMYTH

I, Charles L. Purnum, a Notary Public in and for the County and State aforesaid do hereby certify that Bradford L. Hayden and Mable H. Hayden whose names are signed to the foregoing writing bearing date on the 10 day of JULY 1970 have acknowledged the same before me in my County and State aforesaid.

1970. GIVEN UNDER MY HAND THIS 20th DAY OF July.

Charles L. Purnum
Notary Public

MY COMMISSION EXPIRES: June 12, 1973

LAW OFFICES
ROY HAMPTON BURKE, JR.
PROFESSIONAL BUILDING
MARION, VIRGINIA

VIRGINIA: In the Clerk's Office of the Circuit Court of Smyth County, this 20 day of July, 19 70, the foregoing writing was presented and with the certificate attached, admitted to record at 12th o'clock P M, after payment of \$ tax imposed by Sec. 58-54 (b).

Teste: Blair E. Purnum Clerk

THIS DEED, made this 17 day of July, 1961

by and between Howard Carson Chitwood and Jane A. Chitwood
Husband and wife

parties of the first part, whether one or more in number,
Bradford L. Hayden

parties of the second part, whether one or more in number;

- WITNESSETH -

THAT FOR and in consideration of the sum of
Eight Thousand Six Hundred no/100----- Dollars

(\$ 8,600.00) paid and to be paid as follows: \$ 3,600.00
cash in hand paid, the receipt of which is hereby acknowledged,
and the balance of \$ 6,000.00 evidenced by one negotiable
note bearing even date, payable to the order of the parties of the
first part, bearing interest at the rate of None per cent per
annum and a vendors lien is hereby expressly retained to secure
said unpaid purchase price, the parties of the first part do here-
by bargain, sell, grant and convey, with covenants of general
warranty of title and with the English Covenants, unto the parties
of the second part, That certain tract or parcel of land lying
and being in Chilhowie District, Smyth County, Virginia, and
described by survey as follows: Beginning at a highway monument
in the southern line of U.S. Highway #11; thence with said Highway
N 74° W 324 feet to an Iron pin corner to Drive In Theatre Property;
thence with said Theatre property S 18° 23' W 617.5 feet to an
iron pin; corner to property this day conveyed to Howard Chitwood;
thence with the Chitwood property S 73° 30' E 128 feet to a point;
thence N 25° 35' E 575.25 feet to a post; thence S 71° 43' 123.3
feet to a point; thence N 18° 57' E 58 feet to the point of
beginning and being part of the property conveyed to Howard
Chitwood in the name of Howard Chitwood, Sr, and Ethel M. Chitwood;
Howard C. Chitwood in the name of Howard C. Chitwood, Jr. and
Jane A. Chitwood by John B. Penman et ux by deed dated February
17, 1961, and of record in the Clerk's Office of Smyth County,

LAW OFFICES
ROY HAMPTON BURKE, JR.
PROFESSIONAL BUILDING
CHARLOTTESVILLE, VIRGINIA

*My personal
copy of this deed
is being
retained by me
6/21/61*

I hereby certify that the above note
secured has been exhibited to me marked paid and cancelled.
This 18 day of December 1961
Clerk

*By John B. Penman et ux
Howard C. Chitwood, Jr.
Jane A. Chitwood
12/18/61*

Virginia, in Deed Book 174, Page 423, and the interest of Ethel M. Chitwood was acquired from her heirs at law by Howard Chitwood by deed dated November 24, 1964, and of record in the Clerk's Office of Smyth County, Virginia, in Deed Book 207, Page 348.

The parties of the first part and the parties of the second part mutually agree that there shall be a thirty foot right of way from the land herein conveyed along the Eastern line of the Drive In Theatre property to U.S. Highway #11; and it is further mutually agreed between the parties hereto that either of the parties hereto may dedicate same as a public road in the future if they so desire, said right of way is across this property.

The aforesaid property is Tract Number 1 of the property conveyed to Howard Carson Chitwood et ux by Howard Chitwood by deed dated July 1, 1965 and recorded in Deed Book Page

The aforesaid note is due in Sixty days and bears no interest if paid within sixty days but should same not be paid within sixty days then said note shall bear interest at 7% per annum.

This conveyance is made subject to the conditions, restrictions, easements and reservations of record, if any, affecting the aforesaid property and constituting constructive notice.

The parties of the first part covenant they they are seized in fee, simple of said land; that they have the right to convey the said property to the grantees herein named; that the said grantees shall have quiet and peaceful possession of said property, free from all encumbrances; that the parties of the first part have done no act to encumber the said property; that they, the said parties of the first part, will execute such further assurances of said property as may be requisite.

WITNESS the following signatures and seals:

Howard C. Chitwood (SEAL)

Jane A. Chitwood (SEAL)

STATE OF VIRGINIA

COUNTY OF SMYTH, TO-WIT

I Roy H. Burke, Jr. Commissioner in Charge, a Notary Public in and for the County aforesaid in the State of Virginia, do hereby certify that Howard Carson Chitwood and Jane A. Chitwood whose names are signed to the foregoing writing bearing date on the 17 day of July, 1969, have acknowledged the same before me in my County and State aforesaid.

