

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 18, 2021 at 5:30 p.m.

PRESENT: Mayor David Helms, Vice-Mayor Dr. Jim Gates (arrived late), Jim Barker, Tricia Spencer, Suzanne Jennings, 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 and Economic Development Director Ken Heath.

ABSENT: None.

VISITORS: Rex Anders, Kerri Davidson, Amy Anders, Erin Meadows, Brian Reed, Greg Armstrong, Amanda Livingston, Pete Price and Victor Johnsey.

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

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 October 4, 2021 were approved as written. Messrs Barker, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

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

PUBLIC PRESENTATIONS: Amanda Livingston, Director of Tourism, gave an update on the Smyth County Tourism Department noting the launch of a new mobile friendly website. She distributed copies of the newly-published brochure. She also reviewed the progress of the J. S. Staley overlook which is approximately 90% complete.

Mayor Helms recognized a group of citizens who volunteer and work hard in assisting with downtown events. He presented Extra Mile Awards to Rex Anders, Kerri Davidson, Amy Anders, Erin Meadows, Brian Reed, Pete Price and Victor Johnsey.

PUBLIC HEARING BPOL DUE DATE: Mayor Helms requested Ms. Stanley review the information. Ms. Stanley noted February 1, 2021 council agreed to proceed with changing the due date for Business License from January 31 to March 1. Mayor Helms opened the Public Hearing for citizen comment. With no public comments, the Public Hearing was closed. Upon motion of Mr. Carter, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the BPOL/Business License due date will be changed from January 31 to March 1 of each year beginning March 1, 2022.

PUBLIC HEARING ELDERLY AND DISABLED TAX RELIEF: Mayor Helms requested Ms. Stanley review the information. Ms. Stanley requested the financial guidelines be adjusted on the Elderly and Disabled Tax Relief to match Smyth County's guidelines. Mayor Helms opened the Public Hearing for citizen comment. With no public comments, the Public Hearing was closed. Upon motion of Mr. Weaver,

seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the Elderly and Disabled Tax Relief form will amend the combined gross income to \$25,000 and the combined net worth to \$65,000.

PUBLIC HEARING TOWN ELECTION DATE: Mayor Helms requested Mr. Fenyk review the information. Mr. Fenyk reported the town and city election date has been changed from May to the first Tuesday in November. This is in accordance with the State of Virginia Law and the town can't opt out. Mayor Helms opened the Public Hearing for citizen comment. With no public comments, the Public Hearing was closed. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the town ordinance will be amended to reflect the town election date will be changed from May to the first Tuesday in November of the same year.

PUBLIC HEARING ADOPTION OF MT. ROGERS REGIONAL CIGARETTE BOARD ORDINANCE: Mr. Rush noted this allows counties to charge cigarette tax. Council has previously accepted the agreement to join the Regional Authority. Mayor Helms opened the Public Hearing for citizen comment. With no public comments, the Public Hearing was closed. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the ordinance approving the formation of a joint entity, to be known as the Mount Rogers Cigarette Tax Board and bestowing on such entity all powers necessary and proper for the performance of its duties as provided by law, was adopted.

PUBLIC HEARING REVISION OF EXISTING CIGARETTE TAX ORDINANCE: Mr. Fenyk noted this will amend Chapter 70 Taxation Article III Cigarette Tax Ordinance. Mayor Helms opened the Public Hearing for citizen comment. With no public comments, the Public Hearing was closed. Upon motion of Mr. Weaver, seconded by Mr. Cornett and a vote of 6 AYES and 0 NOES, Chapter 70 Taxation Article III Cigarette Tax Ordinance amendment was approved.

PUBLIC HEARING CIGARETTE TAX RATE: Mr. Fenyk noted the current cigarette tax rate is 12 cents per pack. The new law allows up to 40 cents per pack. The Authority recommends uniformity at 40 cents per pack. Mr. Rush reviewed how the authority will enforce by hiring an Enforcement Officer. Mayor Helms opened the Public Hearing for citizen comment. With no public comments, the Public Hearing was closed. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 5 AYES and 1 NO, the new cigarette tax rate will be 40 cents per pack.

Mr. Barker noted the Planning Commission reviewed the Snider Street property rezoning request. Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, a Joint Public Hearing will be set for November 1, 2021 to consider the Snider Street Rezoning request. He also commented on the RiverBend new parking area and expressed what a great job staff did with that project.

Mayor Helms reviewed a request from Allen Kelly for the Caring for the Community volunteer group for \$5,000 of matching funds. Mr. Rush recommends releasing the funds noting the tremendous amount of work completed at the Henderson, caulking and painting doors and windows by the Caring for the Community volunteers. Upon motion of Mr. Carter, seconded by Mr. Cornett and a vote of 6 AYES and 0 NOES, the allocation of \$5,000 will be released to the Caring for the Community volunteer organization.

Dr. Gates arrived. The Hazardous material pick up was well organized. The Salvation Army is still working on organizing the Red Kettle Drive for this year.

Mr. Fenyk reported the Deed of Gift for the Wymer property was recorded today.

ACCOUNTS: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the accounts payable were approved for payment as submitted in the amount of \$1,468,350.14. Messrs Dr. Gates, Barker, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

Chief Clair reported the department is working on making the hiring process easier with online applications, as the department continues recruiting for open positions.

Mr. Heath noted the United Way Celebrity Food City bagging event will be Tuesday before Thanksgiving. This year's Christmas Market will be held at the Farmer's Market, no vendors will be setup in the Henderson School.

Mr. Rush noted we continue to learn all we can regarding the qualifying expenditures for ARPA funds. Mrs. White noted the first ARPA report date has changed from October 31, 2021 to April 2022. Mr. Rush reviewed two grants awarded from Mt. Rogers PDC for water/sewer projects totaling \$67,500. A Special Use Permit application for consideration of a Tattoo Parlor has been submitted. Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, a Joint Public Hearing will be set for November 1, 2021 for a Special Use Permit to consider the Tattoo Parlor request.

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.

Upon motion of Mr. Weaver, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, as part of the next step of the pay restructure that was initiated spring of 2020, the next step will be accelerated due to the current employment market, and therefore council approves a \$5,000 salary increase for first responders, Police/Fire/EMS, (fulltime) and a \$3,000 salary increase for all other fulltime employees effective with the first payroll in November.

Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, the meeting was adjourned at 9:17 p.m.

Mayor

Clerk

