

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 December 18, 2023 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, Senior Deputy Clerk Samantha White, Town Attorney Mark Fenyk, Smyth County News Representative Stephanie Porter-Nichols, Police Chief John Clair, Fire Chief Richard Keesling, Director of IT Todd Long.

**ABSENT:** None.

**VISITORS:** Charles & Nancy Hayden, David Fulton, Debbie Peake, Roger Bowman, Janene Walker, Tom Hower, Tina Graham, Tammy Hayes, Brandy Hayes, Judy Hayes, Mark Archibald, Charles Wassum, and Tyler Hayes.

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

**MINUTES:** Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, the minutes of the meeting held December 4, 2023 were approved as written. Messrs Gates, Barker, Jennings, Weaver, Carter, Spencer and Cornett voted affirmatively.

**AGENDA:** Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the agenda was approved as distributed with one addition of closed session number 2.2-3711. A-8 and a public presentation by Mark Archibald.

**PUBLIC PRESENTATION:** Tina Graham, 215 Althea St, addressed a problem she has with a water line leak between her home and her meter. The meter is approximately 175 feet from Mrs. Graham's property line. The line needs to be replaced from the meter to her home. Mr. Rush explained that the Town can move the meter to her property line. Dr. Gates suggested the Town absorb the cost of the first 50 feet and the property owner would pay for the additional 125 feet of new line. Town staff will install the new line and set the meter. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the meter to 215 Althea St will be moved approximately 175 feet by Town Staff with the Town of Marion absorbing the cost of the first 50 feet and the remainder not to exceed \$4,000 without approval of Mrs. Graham.

Mark Archibald, 135 Wilden St, presented a Monuments Across Appalachian Virginia Proposal. The request will grant permission for use of the Campbell Avenue at the Riverbend Walk for a story garden that will include a sculpture garden, benches, plantings, and lighting. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, Mr. Rush will evaluate the project area and will provide a resolution in support of the project for the grant application.

**PUBLIC COMMENT:** Charles Hayden revisited Town housing and property purchases and expressed his concern regarding the purchases.

Roger Bowman requested more information regarding the proposed tax on landlords. Todd Long provided information on state code and the property maintenance plan currently being evaluated by the Town Planning Commission. Mr. Long noted no action has been taken by Town Council that will charge taxes or fees to landlords.

Dr. Charles Wassum thanked Council and staff for their continued hard work this year. He noted that he does not believe it is legal for Town staff to enter rental property for no reason.

Tom Hower requested that the Town-owned lot at River St and Church St no longer be mowed but rather be left as wildlife refuge.

Tyler Wade Hayes was sworn in by Mayor Helms as the newest police officer to Marion Police Department. Chief Clair presented Officer Hayes with his badge.

Mr. Barker thanked Smyth County Public Safety Committee for working hard on the Smyth County Fire/EMS Agreement. Mr. Barker asked Mr. Rush about fall paving completion through Town. He would like to see completion of projects in a more timely manner.

Mrs. Jennings informed Council that Tracy Thompson, Lincoln Theater Director, has resigned. She will remain in place until a new director can be hired.

Mr. Cornett expressed his concern that the burden of notice was not met in the previous Council vote on the zoning ordinance. He does not support a landlord inspection requirement.

Mayor Helms noted 20 applications were received for the Chief of Fire/EMS. Council selected 5 of those applicants for interviews to be held January 9 and 10. The Salvation Army Red Kettle Drive is underway at 2 locations in Town, Walmart and Food City. The first Council meeting in January will be held on January 2, 2024. Mayor Helms appreciates the work Todd Long and Planning Commission are doing on Town Zoning & Ordinances.

Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, the accounts were approved for \$1,642,278.65.

Chief Clair noted that Shop with a Hero held on December 16, 2023 was a success with around 50 children receiving gifts. Mayor Helms asked Chief Clair about discussion of using auxiliary police for duties regarding mental health patients. Chief Clair will research and present his recommendation to the police committee at a later date.

Chief Keesling noted the generator installation at the Fire Station is complete. Citizens were very pleased to see Santa riding the fire truck throughout this week. Mount Carmel United Methodist Church is hosting a prayer service for elected officials and first responders on December 31<sup>st</sup> at 10:00 a.m.

Mr. Rush stated that recent pop-up grant winners were The Lucky Few, Better Coffee Company, and Lou & Company. Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, Haileah McKlarney, Better Coffee Company, is granted a small business loan of \$15,000 at a 2% interest rate.

Todd Long presented Rental district plans being discussed by Planning Commission. Mr. Long attended Certified Zoning Administrator Training in Richmond, VA.

Mr. Rush noted the EDA is responsible for most properties that are assumed to be purchased by the Town. They have sold three lots. Engineering proposals are under review on the Callen Dr Project. Phase 1 of Park Blvd Project is complete. Phase VII Sewer is complete except for paving. The Tree City application was approved. VML/VACO Legislative Days will be held January 31 and February 1, 2024.

**CLOSED SESSION:** Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-8), 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 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 7 AYES and 0 NOES. The Clerk polled the Council Members. Messrs Dr. Gates, Barker, Jennings, Weaver, Carter, Spencer and Cornett voted affirmatively.

Upon motion of Mr. Cornett, seconded by Mr. Carter and a vote of 7 AYES and 0 NOES, Town Attorney Mark Fenyk will correct the scrivener's error in the Town Code SECTION 3 under Mayor to state Mayoral election ending in 2024 rather than 2022.

Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the meeting was adjourned at 8:20 p.m.

---

Mayor

Clerk

