

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 17, 2022 at 5:30 p.m.

PRESENT: Mayor David Helms, Vice-Mayor Dr. Jim Gates, Tricia Spencer, Suzanne Jennings, Bill Weaver, Larry Carter and Avery Cornett Council Members; Town Manager Bill Rush, Assistant Town Manager Billy Hamm, Town Clerk Cindy Y Stanley, Town Attorney Mark Fenyk, Smyth County News Representative Stephanie Porter-Nichols; Police Chief John Clair (left early), Fire Chief Richard Keesling, IT/Engineering Assistant Flave Davis, Economic Development Director Ken Heath and Economic Development Assistant Cyndi McCloskey.

ABSENT: Jim Barker.

VISITORS: Charles Wassum, Charles Hayden, Michael Kravitz, Marie Lord, James McNeil, Phillip McElraft, Dixie & Dan Prater and Boy Scout Troop 93.

INVOCATION/PLEDGE TO THE FLAG: Mr. Heath rendered the invocation. Boy Scout Troop 93 led the Pledge to the Flag.

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the minutes of the meeting held September 19, 2022 were approved as written. Messrs Dr. Gates, Spencer, Jennings, 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.

PUBLIC PRESENTATION: Mayor Helms recognized the Economic Development Department for receiving a VML Innovation Award. Mayor Helms presented the award to Mr. Heath and Ms. McCloskey since they were unable to attend the conference. This is the 4th VML award received by the Town of Marion.

Dale Clark, Ballad Health CEO, gave an update on the Smyth County Community Hospital. He reported Urgent Care is under construction and should be completed in December. The hospital is challenged with staffing issues and has attempted to respond to the market by increasing pay and added bonuses. The hospital continues to provide good care. Mr. Clark reviewed recruiting efforts.

PUBLIC HEARING COMPENSABLE GAMING ORDINANCE: Mr. Rush reviewed the Compensable Gaming Ordinance. Virginia made skilled games legal a couple years ago and then later made them illegal and a few were grandfathered in. It is possible these could be made legal again in November. There is a need for guidance and the draft ordinance requires a special use permit and limits the number of machines per location. The Town Attorney has reviewed the draft ordinance. Mayor Helms opened the Public Hearing. Michael Kravitz, 809 Hickory Lane, spoke in opposition. Mr. Wassum, Wassona, spoke in opposition also noting he is against betting and the risk of losing money and it does not elevate the quality of life. Phillip McElraft, 368 South Main Street, spoke in opposition and had several suggestions for other entertainment methods. Charles Hayden addressed the statement of Stanley Law Group about the injunction for allowing skilled games. He suggests the decision is premature until after the November 2 court case by Stanley Law Group. Mr. Rush noted it is the town's intent to get ahead of the

court case and try to limit the damage to the retail sector. Mr. Heath reviewed the need to be proactive. With no further comments, Mayor Helms closed the Public Hearing. Discussion was turned over to council. Chief Clair left. Mr. Carter recommends limiting to 2 machines per location. VML has high confidence they will be made legal in November. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 5 AYES, 0 NOES and 1 ABSTENTION (Mr. Cornett), the Compensable Gaming Ordinance draft was accepted requiring a special use permit and amending the number of machines allowed to 2 per location and accepting the language for new locations with the exception of those existing as of October 17, 2022.

PUBLIC PRESENTATIONS: Debra Parks, Chilhowie, Heatherwood Counseling Center Representative, noted Park Blvd is in need of repair. This business is located on that road and they have 16 employees and see about 30 patients per day. Ms. Parks respectfully requests the town repave Park Blvd. Mr. Rush noted the town was well aware of the situation and intends to have this milled and repaved in the next 3 weeks.

Dixie and Dan Prater, 600 Sprinkle Avenue, expressed concerns regarding vagrants and homeless population in town. They are concerned for the safety of citizens and the vagrants. Mr. Prater suggested solutions, such as enforcement of trespassing. Law Enforcement needs amendment to help address. Upon motion of Mr. Weaver, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, this item is referred to the Ordinance Committee.

Mr. Wassum noted a possible reason for the medical staff shortage is because people do not want to be forced to get vaccines.

Mr. Kravitz spoke about the AEP Franchise renewal noting suggestions to the bottom line and recognized only one bid was submitted.

Mr. McNeil, Marion Redevelopment and Housing Authority Representative, noted Malcolm Brown resigned due to a conflict of interest. Mr. McNeil recommended Don Cornwell be appointed. Upon motion of Mrs. Jennings, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, this item will be tabled until the next council meeting.

Mrs. Jennings noted the downtown trees need to be trimmed. Mrs. Jennings shared the VA Business Journal Article on the Lincoln Theatre.

Mr. Weaver reported Personnel Committee is still working on Mr. Rush's review and the comp time policy.

Mr. Cornett attended the Chamber of Commerce meeting.

Mayor Helms attended the VML Conference October 2-4, 2022. Pennington Gap Mayor will be the next VML President. Mayor Helms read the Extra Mile Resolution declaring November 1 as Extra Mile Day. Upon motion of Mrs. Jennings, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, the Extra Mile Resolution was accepted.

Mr. Fenyk noted the AEP Franchise Renewal Public Hearing was advertised, held and one bid was submitted. AEP made 2 adjustments, one was a typo and the other was the deduction of section 13 maps because they are not permitted to share maps. Upon motion of Mr. Carter, seconded by Dr. Gates and a vote of 6 AYES and 0 NOES, the AEP Franchise Renewal was accepted with the 2 amendments.

ACCOUNTS: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the accounts were approved for payment in the amount of \$1,927,998.12. Messrs Dr. Gates, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

Chief Keesling reported there were 255 calls in September. He noted the need to advertise and replace the vacant full time position. Mr. Rush reported staff has secured procurement for the new fire truck purchase. He also reported Rural Development has run out of grant funds and did not approve the grant. Mr. Rush recommends purchase of the new truck before price increases and pay off the Marion Fire Inc vehicle. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, pay off of the Marion Fire Inc vehicle was referred to the Finance Committee. Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, purchase of the new fire truck before November 1, 2022 was approved.

Mr. Heath reviewed an RBEG loan application from Andrew Livingston, Merry Inn, for \$15,000. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the RBEG loan application was approved for \$15,000 at 2% interest for 60 months for Andrew Livingston for Merry Inn.

Boy Scout Troop 93 introduced the members present and noted they are working on their citizenship in the community badge.

Mr. Rush noted the elevator upgrade order has been placed. Mr. Rush reviewed the next ARPA request for an upgrade of Round Hill Cemetery to include entry gate installation, location reference points, retaining wall replacement, paving and marketing. Upon motion of Dr. Gates, seconded by Ms. Spencer and a vote of 6 AYES and 0 NOES, authorization to proceed with the Round Hill Cemetery Upgrade was granted not to exceed \$100,000 of ARPA funds. Ms. Spencer left. Mayor Helms asked about receiving a report for CIRP by Phase. Mr. Rush briefly reviewed the phases of CIRP and will compile a spreadsheet. Mayor Helms noted bell ringers are needed for the Salvation Army Red Kettle Drive this year.

Upon motion of Mr. Weaver, seconded by Mr. Carter and a vote of 5 AYES and 0 NOES, the meeting was adjourned at 7:54 p.m.

Mayor

Clerk

