

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 July 5, 2016 at 5:30 p.m.

PRESENT: Mayor David Helms, Tricia Spencer, Jim Barker, Bill Weaver, Larry Carter, Avery Cornett 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; Assistant Town Manager/Town Engineer Cecil Hicks; Economic Development Director Ken Heath; Purchasing Agent/Fire Chief Billy Hamm (arriving late); Golf Course Manager Terry Jennings (arriving late) and Town Engineer Assistant/IT Coordinator Todd Long.

ABSENT: Vice-Mayor Dr. Jim Gates.

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

VISITORS: Jeff & Anna Leigh DeBord, Jeff Spickard, Kathy Smith, Sabrina Teaster, Kevin Eller, Tonya Bauer, Rusty & Lee Anne Hamm, Margaret Edwards, Duhau Bright and Wayne & Susie Burkett.

MINUTES: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the minutes of the meeting held June 20, 2016 were approved as written. Messrs Barker, Spencer, Weaver, Carter, Cornett and Jennings voted affirmatively.

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the minutes of the Special Called meeting held June 30, 2016 were approved as written. Messrs Weaver, Cornett, Barker, Spencer, Jennings and Carter voted affirmatively. (Billy Hamm and Terry Jennings arrived).

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 for Mt Rogers PDC Reappointment.

APPOINTMENT OF TOWN MANAGER: Upon motion of Mr. Weaver, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, Bill Rush was reappointed as Town Manager. Messrs Carter, Barker, Cornett, Weaver, Jennings and Ms. Spencer voted affirmatively.

APPOINTMENT OF TOWN CLERK/DIRECTOR OF FINANCE: Upon motion of Mrs. Jennings, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, Cindy Stanley was reappointed as Town Clerk/Director of Finance. Messrs Carter, Barker, Cornett, Weaver, Jennings and Ms. Spencer voted affirmatively.

APPOINTMENT OF ASSISTANT TOWN MANAGER/TOWN ENGINEER: Upon motion of Mr. Barker, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, Cecil Hicks was reappointed as Assistant Town Manager/Town Engineer. Messrs Carter, Barker, Cornett, Weaver, Jennings and Ms. Spencer voted affirmatively.

APPOINTMENT OF POLICE CHIEF: Upon motion of Mr. Barker, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, Rex Anders was reappointed as Police Chief. Messrs Carter, Barker, Cornett, Weaver, Jennings and Ms. Spencer voted affirmatively.

APPOINTMENT OF FIRE CHIEF: Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, Billy Hamm was reappointed as Fire Chief. Messrs Carter, Barker, Cornett, Weaver, Jennings and Ms. Spencer voted affirmatively.

APPOINTMENT OF TOWN ATTORNEY: Upon motion of Mr. Weaver, seconded by Mr. Cornett and a vote of 6 AYES and 0 NOES, Mark Fenyk was reappointed as Town Attorney. Messrs Carter, Barker, Cornett, Weaver, Jennings and Ms. Spencer voted affirmatively.

APPOINTMENT OF VICE-MAYOR: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, Dr. Jim Gates was reappointed Vice-Mayor. Messrs Carter, Barker, Cornett, Weaver, Jennings and Ms. Spencer voted affirmatively.

PUBLIC PRESENTATION: None.

PUBLIC HEARING 631 DALTON STREET FOR SPECIAL USE PERMIT: Mr. Hicks reviewed the Special Use Permit request for 631 Dalton Street. The request was made by Lee Anne Fitchko Hamm to operate a Jewelry Business from her home. He also reviewed the guidelines and requirements. Mayor Helms opened the Public Hearing. With no further comments, Mayor Helms closed the Public Hearing. Upon motion of Mr. Barker, seconded by Mr. Cornett and a vote of 6 AYES and 0 NOES, the Special Use permit for 631 Dalton Street was approved based on the guidelines.

PUBLIC HEARING 312 BROAD STREET FOR SPECIAL USE PERMIT: Mr. Hicks reviewed the Special Use Permit request for 312 Broad Street. The request was made by Margaret Edwards to operate a Bed and Breakfast from this residence and allowances for special events. He also reviewed the guidelines and requirements. Council noted other Bed and Breakfasts are allowed to have signage. Mr. Hicks noted he will make that change to allow for signage as other Bed and Breakfasts have. Mayor Helms opened the Public Hearing. Tonya Bauer, property owner at 205 and 209 Franklin Street, voiced her concerns about the tenants and supervision. When asked Ms. Edwards noted there will be no staff present when overnight guests are there. With no further comments, Mayor Helms closed the Public Hearing. Upon motion of Mr. Barker, seconded by Mr. Cornett and a vote of 6 AYES and 0 NOES, the Special Use permit for 312 Broad Street was approved based on the guidelines and allowing for a sign to be installed.

