

 The Smyth County Board of Supervisors held its regular meeting on Thursday, January 25th, 2024, at 5:00 p.m. The location of the meeting was held in the First Floor Board Room of the County Office Building, 121 Bagley Circle, Suite 100, Marion, Virginia.

PRESENT: Chair, Atkins District Supervisor Charles Atkins; Park District Supervisor Kristopher Ratliff; Rye Valley District Supervisor Jason Parris; Royal Oak District Supervisor Courtney Widener; Vice Chair Chilhowie District Supervisor Michael Sturgill; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Rick Billings.

ABSENT: None.

STAFF: County Administrator, Shawn Utt; Assistant County Administrator- Development Clegg Williams; County Attorney Scot Farthing; Executive Administrative Assistant/Deputy Clerk Auna Louthian.

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

1/25/2024 5:03 PM Chair, Atkins District Supervisor Charles Atkins called the meeting to order.

1/25/2024 5:03 PM Public Safety Administrative Assistant/ Billing Lead Paula Clark then led the pledge of allegiance.

1/25/2024 5:03 PM Assistant Director of IT Heather Street, led the invocation.

1/25/2024 5:04 PM Lynda Helton, Executive Director of the Smyth County Foundation provided the Board with an update on the *Smyth Promise Program*. Mrs. Helton highlighted that Wytheville Community College had a 40% increase in enrollment and Virginia Highlands Community College had an 18% increase in enrollment since the program began. Mrs. Helton also mentioned that while students were only required to volunteer for 10 hours, many chose to continue to volunteer with various organizations long after the 10 hours were over. She shared her appreciation for all who were involved in making the program happen. She presented each Board member with a framed certificate noting the County was the recipient of the "2023 Building Pathways Award" given by the Smyth Community Foundation.

1/25/2024 5:34 PM David Rose with Davenport & Associates discussed funding options for the initial phase of the building needs assessment implementation. Mr. Rose requested authorization to move forward with the next phase of Capital funding, including applying to

the Virginia Resources Authority's pooled bond finance program as well as working through the traditional bank RFP project. He clarified this is not anything set in stone but he would bring back options for the Board's consideration at a future meeting.

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to authorize County staff to work with Davenport & Associates to continue seeking options for capital funding. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

1/25/2024 5:34 PM VDOT Representatives Pam Heath and Jeff Harrison addressed questions the Board members provided to them in advance. Mrs. Heath shared that some of the requests will need to be sent to different divisions of VDOT or require a field review but will continue to follow up. Rye Valley District Supervisor Jason Parris requested crash data comparisons with other counties, specifically along Interstate 81. The Board thanked Mrs. Heath and Mr. Harrison for a continued line of open communication.

1/25/2024 5:58 PM Mr. Utt gave a summary of Budget Amendment #5 and provided the following public hearing notice:

NOTICE OF PUBLIC HEARING

Pursuant to Section 15.2-2507 of the Code of Virginia, notice is hereby given that the Board of Supervisors of Smyth County, Virginia, will hold a public hearing in the Boardroom of the Smyth County Administration Building at 121 Bagley Circle, Marion, Virginia, on Thursday, January 25, 2024, at 5:00 p.m. or soon thereafter, to receive comments on the proposed amendments of the budget for fiscal year 2023-2024.

This amendment will increase the Fiscal Year 2023-2024 adopted budget by \$3,506,766.00 for additional School Board related expenditures/funding, various capital improvement projects and overall operational costs. The new total budget amount will be \$139,978,572.

All interested persons may express their views by emailing alouthian@smythcounty.org prior to the meeting. Written comments may also be mailed to the County Administrator, Shawn Utt, 121 Bagley Circle, Suite 100, Marion, VA 24354; or by fax to (276) 783-9314. All emails, written comments and faxes must be received by 2:00

p.m. on Thursday, January 25, 2024. A copy of the proposed budget amendment is available for public review by contacting the County Administrator's Office. Anyone having questions regarding the above may contact the County Administrator's Office at 276-783-3298, Monday through Friday from 8:00 AM to 5:00 PM.

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

Smyth County fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Discrimination Complaint Form, contact (276) 783-3298 or at <https://www.smythcounty.org>.

