

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 October 1, 2012 at 5:30 p.m.

PRESENT: Mayor David Helms; Larry Carter, Dr. James Gates, Tricia Spencer, Suzanne Jennings, Bill Weaver (Arriving Late), Jim Owens and Jim Barker, Council Members; Town Attorney Mark Fenyk; Town Manager John E. B. Clark, Jr.; Assistant Town Manager/Town Engineer Cecil Hicks; Police Chief Mike Roberts; Police Lieutenant Andrew Moss; Police Sergeant Rusty Hamm, Executive Secretary Linda Pennington, Fiscal Technician Paula Ashlin, Senior Citizen Director Mindy Dyer, Engineers Assistant Todd Long, Smyth County News Representative Stephanie Porter- Nichols and Deputy Town Clerk Anita Catron.

MEMBERS OF PLANNING COMMISSION: Chairman Cameron Wolfe, Bob Ramsey, Alice Freeman, Jim Barker (Council Representative), Dan Surface, Ben Reedy and Avery Cornett.

INVOCATION/PLEDGE TO THE FLAG: Mr. Hicks rendered the invocation. Eagle Scout Christopher P. Edmisten and Eagle Scout Dakota A. West led the Pledge to the Flag.

VISITORS: Jeff Spickard, Robert Shults, Allen Abel, Howard Burton, Charlie Harrington, Kristen Untiedt-Barnett, Dawn Archer, Tom Austin, Susan Austin, Patton Graham, Samantha Archer, Lindy White, Tony Graham, Debbie Gollehon, Jim Patterson, Jane Tate, Dan Kegley, Dr. Dana Chamberlain, Wanda Owens, Mike Perry, Jackie Perry, Sally Morgan, Trey White, Gary Peacock, Marilyn Peacock, Bill Huber, Joanne Groseclose, Ruth Cox, Mark Montgomery, P G Wingfield, Pat Porter, David Thomas, Henderson Graham, Mary Meadows, Dakota West, Vincent Groseclose, Ann Edmisten, Chris Edmisten, Tom Graham, Dr. Jim Patterson, John Graham, Dr. James McDowell, Dave Haney, Charles Wassum and Mrs. Wassum.

MINUTES: Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the minutes of the meeting held September 17, 2012 were approved as written. Messrs Barker, Owens, Dr. Gates, Ms. Spencer, Mrs. Jennings and Mr. Carter voted affirmatively.

RESOLUTION OF CONGRATULATIONS ON THE OCCASION OF ACHIEVING EAGLE SCOUT STATUS- CHRISTOPHER P. EDMISTEN: Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES this resolution was approved. Mayor Helms presented the resolution to Eagle Scout Christopher P. Edmisten.

RESOLUTION OF CONGRATULATIONS ON THE OCCASION OF ACHIEVING EAGLE SCOUT STATUS - DAKOTA A. WEST: Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES this resolution was approved. Mayor Helms presented the resolution to Eagle Scout Dakota A. West.

RESOLUTION HONORING THE ACHIEVEMENT BY MOUNTAIN STATES HEALTH ALLIANCE IN BEING NAMED THE 2012 NATIONAL QUALITY HEALTHCARE AWARD RECIPIENT: Stacey Ely was unable to attend upon motion duly seconded this will be presented on October 15, 2012. (Mr. Weaver arrived).

PUBLIC PRESENTATION ON MATTERS NOT RELATED TO PUBLIC HEARING: None

JOINT PUBLIC HEARING WITH MARION PLANNING COMMISSION: Mayor Helms asked Mr. Hicks Zoning Administrator, to review the purpose of this joint public hearing.

Mr. Hicks stated the purpose was to amend the Zoning Ordinance Matrix by adding to existing language and Permitted Use under (MA) Medical Arts Zoning. Although this was advertised as requesting the language changed to “and Professional schools and housing associated for these programs”, he and Chairman Wolfe, after review, feel this would allow for a much broader area than needed, and would like to change the wording to “Graduate programs, and housing associated with these uses.” They request this be added to page 86 of the Zoning Matrix along with current wording “Public and private schools, colleges, and universities. Although by interpretation, they feel this has been covered on page 82 of the Matrix, they would like to clarify this more by adding this wording to page 86 also and including this as Permitted in Medical Arts (MA).

