

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 April 15, 2024 at 5:30 p.m.

PRESENT: Vice-Mayor Dr. Jim Gates, Jim Barker, Tricia Spencer, Suzanne Jennings, Bill Weaver, Larry Carter and Avery Cornett Council Members; Cameron Wolfe, Bob Ramsey, Alice Freeman, Ben Reedy, Jim Barker, Rex Anders and Mark Firestone Planning Commission 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 Rusty Hamm, Community & Economic Development Director Ken Heath, Purchasing/Receiving Agent Mandy Wolfe and Director of IT Todd Long.

ABSENT: None.

VISITORS: David Fulton, Janene Walker, Danny Parks, Dr. Charles Wassum, Charles & Nancy Hayden, Todd May, Crystal Farley, Jerry Harmon, Brian Reed, Dawn Stafford, Glenn & Shelly Robinson, Jared Blevins, James Parks, Chris Fox, Nathan Berg, Derrick Trail, Gina Spence Brown, Beth O'Conner, Crystal Glass, Casey Guthrie, Burt Mosley, Sylvia White, Jason Prichard, Rebecca Sky and Roger Bowman.

Vice-Mayor Dr. Gates asked for a moment of silence in memory of Mayor Helms.

INVOCATION/PLEDGE TO THE FLAG: Chief Clair rendered the invocation. Vice-Mayor Gates 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 April 1, 2024 were approved as written. Messrs Gates, Barker, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

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

PUBLIC PRESENTATION: Casey Guthrie, Guthrie Psychiatry, expressed his gratitude for the Small Business Loan for his new business located at 123 S Chestnut St in Marion. He invited council to the ribbon cutting May 9, 2024.

PUBLIC HEARING CDBG LOCAL INPUT SOLICITATION: Brian Reed, Mount Rogers Planning District Commission Representative, noted this is a standard public hearing for Community Development Block Grants (CDBG). Vice-Mayor Gates opened the public hearing. Mr. Wassum addressed his concerns regarding the debt of the nation. He continued noting he had checked the HUD website and inquired if the locality had the authority to not allow illegal immigrants to utilize the housing. Mr. Reed addressed Mr. Wassum noting the locality had to vote to accept or deny the funding. With no additional comments, Vice-Mayor Gates closed the public hearing.

JOINT PUBLIC HEARING - ZONING ORDINANCE UPDATE FLOOD PLAIN: Mr. Long noted the flood plain section was overlooked during the last zoning ordinance update. Upon motion of Mr. Ramsey, seconded by Mrs. Freeman and a vote of 7 AYES and 0 NOES, Planning Commission recommends approval of the

Zoning Ordinance amendment to include the flood plain ordinance. Vice-Mayor Gates opened the public hearing. With no further comments, Vice-Mayor Gates closed the public hearing. Upon motion of Mr. Carter, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, the Zoning Ordinance amendment to include the flood plain was approved.

JOINT PUBLIC HEARING - ZONING ORDINANCE UPDATE CAMPGROUND REGULATIONS: Mr. Long reviewed the need to add verbiage for campground regulations to the zoning ordinance. Vice-Mayor Gates opened the public hearing. Jerry Harmon spoke noting he allows campers to park at his movie theatre overnight with no hookups. Mr. Fenyk noted campground regulations already exist in the code of VA which the town adopts each year on July 1. With no further comments, Vice-Mayor Gates closed the public hearing. Upon motion of Mrs. Freeman, seconded by Mr. Firestone and a vote of 7 AYES and 0 NOES, Planning Commission recommends consideration of the campground regulations goes back to Planning Commission for further review. Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the Zoning Ordinance amendment for campground regulations will go back to Planning Commission for further review.

JOINT PUBLIC HEARING REZONING REQUEST CG to R-3; MARKET STREET: Mr. Long reviewed the request noting the property owner, Chris Fox, has requested parcel number 57-A-74 be rezoned from Commercial General to R-3. Mr. Long noted this rezoning would be considered appropriate to allow for construction of apartment buildings. Chairman Wolfe opened the public hearing. James Parks, 164 Market Street, spoke regarding the flooding of storm water and sewer when there are extensive rains. He expressed his concern for the project unless the sewer is corrected on Market Street. William Glenn Robinson, Jr., 182 Market Street directly across from Mr. Fox's property, spoke in opposition of the rezoning at this time due to drainage issue. Jared Blevins, 158 Market Street, noted his property has flooded 7 times since moving there in 2021. Mr. Blevins asked that due diligence be performed regarding the drainage issue on Market Street. Chris Fox, requestor, noted he does not want to cause damage to anyone's property and is open to investing in fixing the problem. Mr. Long noted the property is zoned Commercial General as that was how it came over in the boundary adjustment. Mr. Rush reported the process for correcting this issue with the CIRP program Phase 8 Sewer, hopefully within one year. With no further public comments, Chairman Wolfe closed the Public Hearing. Upon motion of Mrs. Freeman, seconded by Mr. Firestone and a vote of 6 AYES and 1 NO, the recommendation is for rezoning Parcel 57-A-74 Market Street from CG to R-3 and referred to council for action. Mr. Weaver made a motion to rezone the property from CG to R-3, seconded by Ms. Spencer and discussion ensued. Dr. Gates would like to see more information on early planning. Mr. Rush noted the proposed apartment building will not make a significant impact to the problem. Upon motion of Mr. Weaver, seconded by Ms. Spencer and a vote of 5 AYES and 2 NOES, parcel number 57-A-74 Market Street is rezoned from Commercial General to R-3.

