

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 16, 2020 at 5:30 p.m.

PRESENT: Mayor David Helms, Vice-Mayor Dr. Jim Gates, Jim Barker, Tricia Spencer, Bill Weaver, Larry Carter and Avery Cornett Council Members; Town Manager Bill Rush, Town Clerk Cindy Stanley, Deputy Clerk Samantha White; Town Attorney Mark Fenyk; Smyth County News Representative Stephanie Porter-Nichols; Police Chief John Clair, Purchasing Agent Billy Hamm; Economic Development Director Ken Heath and Economic Development Deputy Director Alex Veatch.

ABSENT: Suzanne Jennings.

VISITORS: Joe Naff and Bennie Young.

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

MINUTES: Upon motion of Mr. Weaver, seconded by Dr. Gates and a vote of 6 AYES and 0 NOES, the minutes of the meeting held November 2, 2020 were approved as written. Messrs Dr. Gates, Barker, Spencer, Weaver, Carter and Cornett voted affirmatively.

AGENDA: Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the agenda was approved as distributed with the addition of Qualified Immunity under Police Chief.

PUBLIC HEARING SEWER ORDINANCE: Mayor Helms asked Mr. Rush to review the Proposed Sewer Ordinance. Mr. Rush noted there was some language added to the existing Sewer Ordinance per Department of Environmental Quality's (DEQ) request. A Public Hearing was held, then DEQ and the Town Attorney reviewed and amended. This Public Hearing is for consideration of the final draft. Mayor Helms opened the Public Hearing. With no public comments, Mayor Helms closed the Public Hearing. Upon motion of Mr. Carter, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the Proposed Sewer Ordinance was adopted.

The roll call vote was as follows:

Mr. Barker	AYE
Mr. Carter	AYE
Mr. Weaver	AYE
Mr. Cornett	AYE
Ms. Spencer	AYE
Dr. Gates	AYE

PUBLIC PRESENTATIONS: Bennie Young, 412 Panorama Drive, requested permission to utilize the tennis courts on Chatham Hill Road as Pickleball courts. She is willing to paint the lines on the court and provide free clinics. Dr. Gates made a motion to refer this to the Recreation Committee. Discussion ensued. Dr. Gates withdrew his motion. Upon motion of Mr. Cornett, seconded by Mr. Barker and a vote

of 6 AYES and 0 NOES, temporary permission was given to Ms. Young to utilize the tennis courts on Chatham Hill Road for Pickleball until this can be reviewed by the Recreation Committee.

Mayor Helms reported the Salvation Army met two weeks ago and determined there will be no Red Kettle Drive this year due to COVID-19; however, donations will continue to be accepted.

ACCOUNTS: Upon motion of Mr. Weaver, seconded by Dr. Gates and a vote of 6 AYES and 0 NOES, the accounts payable were approved for payment as submitted in the amount of \$1,468,206.12. Messrs Dr. Gates, Barker, Spencer, Weaver, Cornett and Carter voted affirmatively. Ms. Stanley noted the need to consider the 4 Community Development allocations that were not included in the monthly accounts. Discussion ensued. Upon motion of Dr. Gates, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, the Library, Song of the Mountains, Smyth County Chamber of Commerce and the Smyth County Tourism Center will be placed back into the regular monthly accounts beginning with November 2020 at the current fiscal 2021 budgeted amount, subject to continued review and performance.

Chief Clair read a Resolution regarding Qualified Immunity for Law Enforcement Officials and asked council for their support. Discussion ensued. Upon motion of Mr. Barker, seconded by Mr. Cornett and a vote of 6 AYES and 0 NOES, the Resolution in Opposition to any Legislative Effort to Repeal or Revise the Judicial Doctrine of Qualified Immunity for Law Enforcement Officials was accepted. Chief Clair reviewed Senate Bill 5029 regarding traffic stops which will be effective March 1, 2021.

Mr. Heath reviewed a list of businesses that applied for Cares Act Grants. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the list of Cares Act Grants presented to council for consideration of 18 businesses for \$2,500 each totaling \$45,000 was approved.

Mrs. Veatch noted the Mini Christmas Market will be able to continue under the Governors new guidelines. The Market will be November 28, December 5, 12, and 19 from 10 am to 6 pm. Marion Downtown will offer gift wrapping. Mrs. Veatch has submitted her resignation and will be taking a position as Assistant Park Manager at Hungry Mother State Park in January.

Mr. Rush gave an update on Cares Act funding. Staff met with Atmos Gas today in preparation for Prater Pump Station upgrade. Mr. Fenyk is working on the deed for Callan Drive purchase from the EDA. Mr. Rush reviewed the upcoming county tax sale, noting there are four available in town. Two of those are beyond repair and two are marketable. Upon motion of Dr. Gates, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, Mr. Barker and Mr. Rush are authorized to participate in the upcoming county tax sale. Mr. Rush reviewed a property at 1116 Matson Drive. Upon motion of Dr. Gates, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, \$5,600 will be allocated for purchase, asbestos abatement and demolition for 1116 Matson Drive.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-1 and A-7) upon motion of Dr. Gates, seconded by Mr. Weaver and vote of 6 AYES and 0 NOES, Town Council entered into Closed Session for discussion of Personnel and Real Estate. Dr. Gates 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 Dr. Gates, Barker, Spencer, Weaver, Carter and Cornett voted affirmatively.

Upon motion of Dr. Gates, seconded by Ms. Spencer and a vote of 6 AYES and 0 NOES, Town Manager is to advertise Request for Proposals for 555 South Main Street, Old Police Department building, for sale.

Upon motion of Dr. Gates, seconded by Mr. Cornett and a vote of 6 AYES and 0 NOES, an agreement was accepted by which the Smyth County Community Foundation will receive ownership of the Holston Hills Community Golf Course property in exchange for forgiveness of the outstanding \$1.5 million loan collateralized by the property; and authorized Mayor Helms and Finance Committee Chairman to be signatories for any deeds, agreements, or assigns required to complete this transfer of ownership.

Upon motion of Dr. Gates, seconded by Mr. Cornett and a vote of 6 AYES and 0 NOES, in appreciation of hard work from town staff during COVID-19 pandemic, bonuses totaling \$100,000 will be allocated to all employees by town staff.

Upon motion of Mr. Carter, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, Double A Fencing will receive the \$2,500 COVID Grant pending current Business license.

Upon motion, duly seconded and a vote of 6 AYES and 0 NOES, the meeting was adjourned at 8:22 pm.

Mayor

Clerk