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 February 6, 2023 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 Stanley, Town Attorney Mark Fenyk, Smyth County News Representative Stephanie Porter-Nichols; Police Chief John Clair, Fire Chief Richard Keesling, EMT/Firefighter Jim Talley, EMT CJ Earles, Firefighter Brett Miller, Director of IT Todd Long and Economic Development Director Ken Heath.

**ABSENT:** Jim Barker.

**VISITORS:** Charles Hayden, David Fulton, Charles Wassum, Nolan Wolfe, Ernie & Carol Sullins, Greg Tucker, Bob Brandenburg, Ann Poston, Scott Trent, Jr., Nancy Purkey, Malcolm Brown IV, Sharon Brown, Jeff and Anna Leigh DeBord, Steve and Christy Hutton, Janene Walker, Becky Rankin, Emily Rankin, Jimmy Martin, Jane Lyon, Michael Lyon, and Ken & Shelia Glenn.

**INVOCATION/PLEDGE TO THE FLAG:** A moment of silence was observed in memory of Jill Carson Pennington Gap Council Member and current VML President. 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 January 17, 2023 were approved as written. Messrs Gates, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

**AGENDA:** Upon motion of Dr. Gates, seconded by Ms. Spencer and a vote of 6 AYES and 0 NOES, the agenda was approved as distributed with the addition of Fire Chief Keesling’s report.

**PUBLIC PRESENTATION:** Greg Tucker and Bob Brandenburg, Bostic, Tucker CPA firm, presented the June 30, 2022 Financial Audit. Mr. Brandenburg reported the staff was very helpful during the onsite visits. He reviewed opinions in the audit noting there were no noncompliance with internal controls and there was compliance on additional testing on Federal Funds. He continued with reviews of balance sheets and budget performance. Mr. Tucker noted this was a good financial report.

Mayor Helms reported Mr. Cornett had nominated Malcolm Brown, III as an Extra Mile Award Recipient. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the Resolution in Honor of Malcolm Marvin Brown, III was approved. Mr. Cornett read and presented the Resolution to family present. Mr. Cornett also read a recollection about Malcolm Brown from Paul Brown.

Mayor Helms reviewed a Resolution for Henry Thomas for 50 years in radio. Upon motion of Mr. Cornett, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the Resolution in Honor of Henry Thomas as he Celebrates 50 Years in Radio was approved. Mayor Helms read and presented the Resolution to Mr. Thomas.

Mayor Helms reviewed Black History Month 2023. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the Resolution for Black History Month 2023 was approved. Mayor Helms read and presented the Resolution to Nolan Wolfe and Greg Rashad and his sons.

**PUBLIC HEARING TO CONSIDER SPECIAL USE PERMITS FOR GAMING:** Mayor Helms reviewed the Special Use Permit for gaming noting 2 per location would be permitted. There were 10 permits requested; 104 Snavely Street, Macados, Turkey Pen Hollow for Sur 81, Smile Station LLC Exxon at Commerce Street, Bob Hogston for 1051 North Main Street, Bob Hogston for location behind Walgreens, 300 North Main Street Sunoco, Puerto Nuevo Mexican Restaurant, 234 East Main Street tenant at Exxon, and Pit Stop South Main Street. Mayor Helms opened the Public Hearing. Charles Wassum spoke in opposition to any locations. With no further public comments, Mayor Helms closed the Public Hearing. Mr. Rush noted the procedure would be to draft a Special Use Permit that would go to the property owners. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, staff is directed to draft Special Use Permits for each location for Council to review at the February 21, 2023 meeting.

**PUBLIC COMMENT:** Nancy Little, 254 West Town Street, expressed her concern regarding a neighboring house having a large amount of trash. Mr. Rush noted this is being addressed with the property owner.

Anna Leigh DeBord gave an update on the Smyth County Museum. There were over 1,000 visitors in 2022. She expressed her appreciation for the town’s allocation and noted the request this year will include an additional $2,500. She asked about having a directional sign. Mr. Hamm asked her to submit a draft diagram.