**BY ORDER OF THE BOARD OF SUPERVISORS SMYTH
COUNTY, VIRGINIA**

Shawn M. Utt, County Administrator

1/25/2024 5:58 PM Chair Atkins District Supervisor Charles Atkins opened the Public Hearing.

1/25/2024 5:58 PM With no citizens wishing to speak Chair Atkins District Supervisor Charles Atkins closed the Public Hearing.

1/25/2024 5:58 PM Due to the School Board's budget deadlines, Mr. Utt requested the Board to consider waiving the rules of public hearings and taking action this evening.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to waive the rules of the public hearing. Chilhowie District Supervisor Michael Sturgill seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

- *A motion was made by Saltville District Supervisor Roscoe Call to approve Budget*

Amendment #5 in the amount of \$3,506,766 as presented. Chilhowie District Supervisor Michael Sturgill seconded the motion.

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

**RESOLUTION
SMYTH COUNTY BUDGET FISCAL YEAR 2023/24 – AMENDMENT #5**

WHEREAS, the Smyth County Board of Supervisors, on June 8th, 2023 adopted the Fiscal Year 2023/24 Budget in the original amount of \$132,444,641; and

WHEREAS, in the meeting of August 24th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #1) for Fiscal Year 2023/24 in the amount of \$135,536,020; and

WHEREAS, in the meeting of September 14th, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #2) for Fiscal Year 2023/24 in the amount of \$135,436,104; and

WHEREAS, in the meeting of November 9^h, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #3) for Fiscal Year 2023/24 in the amount of \$135,839,906; and

WHEREAS, in the meeting of December 14^h, 2023 the Smyth County Board of Supervisors adopted an amended budget (Budget amendment #4) for Fiscal Year 2023/24 in the amount of \$136,471,806; and

WHEREAS, the aggregate amount of budget amendment #5 is \$3,506,766 which would increase the Fiscal Year 2023/24 budget to a total of \$139,978,572 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 2023/24 in the amount of \$139,978,572.

BE IT FURTHER RESOLVED, the approval of this budget amendment #5 shall indeed constitute an appropriation of the same funds.

Adopted this the 25th day of December 2023

ATTEST:

Shawn M. Utt, Clerk

**SMYTH COUNTY
BOARD OF SUPERVISORS**

Charles Atkins, Chair

Exhibit A
 FY2023/24
 Budget Amendment #5 (1-25-2024)

PART 1. REVENUES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Budget with Amendment	Notes
Fund 001	State Grant Funds	001-021100-0043	VOEM NGR511 Grant	\$ -	\$ (200,000)	\$ (200,000)	NG 511 Call Handling Equipment Grant for Dispatch
Fund 001	Rev. from the Commonwealth	001-021010-0035	Health Dept. Refund	\$ -	\$ (21,037)	\$ (21,037)	Refund from F123
Fund 001	Local Funds Transfer	001-040000-0002	5myth County School Board	\$ 12,837,993	\$ 47,244	\$ 12,905,238	Add'l funds to maintain 1.07%
Fund 001	Local Funds Transfer	001-040000-0003	Use of Fund Balance	\$ (200,000)	\$ (97,244)	\$ (297,244)	Schools, Parks/Recreation
Fund 009	5myth County Schools	009-021010-0006	Basic Aid	\$ (34,394,876)	\$ (3,120,898)	\$ (37,505,774)	
Fund 009	5myth County Schools	009-021010-0072	Federal money passed thru	\$ (9,207,429)	\$ (15,824)	\$ (9,223,253)	
Fund 009	5myth County Schools	009-022000-0001	Local Funds Transfer From	\$ (10,883,240)	\$ (9,007)	\$ (10,692,247)	
Fund 501	Water/Sewer Fund	501-013001-0001	Water Payments	\$ (1,699,048)	\$ (60,000)	\$ (1,759,048)	Kiawans Road Water Booster
Total Revenues With Amendment				\$ (136,471,806)	\$ (3,506,766)	\$ (139,978,572)	

