

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 November 1, 2021 at 5:30 p.m.

**PRESENT:** Mayor David Helms, Vice-Mayor Dr. Jim Gates, Jim Barker, Tricia Spencer, Suzanne Jennings, Bill Weaver, Larry Carter (arrived late) and Avery Cornett Council Members; Town Manager Bill Rush, Town Clerk Cindy Stanley, Town Attorney Mark Fenyk, Smyth County News Representative Stephanie Porter-Nichols; Police Chief John Clair, Economic Development Director Ken Heath and Fire Chief Richard Keesling; Chairman Cameron Wolfe, Vice-Chairman Kimberly Austin, Bob Ramsey, Trey White and Alice Freeman Planning Commission Members.

**ABSENT:** Ben Reedy.

**VISITORS:** Charles Wassum, III, Dyron I. dosSantos, Crystal L. Dalton, Melanie Barrett, Kevin Barrett, Allen Kelly, Brenda Kelly, Korbin LeClair, Bill Pierce, Joel Cregger, Jessica Jones, Marina Del Pizzo, Luke Mackorvick, Kaudi Johnsey, Allen Johnsey, Rocky Sims, Caitlin McCloud, Jane Sims, Nicole Sims, Arnold Sims, Michael Moore, Brian Reed, Clegg Williams, Rex Anders, and two unidentified visitors.

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

**MINUTES:** Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the minutes of the meeting held October 18, 2021 were approved as written. Messrs Gates, Barker, Spencer, Jennings, Weaver and Cornett voted affirmatively.

**AGENDA:** Upon motion of Mrs. Jennings, seconded by Ms. Spencer and a vote of 6 AYES and 0 NOES, the agenda was approved as distributed.

**PUBLIC PRESENTATION:** Mr. Weaver presented Mr. Allen Kelly with an Extra Mile Award for his leadership with the Caring for the Community volunteer program. The volunteers have completed many projects in the community. Mr. Weaver also presented a budget allocation check to this volunteer group. Larry Carter arrived. Mr. Kelly expressed his appreciation.

**JOINT PUBLIC HEARING REZONING REQUEST 1128 SNIDER STREET MA TO R-3:** Mayor Helms announced this is a Joint Public Hearing with Planning Commission. He turned the meeting over to Planning Commission Chairman Wolfe. The request is for this property to be rezoned from MA (Medical Arts) to R-3 (Residential Multi-Family) to allow for 4 apartments to be constructed. Planning Commission has reviewed and if the rezoning passes there will be a request for a variance. Mrs. Freeman noted she is an adjacent property co-owner and asked the Town Attorney if this would be a conflict dis-allowing her to vote. Mr. Fenyk reported that she may vote on this request. Mr. Clegg Williams, representative of the Williams Family Trust (property owner), thanked everyone for considering this request and distributed a site plan. Upon motion of Mr. White, seconded by Mrs. Freeman and a vote of 6 AYES and 0 NOES, it is recommendation of Planning Commission that the rezoning request for 1128 Snider Street from MA to R-3 be accepted. Mayor Helms opened the Public Hearing. With no public comment, Mayor Helms closed the Public Hearing. Upon motion of Dr. Gates, seconded by Ms. Spencer and a vote of 7

AYES and 0 NOES, the rezoning request was approved, 1128 Snider Street from MA to R-3. Mr. Rush noted there is a possibility of a variance at a later date for lot size and reduced parking.

**JOINT PUBLIC HEARING CDBG PUBLIC INPUT SOLICITATION:** Brian Reed, Mt Rogers Planning District Commission Deputy Director, reviewed the use of Community Development Block Grant funds, noting the town can apply for additional funds and these are competitive grants. Mayor Helms opened the Public Hearing. Mr. Reed noted the opportunity for these funds to be applied to scattered sites is possible. With no further comments, Mayor Helms closed the Public Hearing.

**JOINT PUBLIC HEARING 718 NORTH MAIN STREET SPECIAL USE PERMIT:** Planning Commission Chairman Wolfe reviewed the Special Use Permit application for a tattoo shop, citing the town code. Mr. Rush noted a special use permit is person and site specific. Mr. Rocky Sims, applicant, presented letters of approval from the building owner and tenant. Mayor Helms opened the Public Hearing. Bill Pierce, property owner, spoke in favor. Dyron dosSantos spoke in favor, as a potential tattoo artist that would like to work at this location. Korbin LeClair, Emory & Henry college student and tenant at this property, spoke in favor. Mr. Wassum spoke in opposition. With no more public comments, Mayor Helms closed the Public Hearing. Discussion ensued. Mr. Simms reviewed the criteria to be a certified tattoo artist and the licensing process. Discussion ensued regarding other potential partners of the business. Mr. Fenyk offered his opinion that all partners and apprentices should have their own permit. Mr. Rush recommended tabling this until next meeting to allow staff time to draft special use permit contingencies. Upon motion of Dr. Gates, seconded by Ms. Spencer and a vote of 6 AYES and 1 NOE, the Special Use Permit for 718 North Main Street, Tattoo Shop, is approved based on stipulations to be presented at the next council meeting for final authorization.

Mr. Barker reported the Albano Group has applied for the Annual Gobbler Gallop to be held at the same place and time as last year.

Mrs. Jennings distributed the Lincoln Theatre November newsletter.

Mr. Cornett read a thank you letter from his granddaughter to health care workers.

Mayor Helms reviewed the holiday schedules noting town offices will be closed December 23 and 24, 2021 for Christmas. It is still unclear how the Salvation Army Red Kettle Drive will be handled this year.

Mr. Fenyk reported three deeds have been recorded, but not in proper form and he will have these redone. These were three deeds from tax sale properties purchased by the town.

Chief Clair noted the Wal-Mart "Shop with a Hero" date is December 11, 2021. There are 8 new police applicants.

Chief Keesling reported there were 225 Fire/EMS calls in October. The three full time paid personnel expressed their appreciation for the recent pay increase.

Mr. Heath expressed his appreciation for the Fire Department on the recent downtown fire and thanked all public safety for the help on the weekend events. A request for a workshop to inform council on the BAUD Program was presented. Mr. Heath will work on a date.

Mr. Rush noted an I & I Study will begin tomorrow by the Lane Group. Mrs. Portor-Nichols, newspaper representative, will educate the public on the smoke testing portion of this study. This study will identify broken manholes and other such compromised parts of the sewer system. Mr. Rush reviewed progress on the painting and refurbishing of the McIntyre water tank. The Town Swimming Pool renovation will begin in the next couple weeks with a completion date of May 1, 2022. Mrs. White secured a \$25,000 Utility Relief Grant.

**CLOSED SESSION:** Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-1), 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. 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 Clerk polled the Council Members. Messrs Dr. Gates, Barker, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

Mr. Weaver noted the Personnel Committee has completed Mr. Rush's annual evaluation and a meeting will be set with him to review.

Upon motion of Mr. Weaver, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, Chief Keesling's annual pay will be increased to \$9,000.

Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the meeting was adjourned at 8:40 p.m.

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Mayor

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Clerk