

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 June 6, 2016 at 5:30 p.m.

PRESENT: Vice-Mayor Dr. Jim Gates, Tricia Spencer, Jim Barker, Bill Weaver, Larry Carter and Suzanne Jennings Council Members; Town Manager Bill Rush; Town Clerk/Director of Finance Cindy Stanley; Town Attorney Mark Fenyk; Smyth County News Representative Stephanie Porter-Nichols; Police Chief Rex Anders; Economic Development Director Ken Heath; Economic Development Director Assistant Chelsea Campbell; Town Engineer Assistant/IT Coordinator Todd Long; Marion Downtown Director Olivia McDonald; Wayne Henderson Appalachian School of Arts Director Catherine Poole; Golf Course Manager Terry Jennings (arriving late) and Public Works Director Jackie Perry.

ABSENT: Mayor David Helms and Avery Cornett.

INVOCATION/PLEDGE TO THE FLAG: Mr. Hicks rendered the invocation. Vice-Mayor Dr. Gates led the Pledge to the Flag.

VISITORS: Jeff & Anna Leigh DeBord, Jeff Spickard, Kathy Smith, Griffin Moore, Connie & Tom Martin, Scott Morris, Paul Williams and Bob Lincoln.

MINUTES: Upon motion of Mrs. Jennings, seconded by Ms. Spencer and a vote of 6 AYES and 0 NOES, the minutes of the meeting held May 16, 2016 were approved as written. Messrs Dr. Gates, Spencer, Barker, Carter, Weaver and Jennings voted affirmatively.

AGENDA: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the agenda was approved as distributed with one addition under Public Presentation for Request for Variance by Clayborne Gwyn and one addition under closed session for A-3 Real Property.

PUBLIC PRESENTATION:

1 - Griffin Moore, Davenport & Company representative, reviewed the refinancing proposal bids from The Bank of Marion and Pinnacle. Davenport & Company recommends approval of the formal Authorizing Resolution to pursue the Bank of Marion refinancing offers. The quotes offer fixed terms, elimination of balloon payments and locks in interest rates. The quote will be honored for the next 30 days. (Terry Jennings arrived). Upon motion of Mr. Carter, seconded by Mr. Barker the Bank of Marion proposal was accepted along with the Resolution of the Council of the Town of Marion Authorizing the Issuance of General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$2,780,000, providing for the form, details and payment of the Bonds and authorizing the refunding of certain prior bonds and certain related actions.

The roll call vote was as follows:

Mr. Carter	AYE
Mr. Weaver	AYE
Mrs. Jennings	AYE
Ms. Spencer	AYE
Dr. Gates	AYE
Mr. Barker	AYE

2 - Bob Whisham, Realtor representing Clayborne Gwyn, reviewed a request for variance for 314 and 320 South Park Street to divide these two properties, which are currently on one parcel. Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the request for a variance was referred to the Board of Zoning Appeals.

PUBLIC HEARINGS:

1 - SPECIAL USE PERMIT: Mr. Hicks reviewed the Special Use Permit request from Scott Morris for 615 Catron Street to operate a landscaping business out of his home. Adjacent land owners have been notified and it has been advertised. The guidelines were reviewed. Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the Special Use Permit for 615 Catron Street was approved pursuant to the guidelines.

2 - SPECIAL USE PERMIT: Mr. Hicks reviewed the Special Use Permit request from Connie Martin for 729 Hickory Lane to operate an online jewelry business out of her home. Adjacent land owners have been notified and it has been advertised. The guidelines were reviewed. Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, the Special Use Permit for 729 Hickory Lane was approved pursuant to the guidelines. Vice-Mayor Dr. Gates asked for any public comment. With no public comment the Public Hearing was closed.

3 - 2016 - 2017 FISCAL PROPOSED BUDGET: Mr. Rush reviewed the proposed revenue increase of 5% for the water and sewer services and the proposed change for the tap fees larger than 1 inch to be charged time and material. Vice-Mayor Dr. Gates asked for any public comment. With no public comment the Public Hearing was closed.

Mrs. Jennings reminded everyone of the Lincoln Theatre Golf Tournament on June 11, 2016.

Mr. Barker thanked everyone for their work on the Memorial Day Events. Terry Jennings won the Blue Line 5K.

Mr. Rush reported for Mr. Cornett that the Recreation Program's compliance with code section 22.1-271.5 continues to be studied.

Mr. Rush also reported on behalf of Mayor Helms. He reminded council and staff of the VML Regional Supper to be held in Big Stone Gap on June 15, 2016. The VML Annual Conference is set for October 9-11, 2016 in VA Beach. Mayor Helms and Mr. Rush attended a Library meeting to discuss funding.

