

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 September 19, 2022 at 5:30 p.m.

PRESENT: Mayor David Helms, Vice-Mayor Dr. Jim Gates, Jim Barker, 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, Fire Chief Richard Keesling and Economic Development Director Ken Heath.

ABSENT: None.

VISITORS: Charles Wassum, Michael Kravitz, Marie Lord, Mary Begley, Alexa Spurling, Anthony Duka and Lili Figueredo.

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 Mrs. Jennings and a vote of 7 AYES and 0 NOES, the minutes of the meeting held September 6, 2022 were approved as written. Messrs Dr. Gates, Barker, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

AGENDA: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, the agenda was approved as distributed.

PUBLIC PRESENTATION: Michael Kravitz spoke about more sustainable lifestyles and would hope consideration would be given to those areas when updating zoning for the town.

Mayor Helms read the Resolution for Recovery Month 2022, noting the resolution will be presented September 30, 2022 at a candlelight vigil. Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, The Resolution for Recovery Month 2022 was accepted.

PUBLIC HEARING AEP FRANCHISE AGREEMENT: Mr. Rush reviewed the AEP Franchise Agreement noting AEP is the sole provider in this region. Mary Begley, AEP Representative, reported the agreement gives authorization by the town for AEP to work on right of ways. Mayor Helms opened the Public Hearing. Michael Kravitz asked questions to Ms. Begley about better mitigation processes. Ms. Begley reported AEP has mitigation processes in place, however that is separate from this draft agreement. She noted this agreement is not about customer service but deals with the ability to work with towns regarding the use of right of ways. Ms. Begley will get Mr. Kravitz contacts for mitigation and outages. Mr. Wassum asked what happens if the agreement is not approved. Ms. Begley noted AEP will continue to provide service and engineers would have to work more closely with town staff. Mr. Rush requests deadlines on removal of abandoned lines/poles. Mr. Wassum asked if AEP owned the poles. Ms. Begley reported AEP owns about 50% of the poles. Mayor Helms inquired about street light replacement time frames. Ms. Begley noted she would get back to Mayor Helms on street light replacement time frames. Mrs. Cornett asked about tree removal on citizen lines. With no further comments, Mayor Helms closed the Public Hearing. Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 7 AYES and 0

NOES, consideration of the electrical distribution franchise agreement is tabled until Monday, October 17, 2022 at the regular council session to consider input received from the Public Hearing tonight, and review of bids received on or before the bid deadline of October 2, 2022.

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

Mr. Cornett would like to call a Recreation Committee meeting.

Mayor Helms reminded council and staff of the VML Conference October 2-4, 2022. Mayor Helms congratulated Mr. Heath on the Economic Development VML Award. Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the October 3, 2022 council meeting will be cancelled.

ACCOUNTS: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES, 0 NOES, and 1 ABSTENTION (Mr. Cornett stepped out of the room to take a phone call), the accounts were approved for payment in the amount of \$1,528,768.50. Messrs Dr. Gates, Barker, Spencer, Jennings, Weaver and Carter voted affirmatively.

Chief Keeling reported engine 1 is out of service. Mr. Rush reviewed a Rural Development Resolution for Fire Apparatus. The next deadline is a year away and Mr. Hilt, Rural Development Representative, feels there is a good chance we may get some grant funding with this application. Upon motion of Mrs. Jennings, seconded by Mr. Cornett and a vote of 7 AYES and 0 NOES, the Resolution of Governing Body for Fire Apparatus was accepted.

Mr. Heath reviewed an RBEG loan application from Patty Sheets, Rosewood Florist, for \$15,000. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the RBEG loan application was approved for \$15,000 at 2% interest for 60 months for Patty Sheets for Rosewood Florist. Mr. Heath reviewed an RBEG loan application from Jon Ives, Rainbow House Ceramics, for \$15,000. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the RBEG loan application was approved for \$15,000 at 2% interest for 60 months for Jon Ives for Rainbow House Ceramics.

Mr. Rush reviewed the next ARPA request for an Elevator Replacement Proposal for this building. A quote has been received for \$78,000. Upon motion of Mr. Cornett, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, authorization to proceed with the Elevator Replacement Proposal was granted not to exceed \$100,000 of ARPA funds. Mr. Rush reviewed the Rural Development Sanitation Vehicle award. The expectation was for \$50,000 grant. The grant portion has been awarded for \$140,000. Upon motion of Dr. Gates, seconded by Mr. Cornett and a vote of 7 AYES and 0 NOES, the Rural Development Sanitation Vehicle award was accepted. Mr. Rush reviewed the right of way purchase request for the area behind 542 Chatham Hill Road. The property owner is willing to pay \$5,757.82 for the survey, advertising and land purchase price based on the weighted average of contiguous and owners. Upon motion of Dr. Gates, seconded by Mr. Barker and a vote of 6 AYES, 0 NOES, and 1 ABSTENTION (Mr. Cornett), the vacated right of way between 542 Chatham Hill Road and 328 Prospect Place, of 3,844

square feet, will be sold to Lili Figueredo. There are two Marion Housing Board members that are up for consideration of re-appointment, Carol Edmiston and James McNeil. Both are willing to serve another term. Upon motion of Mr. Carter, seconded by Dr. Gates and a vote of 7 AYES and 0 NOES, Carol Edmiston is re-appointed to the Marion Housing Board. Upon motion of Mr. Cornett, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, James McNeil is re-appointed to the Marion Housing Board.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-3 and A-7), upon motion of Mrs. Jennings, seconded by Dr. Gates and vote of 7 AYES and 0 NOES, Town Council entered into Closed Session for discussion of real estate and legal 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 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 Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, council will recess for 15 minutes and reconvene at the Marion Police Department at 307 South Park Street.

Mayor Helms called the meeting back to order at 7:02 pm.

Chief Clair welcomed everyone to the 80th Anniversary Celebration of the Marion Police Department. He thanked all men and women of the Marion Police Department. Chief Clair read the 80th Anniversary Resolution. Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the Resolution in Honor of the 80th Anniversary of the Marion Police Department was adopted. Chief Clair and Sergeant Thomas recognized several past employees and presented them with an 80th Anniversary badge; Reverend James Bangle, Chaplain, Betty Rouse, Desk Sergeant, John Testerman, Officer, Rex Anders, Police Chief, Rick McNew, Officer, Lee Farmer, Animal Control Officer, Steve Farris, Officer, Ken Heath Public Information Officer and Mayor Helms. Chief Clair recognized Officer Mason Wagoner as he recently received the Valor Award.

Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the meeting was adjourned at 7:32 p.m.

Mayor

Clerk