Mayor Helms opened the floor for public comments and stated that each person would be allowed three (3) minutes to speak.

Robert Shults 335 College Street -Chairman of the Board of Directors Smyth County Community Hospital and Member of Smyth County Community Foundation was in support to this change and feels we should help Emory and Henry in any way possible.

Allen Abel 1410 N. Main Street- Member of the Board of Directors Smyth County Community Hospital and Smyth County Community Foundation was in favor of the change. He feels this will allow for area growth and other good things for our area.

Kristen Untiedt-Barnett 1714 Trillium Lane -Executive Director Chamber of Commerce of Smyth County supports changes and feels this will benefit all of Smyth County.

Tom Austin 1146 Culbert Drive- Supports this change and would like to know if this would allow for a Bachelor of Science Program in Medical Arts(MA). Mr. Hicks stated that with current wording this would be allowed.

Patton Graham 202 Keller Lane- Supports this change.

Lindy White 644 Johnston Road-Mountain States Health Alliance Vice President and CEO Smyth County Community Hospital read a letter of support from the Smyth County Community Hospital Board of Directors, and also spoke as a citizen of Marion and Alumna of Emory and Henry College giving her full support to the change.

Tony Graham 215 Althea Street-Member of Marion Morning Rotary Club read a letter in support of this change from the members.They also feel this will allow for growth in the community and support any needed changes.

Dr. James Patterson 320 Keller Lane- Supports this change.

Jane Tate 1002 N Main Street- As a citizen and Alumna of Emory and Henry who knows the strength and commitment of this college gave full support to any changes needed.

Dr. Dana Chamberlain 512 E Main Street- stated his office is adjacent to the Old Hospital facility and he is in full support of any changes needed.

Trey White 734 South View Drive- Gave his full support to any needed changes as a citizen and alumna of Emory and Henry College.

Gary Peacock 105 Fairway Drive-Chairman of Smyth County Community Foundation stated he supports any needed changes, and also provided a letter in support of any needed changes from Dr. Eric Sacknoff.

Mark Montgomery 335 Spring Hill Drive, Glade Spring- with Smyth County Community Hospital stated he fully supports any needed changes. He has worked with Emory and Henry College and they are making needed changes to buildings to allow for this program. He feels this is a great opportunity for Marion.

P G Wingfield 696 Dogwood Lane-Supports the change.

Dr. Henderson Graham 200 Keller Lane-Supports the change.

Tom Graham 223 North Street-Supports the change.

John Graham 611 E. Main Street-Clerk of Courts for Smyth County stated he supports the change and feels this is a once in a lifetime opportunity. He feels this could possibly bring in more programs. Having personally spoken with representatives from the college, they are excited by the welcome and support from this community.

Dr. Dave Haney 13156 College Drive, Meadowview-Chief Academic Officer of Emory and Henry College stated he appreciates all the support shown by the community and he supports changing the language in the Matrix and the change from Professional Schools to Graduate Schools.

Jim Patterson 1215 Snider Street- He is a citizen of Marion and a graduate of Emory and Henry College. He fully supports the changes and feels this will be a good opportunity for Marion and Smyth County.

Charles Wassum III 200 Larch Street-He supports the Doctorate of Physical Therapy Program by Emory and Henry College and the neighborhood supports the housing of Graduate Students for the Program. He supports this also. He feels the neighborhood cannot support the purposed amendment because this allows free standing schools unrelated to the Health Care Profession and not associated with Emory and Henry College. Because of the things listed under schools, in his opinion the proposed zoning change is not friendly to Emory and Henry long term vision. He also feels the Statement of Intent for Medical Arts Zone should govern the Appendix. He feels this zone is for Health Care and feels the proposed change to the Matrix is not consistent to the statement of intent as the changes would allow non-health related uses and inappropriate commercialism in the Medical Arts Zone. Mr. Wassum also stated his concerns are the public notice did not satisfy the Virginia Code. The purposed amendment discussed tonight is not

the same as was advertised in the paper. Planning Commission ignored the by-laws and did not notify adjoining property owners and the owners are upset with no notification. The neighborhood also wants reassurance of no substance abuse, chemical dependency, methadone treatment services nearby and no other inappropriate uses in Medical Arts Zone.