Mr. Fenyk noted that a certified copy of the minutes from last meeting will be needed to present to the judge for consideration of the Board of Zoning Appeals appointments.

Ms. Stanley reminded council and staff that Statement of Economic Interest forms are due June 15, 2016 and a civil penalty of \$250 will be imposed on late filings.

Mr. Jennings gave an update on the School Board Concussion policy and we currently meet 5 out of the 8 requirements and will be implementing others. It was a very busy opening weekend for the pools. A new Grill Manager has been hired for the Golf Course Grill.

Mr. Perry reviewed the new patching process. He also expressed appreciation to VDOT for their assistant with the leak repair near exit 44.

Chief Anders thanked Todd Long for all his assistance with the implementation of the new fingerprint time clocks. He reviewed a request from Eller Taxi Cab Service to provide services inside the Town of Marion. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, this item was referred to the Ordinance Committee. Chief Anders is still waiting on the next court date to be set for the Henry Street case. Anna Leigh Debord thanked the Police Department for taking notice that the Museum was unsecured one night.

Mrs. McDonald reported that the Baldwin Insurance ribbon cutting had been rescheduled again. She thanked staff for all their work on the Memorial Day events. The first concert of the summer series will be held this Friday at the Farmers Market at 8:00 pm. The Chili Cook Off will be July 16, 2016. The Hungry Mother Arts and Crafts Festival will be July 15-17, 2016. A WJHL Representative will be here tomorrow at 2:00 pm to present a media package for small businesses. The Downtown Parking Survey is underway. The results will be presented at the next Council meeting. Mrs. McDonald introduced Chelsea Campbell, the new Economic Development Director Assistant.

Ms. Poole distributed a calendar of events for the Wayne Henderson Appalachian School of Arts.

Mr. Heath noted he will be attending Delegate Jacky Stump's funeral tomorrow. There will be a VDOT Streetscape meeting in Bristol on Wednesday. The 11th round of Pop Up class is currently underway. The deadline for the award submission for the CBL (Community Business Launch) Pop Up Grants will be July 5, 2016 at 5:00 pm. The winner will be announced at the Chili Cook Off.

Mr. Hicks thanked everyone for the great joint effort on the exit 44 two inch waterline repair. He noted the paving contract will be signed and is good for 90 days. On the CIRP Project the zone meters are 92%

complete and the isolation valves are 58% complete. Mr. Rush reviewed the VRA Bond Resolution. Upon motion of Dr. Gates, seconded by Mrs. Jennings the Resolution Authorizing the Issuance and sale of a General Obligation and Water and Sewer Revenue Bond of the Town of Marion in an amount not to exceed \$184,000 and providing for the form, details and payment of the Bond was accepted.

The roll call vote was as follows:

Mr. Carter	AYE
Mr. Weaver	AYE
Mrs. Jennings	AYE
Ms. Spencer	AYE
Dr. Gates	AYE
Mr. Barker	AYE

Mr. Rush asked Mr. Long to review the Property Maintenance issues. Mr. Long asked council to approve town crews to clean up the overgrowth of these properties and send the residents/owners an invoice for the services. Mr. Long would like to be able to turn off water services to these properties, however the Town Attorney noted we cannot discontinue services. Mr. Long would like to have the code allow the Town crews to clean up the property, send an invoice for services, when invoice is not paid seek a warrant to place a lien on the property. Upon motion of Mr. Barker, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, the Town Manager is instructed to pursue the pathway discussed tonight concerning enforcement of the Town Code Section 38-1, Accumulations on Premises, and more specifically Section 38.1 (b) for the clearing of overgrowth on properties whereby "whenever the governing body deems it necessary, after reasonable notice as described in paragraph (a), have such grass, weeds, or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property, and may be collected by the locality as taxes are collected". Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, I further instruct the Town Manger to begin the process of reviewing the current ordinances as they pertain to overgrowth, blight, and property maintenance, in consultation with the Planning Commission, in an effort to bring them in line with best practices of other municipalities in combating the issue of property maintenance, and that suggested changes to the Ordinance be submitted to the Ordinance Committee by September 15, 2016 for consideration and presentation to Council at the September 19, 2016 Council meeting. Town Manager reviewed the Water/Sewer Revenue Computation sheet. Mr. Rush reviewed the Appalachian Spirit Gallery Lease renewal. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the lease was approved for renewal.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-7) and (A-3) upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 6 AYES and 0 NOES, Town Council entered into Closed Session for the purpose of discussion of Real Property and consultation with legal counsel. 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 6 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Barker, Weaver, Carter, Dr. Gates, Spencer and Jennings voted affirmatively.

Upon motion, duly seconded and a vote of 6 AYES and 0 NOES, the meeting was adjourned.

Mayor

Clerk