PART 2. EXPENDITURES

Fund	Department	Line Item Number	Account Title	Adopted Budget	Amount of Amendment	Amended Budget Amount	Notes
Fund 001	B311/Dispatch	001-031040-8888-32	NG511 Call Handling Grant	\$ -	\$ 200,000	\$ 200,000	NG 511 Call Handling Equipment Grant for Dispatch
Fund 001	Parks & Recreation	001-043030-3004	Equipment & Supplies	\$ -	\$ 30,000	\$ 30,000	New Park Program - Foodservice
Fund 001	Health Dept. Building Maintenance	001-043030-3004	Repair And Maintenance	\$ -	\$ 51,037	\$ 51,037	
Fund 009	5myth County School Operations	009-099990-3801	Instruction (61000)	\$ 42,693,883	\$ 2,848,211	\$ 45,544,394	
Fund 009	5myth County School Operations	009-099990-3802	Administration/Attendance (5100)	\$ 1,991,419	\$ 28,069	\$ 2,019,488	
Fund 009	5myth County School Operations	009-099990-3803	Transportation (83000)	\$ 3,034,863	\$ 161,035	\$ 3,195,900	
Fund 009	5myth County School Operations	009-099990-3804	Operations & Maintenance (64000)	\$ 6,303,482	\$ 48,443	\$ 6,351,928	
Fund 009	5myth County School Operations	009-099990-3805	Food Service (53000)	\$ 4,232,481	\$ 44,573	\$ 4,277,058	
Fund 009	5myth County School Operations	009-099990-3806	Technology (68000)	\$ 1,703,723	\$ 15,098	\$ 1,718,821	
Fund 501	Utility Fund Capital Projects	501-023060-	Kiawans Booster Pump Station	\$ -	\$ 60,000	\$ 60,000	
Total Expenditures With Amendment				\$ 136,471,806	\$ 3,506,766	\$ 139,978,572	

Revenues	\$ (136,471,806)	\$ (3,506,766)	\$ (139,978,572)
Expenditures	\$ 136,471,806	\$ 3,506,766	\$ 139,978,572
Difference	\$ -	\$ -	\$ -

1/25/2024 6:03 PM Minutes from the January 11th, 2024 meeting.

- *A motion was made by Royal Oak District Supervisor Courtney Widener to approve the meeting minutes of the January 11th, 2024 meeting as amended. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

1/25/2024 6:04 PM Chair, Atkins District Supervisor Charles Atkins opened Citizens Time.

1/25/2024 6:04 PM With no one wishing to speak, Chair, Atkins District Supervisor Charles Atkins closed citizens' time.

1/25/2024 6:04 PM Mr. Utt read the minutes from the January 18th, 2024 Ordinance Committee meeting and presented the following committee recommendation:

- *A motion was made Atkins District Supervisor Charlie Atkins to recommend scheduling a public hearing on February 22nd at 5:00pm or shortly thereafter regarding the proposed revisions to the County's Dangerous Dog Ordinance. Chilhowie District Supervisor Michael Sturgill seconded the motion, and it was unanimously approved.*

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

AYES: *Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: None.

1/25/2024 6:07 PM Saltville District Supervisor Roscoe Call read the minutes from the January 18th, 2024 Appointment Committee meeting and presented the following committee recommendations:

- *A motion was made by Atkins District Supervisor Charlie Atkins to recommend appointing Royal Oak District Supervisor Courtney Widener to the Southwest Virginia Community Corrections Criminal Justice Board. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings, and
Park District Supervisor Kristopher Ratliff.

NAYS: None.

ABSTAINERS: Royal Oak District Supervisor Courtney Widener.

ABSENT: None.

- *A motion was made by Atkins District Supervisor Charlie Atkins to recommend appointing Rye Valley District Supervisor Jason Parris to the Workforce Development Consortium Board. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

NAYS: None.

ABSTAINERS: Rye Valley District Supervisor Jason Parris.

ABSENT: None.

- *A motion was made by Atkins District Supervisor Charlie Atkins to recommend appointing John Clair (Marion Police Chief) to the Mount Rogers Community Services Board to a 4-year term to*

expire December 31, 2027. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.

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

*AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: None.

ABSTAINERS: North Fork District Supervisor Rick Billings.

ABSENT: None.