PUBLIC HEARING SPECIAL USE PERMIT 219 EAST LEE STREET – SAVIDA ADDICTION TREATMENT CLINIC: Mr. Long reviewed this Special Use Permit noting Sylvia White contacted him on March 3. The property owner, Nathan Berg, submitted a Special Use Permit application on April 3. This area is mixed use. Burt Mosley, Vice-President of Savida Health, gave an overview of the business noting Smyth County citizens utilize their Abingdon and Wytheville locations. Gina Brown, Family Nurse Practitioner with Savida,

noted the medication administered is not a mood altering substance. Most of the medications administered are long release over a two-week period. Ms. Brown reported Mt Rogers Community Service Board is not the governing body of their agency. Jason Pritchard, CPRS/Certified Peer Recovery Specialist, performs outreach for the clinic. Mr. Pritchard distributed a handout and reviewed the statistics, noting they treat Hep C and pregnant women to help mitigate Neonatal Abstinence Syndrome. Beth O'Connor, VA Rural Health Association, spoke in favor of the clinic. Mr. Mosley spoke again noting they have programs to assist with uninsured clients. Ms. Spencer submitted a letter from Hungate Business Services in opposition and Blevins Hardware contacted in her opposition also. Nathan Berg, property owner, spoke in favor noting the Abingdon clinic is very low profile and professional. Rebecca Sky, Nurse Practitioner at the Wytheville clinic, noted the clinics are very professional and there is a strong need in the community. Mrs. Jennings asked Chief Clair to weigh in. Chief Clair noted the #1 police interaction now is people in crisis. Chairman Wolfe asked if clients are able to drive themselves to appointments and he asked for clarification that there are no overnight stays. Savida representatives confirmed no overnight stays and addressed how overnight emergencies are handled. Chairman Wolfe opened the Public Hearing. Mr. Berg noted through researching and witnessing, the business is empathetic to concerns. Derrick Trail, Turkey Pen, has heard concerns from his customers. He understands in the best form it would operate like a normal business and in the worst form like a methadone clinic. He encouraged consideration for the location to be near other medical facilities as needed for the clients. Janene Walker, Strother Street, expressed concern of after hour calls and would that burden our EMS agency. Dawn Stafford shared her story regarding her son and wished the business would have been here and able to help her son. Roger Bowman spoke in opposition. Crystal Farley, 307 West Main Street, expressed her beliefs that this will just be a band aid to the problem and there are better preventative methods. Home & Auto representative spoke in recognition that this is a huge epidemic. James Parks shared his story about helping a family member noting there are no services available here when needed. With no further public comments, Chairman Wolfe closed the Public Hearing. Mr. Ramsey made a motion to pass the Special Use Permit Request on to council. With no second Mr. Ramsey withdrew his motion. Upon motion of Mr. Anders, seconded by Mr. Ramsey and a vote of 7 AYES and 0 NOES, the Special Use Permit for 219 East Lee Street was sent to council without a recommendation. Mr. Rush noted Planning Commission is advisory only and special use permits are the purview of council. Ms. Spencer made a motion to allow more time to discuss with Planning Commission and referred this special use permit request back to Planning Commission, seconded by Mr. Cornett and discussion ensued. Mr. Rush recommends Planning Commission to draft a set of conditions. Upon motion of Ms. Spencer, seconded by Mr. Cornett and a vote of 7 AYES and 0 NOES, the Special Use Permit request will be sent back to Planning Commission to gather more information. Vice-Mayor Gates requested a short break.

Mr. Cornett attended the Caring for Community meeting and noted they are looking for volunteers for their service projects.

Mr. Barker reviewed a proclamation designating next Monday, April 22, 2024 as Arbor Day. Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the Arbor Day Proclamation was approved.

Dr. Gates reviewed the launching event for the Appalachian Center of Hope on Monday, April 22, 2024 at 4:20 pm.

ACCOUNTS: Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the accounts were approved for payment in the amount of \$1,569,747.63. Messrs Dr. Gates, Barker, Spencer, Jennings, Carter, Weaver and Cornett voted affirmatively.

Mr. Heath noted WCYB TV will be at Food City this Thursday from 5:00 until 6:30 pm.

Mr. Rush reviewed a revitalization resolution. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, a Resolution to Designate Revitalization Zones within the Town of Marion, Virginia was approved. Upon motion of Mr. Barker, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, Flave Davis was appointed the Property Maintenance Official for the Town of Marion. Mr. Rush noted termination of VDOT project UPC 117082/King Bridge Replacement has been accepted.

Upon motion of Mr. Carter, seconded by Mr. Cornett and a vote of 7 AYES and 0 NOES, the meeting was adjourned at 9:06 p.m.

Vice-Mayor

Clerk