Susan Austin 1146 Culbert Drive- stated she grew up on Culbert Drive and still lives on Culberts Drive. She supports the change and welcomes the new Emory and Henry Program to Marion. Also as a resident of the area in question she did not appreciate the flyers that were left on doors in her neighborhood.

With no more comments Mayor Helms closed the floor to public comments and turned the meeting to Chairman Wolfe and the Marion Planning Commission for comments and decision.

Chairman Wolfe noted that all members of the Planning Commission were present, after reminding members this was not only for the Old Smyth County Community Hospital property, but for all Medical Arts (MA) property in Town of Marion. He also stated that although they feel this is already covered in the Matrix, they feel this language needs to be added for clarification. Chairman Wolfe opened the floor for comments and questions from members. With none made, he asked for a motion on the matter from Planning Commission. Mr. Ramsey made the motion to change the wording in the Matrix by adding the language of "Graduate programs, and housing associated with those uses," seconded by Ms. Freeman, and a vote of 7 AYES and 0 NOES Marion Planning Commission recommends to Town Council to approve the language change and adding of Permitted Use to the Zoning Matrix on page 86.

RECOMMENDATION FROM PLANNING COMMISSION ON ZONING MATRIX CHANGE: Chairman Wolfe stated that with all members in agreement, the recommendation was to change the language in the Zoning Ordinance Matrix and add this to "Permitted Uses."

Mayor Helms noting the recommendation made and approved by Marion Planning Commission and opened the floor for questions and comments from council members. Dr. Gates requested Mr. Fenyk to address the concerns of Mr. Wassum with regards to advertising and notification of property owners. Mr. Fenyk stated that Virginia Code states the governing body may make changes in a public hearing even if the changes are not the same as advertised. Approval is not made based on wording in the advertisement. With regards to non-notification of adjoining property owners, if there are more than 25(twenty-five) parcels only newspaper notification is required.

Dr. Gates stated he is in full support of this change. He feels this was already in the wording of the Ordinance but was glad to have this clarification.

Mrs. Jennings thanked everyone for their attendance and stated that she fully supports this, and she is excited that Emory and Henry choose Marion. She feels this will benefit the Town.

With no more comments or questions from Council Members, Mayor Helms asked for a motion and a vote on this matter. Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, Marion Town Council voted to accept the Planning Commission recommendation and change the language in the Zoning Ordinance Matrix on page 86 and add the "Permitted Uses" to this also.

Marion Planning Commission was excused from the meeting.

REPORT ON USE OF LOT IN CONJUNCTION WITH PEARL AVENUE/BUCHANAN STREET-CDBG PROJECT:

Mayor Helms stated that the area has been surveyed and this area may provide for a picnic shelter or parking spaces along this area. Mr. Charles Harrington with the Housing Board stated there has been a good response to using this lot for parking. Mayor Helms stated that as the Town would have to pay for this it would need to go to the finance committee for approval. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES this item was sent to the finance committee for recommendation.

SELECTION OF DATE FOR PUBLIC HEARING FOR ADOPTION OF COMPREHENSIVE PLAN:

Mr. Hicks requested that Council approve the date of November 5, 2012 for a Public Hearing to adopt the Comprehensive Plan. Upon motion of Mr. Barker, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, November 5, 2012 was set for this Public Hearing.

REPORT ON REVENUE/EXPENSE AT TOWN POOL: Mr. Clark gave an overview of the revenue/expense at the Town Pool for this year. He and Sam Wagner, Recreation Director, have compiled a report showing expense/revenues and this shows a slight profit for the pool.