1/25/2024 6:13 PM County Administrator Shawn Utt read the minutes of the Solid Waste Committee Meeting held on January 11th, 2024 and presented the following recommendation:

- *A motion was made Saltville District Supervisor Roscoe Call to recommend the purchase of Dicky's Knob Convenience Station for up to \$15,500 out of supplemental appropriation and allow County Administrator to execute all documents. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

*AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

1/25/2024 6:13 PM County Administrator Shawn Utt read the minutes of the Surplus Committee Meeting held on January 11th, 2024 and presented the following recommendation:

- *A motion was made by Saltville District Supervisor Roscoe Call to place the 0.10 acre parcel with tax map number 41B-A-7A in surplus as is and authorize the County Administrator to*

dispose of the property by any means available. Rye Valley District Supervisor Jason Parris seconded the motion, and it was unanimously approved.

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

1/25/2024 6:16 PM Saltville District Supervisor Roscoe Call read the minutes of the Water and Sewer Committee Meeting held on January 11th, 2024 and presented the following recommendation:

- *A motion was made Rye Valley District Supervisor Jason Parris to recommend directing staff to look for other grant opportunities to offset the cost of extending waterlines along Little Walker Way. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

- *A motion was made Rye Valley District Supervisor Jason Parris to recommend directing the County Attorney to pursue legal action against Kim Griffey for the two (2) unpaid flat rate sewer accounts. Saltville District Supervisor Roscoe Call seconded the motion, and it was unanimously approved.*

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

AYES: *Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

1/25/2024 6:19 PM Mr. Utt shared a draft resolution for the reimbursement for expenses related to the Teleperformance building. The Resolution is to inform citizens that once the bond is closed, the County will reimburse itself from the bond proceeds.

RESOLUTION DECLARING AN OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF BONDS

WHEREAS, The Board of Supervisors of Smyth County (the “Board”) may make capital expenditures (the “Expenditures”) in connection with the Teleperformance Building Renovation—Sheriff Office Project (the “Project”); and

WHEREAS, The Board has determined that the funds advanced to pay Expenditures are or will be available for only a temporary period and it will be necessary or advisable to reimburse those Expenditures with the proceeds of an issue of obligations (the “Bonds”).

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. It is found and declared that the Board reasonably expects to reimburse Expenditures made with respect to the Project with proceeds of the Bonds.
2. The maximum, aggregate principal amount of the Bonds expected to be issued for the Project is \$7,000,000.00.
3. To the extent required under applicable law, the Board will make a reimbursement allocation, which is a written allocation that evidences the use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the latter of (a) the date on which the Expenditure is paid or (b) the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure is paid. It is recognized that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” and expenditures for construction projects of at least five years.
4. This resolution is intended to constitute the “official intent” of the Board under Section 1.150-2 of the regulations promulgated under the Internal Revenue Code of 1986, as amended.

The undersigned Clerk of the Board of Supervisors of Smyth County, Virginia, certifies that the foregoing constitutes a true, complete and correct copy of a resolution adopted on January 25, 2024 by the Board of Supervisors at a regularly scheduled meeting of the Board of Supervisors, at which a quorum was present.

WITNESS MY HAND and the seal of the Board of Supervisors of Smyth County, Virginia, this ___ day of January 2024.

(SEAL)

Clerk of the Board of Supervisors
of Smyth County, Virginia

- *A motion was made by Chilhowie District Supervisor Michael Sturgill to accept the Reimbursement Resolution for the Teleperformance Building expenditures. Royal Oak District Supervisor Courtney Widener seconded the motion.*

After consideration, the motion PASSED by the following vote:

*AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

1/25/2024 6:21 PM County Attorney Report:

County Attorney Scot Farthing stated he had nothing new to report at this time.

1/25/2024 6:21 PM County Administrator Report:

Mr. Utt shared Board retreat option dates (April 18th & 19th). Mr. Utt also presented Saltville District Supervisor Roscoe Call with a pair of embroidered Smyth County overalls in appreciation of all his hard work and dedication.

1/25/2024 6:21 PM Supervisor Comment Time

Saltville District Supervisor Roscoe Call thanked the staff for all they do and wished everyone a safe trip home.