PUBLIC HEARING REQUEST FOR NEW TAXI SERVICE: Chief Anders reviewed the application for a new taxi service in Marion, Eller's Taxi Service, LLC. Mayor Helms opened the Public Hearing. Wayne Burkett, Red Bird Taxi 112 Commerce Street, spoke questioning if Marion is large enough to support another taxi service. With no further comments, Mayor Helms closed the Public Hearing. Discussion Ensued. Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, Eller Taxi Service, LLC is authorized to do business in the Town of Marion and must secure a Business License and follow all guidelines.

COMMITTEE ASSIGNMENTS: Mayor Helms presented a list of Committee Assignments for 2016 - 2018. Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the list of Committee Assignments for 2016 - 2018 was approved.

Mr. Barker noted the Ordinance Committee will report at the next council meeting. He appreciated the good Police presence.

Mrs. Jennings reported the Lincoln Theatre has named Ryan Tibbs as interim director for the Lincoln Theatre.

Mr. Cornett noted there is a Thank You letter in the packet from Joan Demer to the water department.

Mayor Helms reminded everyone of the VML Conference at Virginia Beach October 9-11, 2016. The Host City night will be Sunday and the Annual Banquet will be Monday.

ADOPTION OF THE VIRGINIA CODE AS AMENDED JULY 1, 2016: Mr. Fenyk noted that the Town needs to adopt those changes. Upon motion of Mr. Carter, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, the Town adopted the Code of Virginia as amended July 1, 2016.

Mr. Jennings reviewed events taking place at the Parks and Recreation Department. The concussion policy is still being drafted and should be completed by the end of July. We have met 5 out of 7 conditions with the School Board policy, per code of VA. This will be presented to council when completed. Golf rounds were up 8.5% this year.

Chief Anders reported on the accident involving the Chilhowie Street Bridge and noted the Bridge Engineers that do our bridge inspections have been notified. This Bridge will be closed until repaired. An update on the Dog Ordinance will be given at the next council meeting.

Mr. Heath noted the new Farmers Market Manger is doing a good job. There were 5 Business Plans received to be judged for the next round of Pop Up Grants. Winners will be announced during the Chili Cook off July 15-17, 2016. Music will begin at 5:00 pm on Saturday, July 16, 2016. Mr. Heath reviewed a Resolution for another USDA Small Business Loan Grant. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, The Resolution for a \$75,000 USDA Small Business Loan

Grant was adopted. Mr. Heath reviewed a Resolution for a Tobacco Commission Grant Application in the amount of \$45,000.

Mr. Hicks reported that the paving went well with the new contractor, noting we were close on the estimates and a high quality of asphalt was used. Phase I Construction permits have been issued for the CIRP project.

Mr. Long reviewed the property maintenance progress, noting 51 letters have been sent with 19 compliant by the owner, 2 cleared by the town and 11 still not compliant.

Mr. Rush reviewed a letter from the First United Methodist Church requesting the old parsonage, at 101 West Cherry Street, be rezoned to accommodate housing for Emory & Henry students. Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, this item was referred to the Planning Commission with a Joint Public Hearing to be set for the first meeting in August. The construction permits for Phase I CIRP have been received and Mr. Rush reviewed the schedule for advertising and bids. Mr. Rush reviewed the Smyth County Water Contract final draft. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the final draft of the Water Contract with Smyth County was approved as amended with the final approval from the 2 governing bodies. Mr. Rush reviewed a letter from Dr. Bruzzo regarding the land donation from Mr. Harrington, as Dr. Bruzzo is an adjacent land owner. Dr. Bruzzo has offered to purchase one acre of this land for \$1. His proposal is for the portion of land involving soil erosion and he is proposing to take possession of this one acre tract and further stabilize the erosion problem. Upon motion of Mr. Cornett, seconded by Mr. Carter and a vote of 5 AYES and 1 NAY, this offer was refused. Mayor Helms' term on the Mt Rogers Planning District Commission Board has expired. He is willing to serve again. Upon motion of Mr. Barker, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, Mayor Helms was reappointed to the Mt Rogers Planning District Commission Board.

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

Mayor

Clerk