ORDINANCE COMMITTEE ON A VARIETY OF PROPOSED ISSUES: Mrs. Jennings stated the Police Committee has met with the Police Department and they have six ordinances they would like to have amended. The Police Committee would like to schedule a Public Hearing for the purpose of amending section 46-12 Discharge of Firearms and Other Weapons. They request that the other issues go back to the Ordinance Committee for more review and discussion. Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the Public Hearing was set for November 5, 2012 and the other issues sent back for more review and discussion to come before Council again at a later date.

FIRE COMMITTEE: Mr. Weaver stated the Fire Committee has three requests from the Fire Department. These include a request for an I-PAD. This will allow the department a better way of getting accurate information for the insurance companies. Members would also like to become first responders. This would allow them to work more with the rescue squad and other rescue departments. For this they will have to obtain a license and have two (2) outfitted vehicles. These vehicles will be provided by the rescue squad. The Fire Department would also like to remove the wood chips at the fire hall and make a nice green area to display the 911 Memorial Steel. This would be only a temporary display, but would allow for the public to view this. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the I-PAD request was approved with money allocated from the Fire Department budget. Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the first responder request will be continued until after a discussion with legal counsel. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, public works crews will work with the Fire Department members to clear the wood chips and plant grass to allow for the temporary display of the 911 Memorial Steel.

Mr. Barker gave each member a form for the Extra Mile Day. He has requested each one to fill out this form with a name and give it back to him at the next meeting. Mr. Barker also gave an update on the

Department of Game check of the river at the Golf Course. They have three (3) recommendations, check the size and species found in this river by doing a shock test, limit the gear used to artificial only with single hook, and use the club house at the golf course as a check-in. By having a check-in area this will allow for the club house manager to determine if the course is too busy for fishing in the area to be safe for the day. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the Town will work with the Department of Game to allow them to proceed with the shock test and set up a public informational meeting after this is complete.

Mr. Owens thanked council for allowing him to attend the VML conference. He found it to be very informative.

Ms. Spencer thanked council also and stated this was her first time attending and it was very enjoyable.

Mrs. Jennings informed council that the advisory committee for the Senior Citizen Center has met regarding a concern that District III has decided to begin using the center only one (1) day per week. This will mean that the seniors will lose one day at the center with the meals. Mindy Dyer, Director at the Senior Center has spoken with an organization that is willing to provide food for the second meal. They are requesting permission to have volunteer's drive the Town van to pick up seniors. If approved the volunteers must have a valid driver's license and in good standing. They must also pass a test. Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, Mr. Clark was to check with VML insurance with regards to allowing volunteers to drive the town van with authority to act on his findings.

Mayor Helms was very appreciative of all those that attended the VML conference. He found this to be very informative. Also, several issues were mentioned with regards to the State passing expenses back to localities. Senator Tommy Norman met with the executive committee and discussed they meet with people to get comments and concerns. Ken Heath is to set up a meeting with people that represent our area to discuss the concerns. Also, January 31st is Legislative day.

Town Attorney Mark Fenyk thanked Council for allowing him to attend VML. While there he attended several very informative meetings.

Mr. Clark stated the interviews for the police department job would be held on Tuesday October 2.

Mayor Helms stated the Marion Downtown has won an award in Williamsburg. There were sixty-five (65) applicants and Marion was chosen as one. Mr. Owens informed members that there were three (3) awards given to Southwest Virginia, Wise, Abingdon and Marion.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-7) & (A-1) upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, Town Council entered into Closed Session for the purpose of consultation with legal counsel and personnel matters. 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 Ms. Spencer and carried by a vote of 7 AYES and 0 NOES. The Deputy Clerk

polled the Council Members. Messrs Barker, Owens, Weaver, Carter, Dr. Gates Mrs. Jennings, and Ms. Spencer voted affirmatively.

Mayor Helms read a Thank You card from the family of Mr. Bill Greenwood, for the donation to Presbyterian Children's Home of the Highlands in memory of his wife, Joyce Greenwood.

Upon motion of Mr. Weaver, seconded by Mr. Owens and vote of 7 AYES and 0 NOES, the meeting was adjourned.

Mayor

Clerk