Rye Valley District Supervisor Jason Parris thanked VDOT for their attendance tonight as well

as their working relationship with the County. Mr. Parris thanked staff for their willingness to help as well as encouraging any citizens that can to attend Board meetings.

Vice Chair, Chilhowie District Supervisor Michael Sturgill shared information about the upcoming Manufacturers' Excellence program, similar to the Healthcare Excellence program that will start February 9th. Mr. Sturgill also complimented VDOT for keeping Smyth County roads clear and thanked everyone for working together.

Park District Supervisor Kristopher Ratliff spoke about the mental health crisis and not having enough impatient beds to admit citizens who may need them.

North Fork District Rick Billings shared he was impressed with VDOT and their willingness to help. Mr. Billings also commented on the Board working together and his appreciation for everyone's hearts and minds being in the right place.

Royal Oak District Supervisor Courtney Widener thanked staff for their heard work and dedication. Mr. Widener shared he believes being on the Board carries a lot of weight in making the right decisions and it can't be achieved without a desire to help.

Chair, Atkins District Supervisor Charles Atkins thanked staff for always providing the correct information that allows the Board to make informed decisions.

1/25/2024 6:39 PM

- *Royal Oak District Supervisor Courtney Widener made a motion to enter into closed session under Code of Virginia Section 2.2-3711(a)(7) – Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation pertaining to the Jerico case. Saltville District Supervisor Roscoe Call seconded the motion.*

After consideration, the motion PASSED by the following vote:

AYES: Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

1/25/2024 7:08 PM *Royal Oak District Supervisor Courtney Widener made a motion to adopt the following resolution and enter back into open session. Chilhowie District Supervisor Michael Sturgill 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 Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

7:08 p.m. – Joint Public Hearing with Planning Commission and Board of Supervisors

BOARD OF SUPERVISORS PRESENT:

Chair Atkins District Supervisor Charles Atkins; Park District Supervisor Kristopher Ratliff; Rye Valley District Supervisor Jason Parris; Royal Oak District Supervisor Courtney Widener; Vice Chair Chilhowie District Supervisor Michael Sturgill; Saltville District Supervisor Roscoe Call; North Fork District Supervisor Rick Billings.

PLANNING COMMISSIONERS PRESENT:

Hazel Wagoner, Chairperson, Atkins District; Graham Davidson Jr., Vice-Chairman, Chilhowie District; Robert Campbell, North Fork

District; Lea Meadows, Park District; Tony Dean, Royal Oak District; Paul Shepherd, Rye Valley District; David Spence, Saltville District.

ABSENT: None.

STAFF: County Administrator, Shawn Utt; Assistant County Administrator- Development Clegg Williams; County Attorney Scot Farthing; Executive Administrative Assistant/Deputy Clerk Auna Louthian.

OTHERS: Smyth County News and Messenger, Sheriff's Office, and Citizens

1/25/2024 7:08 PM Chair, Atkins District Supervisor Charles Atkins and Hazel Wagoner, Chair of the Planning Commission, called the joint public hearing to order.

- *A motion was made by Saltville District Supervisor Roscoe Call to waive the reading of the rules for the public hearings. Royal Oak District Supervisor Courtney Widener seconded the motion, and it was unanimously approved.*

After consideration, the motion PASSED by the following vote:

AYES: *Chair Atkins District Supervisor Charles Atkins,
Vice Chair Chilhowie District Supervisor Michael Sturgill,
Rye Valley District Supervisor Jason Parris,
Saltville District Supervisor Roscoe Call,
North Fork District Supervisor Rick Billings,
Royal Oak District Supervisor Courtney Widener, and
Park District Supervisor Kristopher Ratliff.*

NAYS: *None.*

ABSTAINERS: *None.*

ABSENT: *None.*

1/25/2024 7:10 PM Mr. Williams read the following legal advertisement:

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

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct joint public hearings on Thursday, January 25, 2024, at 7:00 P.M. or as soon after 7:00 P.M. as each application described below may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, for the Planning Commission to consider whether to recommend the approval and adoption of the following applications, and the Board of Supervisors to consider whether to accept the Planning Commission recommendations on the following applications to the Zoning Ordinance of Smyth County, Virginia:

