Minutes of a regular meeting of the Town Council of the Town of Marion, Virginia held in the Council Chambers of the Municipal Building on January 17, 2023 at 5:30 p.m.

**PRESENT:** Mayor David Helms, Vice-Mayor Dr. Jim Gates, Jim Barker, Tricia Spencer, Suzanne Jennings, Bill Weaver, Larry Carter and Avery Cornett Council Members; Town Manager Bill Rush, Deputy Clerk Samantha White, Town Attorney Mark Fenyk, Smyth County News Representative Stephanie Porter-Nichols; Police Chief John Clair, Lieutenant Rusty Hamm, Lieutenant Kevin Testerman; Economic Development Director Ken Heath.

**ABSENT:** None.

**VISITORS:** Charles Hayden, Connie Pick, Janie Horne, Judy Testerman, Tina Testerman, Charles and Amy Hall, David Fulton, Marie Lord, Michael Kravitz, Ed Stringer, Janene Walker, Mavis Williams, Chris Alexander, Rex Anders.

**INVOCATION/PLEDGE TO THE FLAG:** Chief Clair rendered the invocation. Mayor Helms led the Pledge to the Flag.

**MINUTES:** Upon motion of Mrs. Jennings, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES, the minutes of the meeting held December 19, 2022 were approved as written. Messrs Gates, Barker, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

**AGENDA:** Upon motion of Mr. Weaver, seconded by Dr. Gates and a vote of 7 AYES and 0 NOES, the agenda was approved as distributed with the correction of Closed Session code 2.2-3711.

 **PUBLIC PRESENTATION:** EDA Chairman Ed Stringer thanked Council for their support of the EDA and its work on the BAUD program. He hopes the EDA will work to uplift the economic values of properties in town. Mr. Stringer announced the next EDA meeting will be on February 1, 2023 and that it is an open meeting. Anyone who wishes to attend is welcome.

Police Officer Kevin Testerman has received a promotion from Sergeant to Lieutenant of Operations. Lieutenant Testerman was presented his Lieutenant bars by Chief Clair. His wife, Tina Testerman, added the bars to his uniform.

Mayor Helms read and presented a Resolution of Recognition in honor of HS Williams on its 60th Anniversary. Chris Alexander accepted the Resolution of behalf of HS Williams.

**PUBLIC HEARING 202 SEVERT ST SPECIAL USE PERMIT:** Mayor Helms opened the Public Hearing. With no public comments, Mayor Helms closed the Public Hearing. Upon motion of Mr. Weaver, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, the Special Use Permit for 202 Severt Street for Mower Medic was approved subject to no signage, no visible business-related traffic, and no visible work at the property.

**PUBLIC COMMENT:** Michael Kravitz, 809 Hickory Lane, distributed letters to Council and Town Attorney Mark Fenyk, stating the town has not been properly advertising Public Hearings. He noted specifically that the Comprehensive Plan Public Hearing had not been advertised correctly. Mr. Rush provided the required newspaper notices for the Public Hearing that was held on December 19, 2022.

Rex Anders, 661 S Iron St, noted that new pavement in town has not been striped and older pavement stripes are dull and dim. Mr. Rush explained that Clutterbuck has the striping contract and should stripe town roads when the weather warms some, hopefully in March.

Mr. Barker recognized the work of the town Public Works crews and first responders during the extreme cold temperatures in December.

Mrs. Jennings provided an update on the Lincoln Theatre and new projection and sound equipment scheduled to be installed next month.

Mr. Weaver agreed with Mr. Barker that town crews had done a great job during the harsh weather and added that the Farmer’s Market had continued its winter hours and has been successful.

Mayor Helms noted the Public Hearing for Special Use Permits for Gaming will be February 6, 2023. Some Council members and staff members will attend VML Legislative Day this Wednesday through Friday, January 18 – 20. Mayor Helms stated that he has received several concerns regarding town traffic lights. The Salvation Army raised around $35,000 in its 2022 Red Kettle Drive.

**ACCOUNTS:** Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, the accounts were approved for payment in the amount of $1,490,652.52. Messrs Barker, Dr. Gates, Spencer, Jennings, Carter, Weaver and Cornett voted affirmatively.

Chief Clair stated an $83,000 grant has been awarded to provide leadership training to Law Enforcement Officers in Southwest Virginia.

Mr. Heath reviewed the Community and Economic Development department’s annual report.

Mr. Rush asked Council to reappoint Ed Stringer to the EDA. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, Ed Stringer was reappointed to the Economic Development Authority. Phase I of the Park Boulevard Drainage project has started. CIRP Phase VII Water construction is underway. Ogdon Park pickleball court construction has begun. Mr. Rush asked Council if they would like to begin holding work sessions before Council meetings. Discussion ensued. Upon motion of Mr. Barker, seconded by Dr. Gates and a vote of 7 AYES and 0 NOES, the discussion of Council work sessions was tabled. Mr. Rush asked Mr. Fenyk for an update on timing of Council-appointed staff. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, Mr. Rush and Mr. Fenyk were instructed to explore the legality of moving Council appointments of staff to January rather than July.

Mr. Kravitz acknowledged that the notice of advertisements had been met, but would like to ensure that they are always met going forward.

**CLOSED SESSION:** Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-1), Section 2.2-3711 (A-6), and Section 2.2-3711 (A-7), upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 7 AYES and 0 NOES, Town Council entered into Closed Session for discussion of Personnel, Investment, and Legal. Mrs. Jennings moved that Town Council return to Open Session and identified it be known that only those matters legally exempted from Open Session and identified in the motion were discussed during Closed Session. The motion was seconded by Mr. Weaver and carried by a vote of 7 AYES and 0 NOES. The Deputy Clerk polled the Council Members. Messrs Dr. Gates, Barker, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the Finance Committee was granted authority to proceed with investing reserve funds held in savings accounts, once staff has obtained and presented bids based on criteria established by staff to include earnings projections and community investment.

Upon motion of Mr. Weaver, seconded by Mr. Carter and a vote of 7 AYES and 0 NOES, the meeting was adjourned at 8:35 p.m.

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Mayor Deputy Clerk