GIVEN under my hand this 21 day of July, 1969.

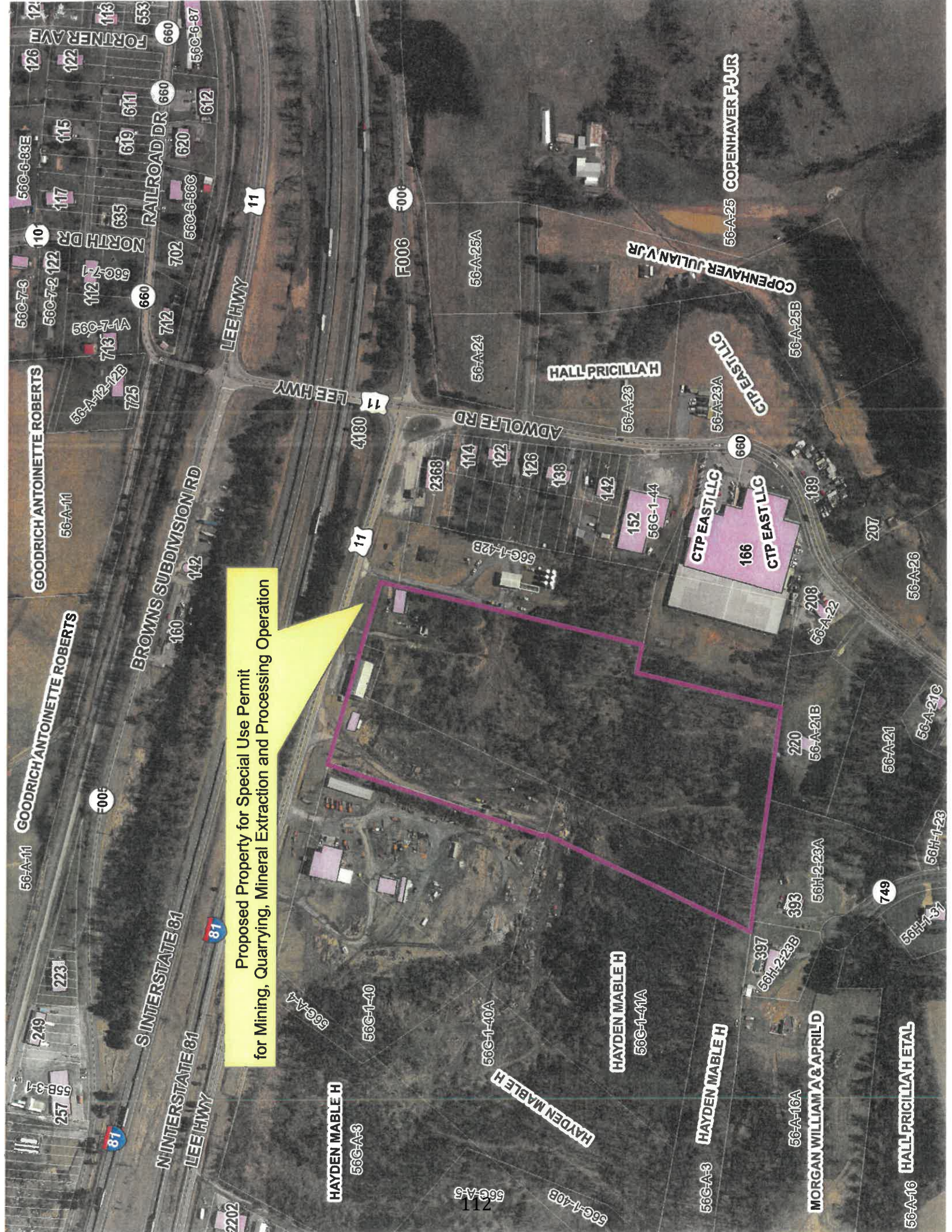
Roy H. Burke, Jr.
Notary Public
Commissioner in Charge
for Circuit Court of Smyth County
Va.

My Commission expires:

LAW OFFICES
ROY HAMPTON BURKE, JR.
PROFESSIONAL BUILDING
HARRISON, VIRGINIA

VIRGINIA: In the Clerk's Office of the Circuit Court of Smyth County, this 21 day of July, 1969, the foregoing writing was presented and with the certificate annexed, admitted to record at 9:45 o'clock P. M. after payment of \$ 9.00 tax imposed by Sec. 50-3, (b).

Teste: Martin A. Gray - Deputy Clerk



Proposed Property for Special Use Permit
for Mining, Quarrying, Mineral Extraction and Processing Operation



View from the entrance looking West
on Lee Highway.



View from the entrance looking East
on Lee Highway.



View from Lee Highway looking at the
unaddressed structure on tax map #
56G-1-42A.



View from Lee Highway looking
toward 2340 Lee Highway.



View from Lee Highway looking
toward 2312 Lee Highway.