- 1) *An application from Charles W. Bridgers which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map at Marion, Virginia, to rezone approximately 6.2 acres from Residential to Agricultural/Rural. The Smyth County Comprehensive Plan does not identify a density range and the general usage of this portion of the property has most recently been vacant. The property is located beside 2082 Scratch Gravel in Marion, Virginia, and is identified as the eastern portion of Tax Map No. 56-A-48K.*
- 2) *An application from Debusk Farms LLC for a Special Use Permit for a Recreational Vehicle Park. The property is located between 1528 & 1366 Buckeye Hollow Road in Saltville, identified as Tax Map No. 41-A-109B and zoned Agricultural/Rural.*
- 3) *An application from James Craig Harper for a Special Use Permit for a Service Business. The property is located beside 174 South Wood Lane, Saltville Virginia, identified as Tax Map Number 41A-4-2 and zoned Agricultural/Rural.*

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

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

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

Smyth County fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Discrimination Complaint Form, contact (276) 783-3298 or at <https://www.smythcounty.org>.

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

Shawn Utt, County Administrator
Hazel Wagoner, Chairperson of the Planning Commission

1/25/2024 7:13 PM Mr. Williams presented an application for Charles W. Bridgers to rezone his property to Agricultural/Rural. Mr. Bridges and his wife own lots 8, 9 and 10 of the Muriel S. Terry Estate Subdivision located on Scratch Gravel Road in Marion. The subdivision was originally subdivided as an exception to our ordinance under 2.3(4) - two acre lots. In 2008, a former owner of Lots 9 and 10 rezoned the property to Residential. The current owner, Mr. Bridgers, has vacated the property lines and now wishes to rezone his property to Agricultural/Rural. Smyth County has identified this property as Rural Residential on the Future Land Use Map in the 2013 Comprehensive Plan. Mr. Williams stated notice of this public hearing was advertised in the Smyth County News on January 13th and 20th and he sent letters to all the adjoining property owners for which an affidavit to that effect is on file. He did not receive any comments regarding the application.

1/25/2024 7:13 PM Mr. Williams then introduced Mr. Bridgers.

1/25/2024 7:16 PM Mr. Bridgers shared the purpose of this application was to allow them to build their home on the property. Mr. Bridgers also commented on the staff for their hard work and helpfulness.

1/25/2024 7:17 PM Mr. Bridgers application received no public comments.

1/25/2024 7:17 PM Mr. Williams presented an application for Debusk Farms LLC. Debusk Farms LLC was approved for a special use permit to establish a recreational vehicle park on a tract of land they own on Buckeye Hollow Road on April 10, 2018. An expiration of six years was placed on the SUP. They are now reapplying to continue their operation. Mr. Williams stated notice of this public hearing was advertised in the Smyth County News on January 13th and 20th and he sent letters to all the adjoining property owners for which an affidavit to that effect is on file. He did not receive any comments regarding the application.

1/25/2024 7:18 PM Mr. Williams then introduced the property owner, John Debusk. He spoke on the success of the RV park and shared his wishes to continue the operation. Saltville District Supervisor Roscoe Call asked Mr. Debusk if they had any noise complaints or any complaints. Mr. Debusk clarified he has not had any, the property has been peaceful.

1/25/2024 7:23 PM Chair, Atkins District Supervisor Charles Atkins opened the floor for public comments.

1/25/2024 7:24 PM Blaine Warden, 1371 Buckeye Hollow Road, Chad Totten, of 832 Apex Lane, Tiphney Evans of 209 Timber Brook Drive, Randy Una of 1396 Buckeye Hollow Road, and Larry and Andrea Miller of 1366 Buckeye Hollow Road all shared concern of an ATV trail going onto the property.

1/25/2024 7:27 PM Mr. Debusk assured the application was not to make any changes, to only continue operation as is and no ATV trail was going onto the property.

1/25/2024 7:28 PM Andrea Gameson of 1366 Buckeye Hollow Road shared her concern for fire safety at the RV park.