John Graham spoke on behalf of the Appalachian Center of Hope. He reviewed the purpose of the agency which will be a drug rehabilitation facility. He noted the location will be a building at the State Hospital that has been donated to Smyth County. Mr. Graham submitted a site plan noting a request for a setback variance is required to address parking issues. Mr. Rush reviewed noting the Appalachian Center of Hope will not be the property owner and Smyth County would need to submit the request. Mr. Rush recommends referral to the Planning Commission for a Joint Public Hearing. Upon motion of Mrs. Jennings, seconded by Mr. Cornett and a vote of 6 AYES and 0 NOES, this request for a setback variance was referred to the Planning Commission.

Mr. Heath reviewed a request for a Juneteenth Festival road closure and financial request for $5,000 from Greg Rashad for Saturday, June 17, 2023. Mr. Rashad spoke noting any help would be appreciated. Upon motion of Mrs. Jennings, seconded by Dr. Gates and a vote of 6 AYES and 0 NOES, this funding request was referred to the Finance Committee. Chief Clair reviewed the request for the street closure. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the road closure in front of Carnegie School on Saturday, June 17, 2023 was approved.

Chief Keesling introduced two new employees of the Fire/EMS Department. CJ Earles, EMT Advanced and Firefighter and he is also in Paramedic school and Brett Miller, Firefighter and he is in EMT school. Chief Keesling reported there were 3,041 calls last year, up 12.8%.

Mrs. Jennings provided an update on the Lincoln Theatre noting there were 498 in attendance Friday night and 431 attended the Song of the Mountains.

Mayor Helms noted there will be a Memorial Day planning meeting tomorrow at 6:30 pm at the VFW. The Veterans Clinic in Marion closed due to lack of staff. The council meeting on February 20 will be moved to Tuesday, February 21 due to the holiday.

Mr. Fenyk reported the public hearing that was continued about Second Street, one owner did not want to participate. Mr. Rush reported the motion was to sell the Right of Way for $5,317.62 and reserve a utility Right of Way to the town. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, since due diligence has been performed of survey and advertising, the property is to be disbursed/sold in the amount of $5,317.62 and the town retaining a Right of Way for utilities.

Chief Clair thanked everyone for checking on his wife during her recent surgery.

Mr. Heath reported new street banners has been ordered to replace the old ones.

Mr. Rush asked Mr. Heath to review Special Project #1 EDA. Mr. Heath reported the Marion EDA has received a $1,000,000 grant for housing. Mr. Rush reviewed BAUD verses Property Maintenance, the EDA will remove the blighted properties and the town will prevent it from returning. The EDA has authorized demolition and abatement of 18 properties. Mr. Long noted we are still waiting on the remainder of the parts for the IT server upgrade. Mr. Heath reviewed a new request for Special Project #8, a master plan for Callan Drive Recreational opportunities and softball fields. Mr. Heath reported the town has received a grant from DCR for up to $1,700,000 as a 50/50 matching grant. Mr. Rush recommended up to $1,000,000 be allocated from the Special Projects fund toward this project and instruct staff to explore other financial avenues to acquire the remainder of the $700,000 grant. Upon motion of Mr. Cornett, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, staff is allowed to proceed with the $1,700,000 grant and acceptance of the 50/50 matching grant using $1,000,000 of the Special Projects funds. A Public Hearing will need to be scheduled for Phase 7 Sewer Project. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, a Public Hearing for Phase 7 Sewer DEQ Finance package will be scheduled for March 20, 2023. Mr. Long accepted the Zoning Administrator duties and has met with Planning Commission. He continues to work on closing loopholes on property maintenance. He reported Flave Davis is doing a good job on code enforcement and has about 87 cases. Mr. Long reported Mr. Ramsey and Mr. White’s terms on Planning Commission are about to expire. Upon motion of Mr. Carter, seconded by Mr. Cornett and a vote of 6 AYES and 0 NOES, Bob Ramsey was reappointed to the Planning Commission. Upon motion of Mr. Cornett, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, Trey White was reappointed to Planning Commission.

**CLOSED SESSION:** Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-1), Section 2.2-3711 (A-3), and Section 2.2-3711 (A-7), upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 6 AYES and 0 NOES, Town Council entered into Closed Session for discussion of Personnel, Real Estate, and Legal. 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 6 AYES and 0 NOES. The Clerk polled the Council Members. Messrs Dr. Gates, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, Bill is to proceed to advertise within the Town of Marion’s Personnel Manual for a part-time Assistant to the Town Manager.

Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the meeting was adjourned at 9:24 p.m.

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Mayor Clerk