1/25/2024 7:29 PM Mr. Williams presented an application for James Haper applying for a special use permit to establish a service (towing) business on a tract of land located beside 174 South Wood Lane in Saltville. The proposed plan will have a 50' x 50' fenced area for vehicle storage and 50' x 50' garage with tax map number 41A-4-2. Mr. Williams stated notice of this public hearing was advertised in the Smyth County News on January 13th and 20th and he sent letters to all the adjoining property owners for which an affidavit to that effect is on file. He then referenced codes that allow businesses with special use permits in this district. He did not receive any comments regarding the application. Mr. Williams shared that Mr. Harper was unable to attend the public hearing.

1/25/2024 7:32 PM Royal Oak District Supervisor Courtney Widener asked what caused Mr. Harper to reapply with the previous application three years ago being declined. Mr. Williams shared Mr. Harper thought his neighbors may have had a change in heart. Mr. Widener asked who maintains the private drive/roadway. Mr. Williams clarified it is the property owner's responsibility.

1/25/2024 7:35 PM Mr. Dean shared that after Mr. Harper was previously declined, he did establish a pig farm on the property.

1/25/2024 7:36 PM Saltville District Supervisor Roscoe Call asked if the stored vehicles on the property would be limited. Mr. Williams shared that could be made a stipulation, but Mr. Harper stated that no more than six vehicles would be stored on the property at the same time.

1/25/2024 7:40 PM Jim Carter of 130 Valley Road shared that he is unhappy with the pig farm and the smell, as well as the trash on the property. He also voiced concern Mr. Harper may store more vehicles on the property than the Special Use permit would allow.

1/25/2024 7:45 PM Nanine Woodward of 174 South Wood Lane commented she was hoping to hear from Mr. Harper at the meeting. Mrs. Woodward is concerned Mr. Harper may not abide by the stipulations of the SUP. Mrs. Woodward provided pictures of the property. She also shared concerns about the animals on the property not being properly cared for. Although she would prefer the wrecker business, she is concerned the property may turn into a junk yard. Mrs. Woodward asked if Mr. Harper would allow both the farm animals as well as the wrecker business on the property. Mr. Williams clarified the land is currently zoned Agricultural/Rural which allows farm animals by right, the Special Use Permit would allow for the business, so Mr. Harper would be able to have both. Mrs. Woodward asked if it could be stipulated that Mr. Harper would be unable to keep the farm animals or limit the number of vehicles. Mr. Williams shared that it was his opinion that it would contradict the Zoning ordinance to prohibit Mr. Harper from having farm animals on property that is zoned Agricultural/Rural. Currently, farm vehicles are exempt from the automobile graveyard definition. However, he noted that should the special use permit be approved, a condition can be placed on the approval limiting the number of vehicles.

1/25/2024 7:51 PM Bill Woodward of 174 South Wood Lane asked if Mr. Harper says he won't put animals on the property could that be upheld? Mr. Williams clarified, it could not.

1/25/2024 7:52 PM Mike Morgan of 175 South Wood Lane shared he is unsure how the drive will meet VDOT standards and requirements of waste disposal and public water to the business. He also shared concern about how this business may negatively impact neighbors if Mr. Harper does not maintain the property. Mr. Morgan stated both sides of South Wood Drive have a main power line that feeds Chilhowie which limits Mr. Harpers' ability to utilize the entire easement width if VDOT requires an improvement to the entrance.

1/25/2024 7:58 PM Dotty Carter of 130 Valley Rd. shared she has lived at her residence for 45 years and does not want anything to negatively affect the value of her property. Mrs. Carter shared her concern about the animals currently on the property not being taken care of. If Mr. Harper builds a privacy fence, Mrs. Carter would like for it to be all the same material and color and built to fully enclose the lot.

1/25/2024 8:12 PM Mr. Campbell commented that due to more vehicles being electric that causes concern if a fire were to happen.

1/25/2024 8:16 PM Mr. Davidson asked if the Special Use Permit could have a stipulation that the animals be removed. Mr. Williams referred to his earlier comments.

1/25/2024 8:19 PM With no one else wishing to speak, Chair, Atkins District Supervisor Charles Atkins Closed the public hearings and adjourned the Board of Supervisors portion of the meeting.