

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 June 15, 2020 at 5:30 p.m.

**PRESENT:** Vice-Mayor Dr. Jim Gates, Jim Barker, Tricia Spencer, Bill Weaver, Larry Carter and Avery Cornett Council Members; Town Manager Bill Rush, Town Clerk Cindy Stanley; Town Attorney Mark Fenyk; Smyth County News Representative Linda Burchette; Police Chief John Clair, Lieutenant Rusty Hamm, Lieutenant Andrew Moss and Sergeant Wes Thomas; Fire Chief/Purchasing Agent Billy Hamm; Assistant Town Manager/Town Engineer Cecil Hicks; Economic Development Director Ken Heath and Economic Development Deputy Director Alexandra Veatch.

**ABSENT:** Mayor David Helms and Suzanne Jennings.

**INVOCATION/PLEDGE TO THE FLAG:** Reverend John Graham rendered the invocation. Vice-Mayor Gates led the Pledge to the Flag. Vice-Mayor Gates welcomed everyone and noted he would be chairing the meeting since Mayor Helms was self-quarantined at home after being exposed to a person testing positive for COVID-19.

**VISITORS:** Joe Naff, Kris Ratliff, Reverend John Graham, C. B. Gwyn, Rex Anders, Harold Slemp, Billy Stamper, Sallie Moss, David Sparks, Travon Brown, Rebecca Hensley, Rachel Stamper, Cameron Stamper, Carolyn Cooper, Dwayne Stamper, Alexis George, Allyson Parks, Brian Reed and Allen Kelly.

**MINUTES:** Upon motion of Mr. Weaver, seconded by Ms. Spencer and a vote of 6 AYES and 0 NOES, the minutes of the meeting held June 1, 2020 were approved as written. Messrs Dr. Gates, Barker, Spencer, Weaver, Carter and Cornett voted affirmatively.

**AGENDA:** Upon motion of Mr. Weaver, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, the agenda was approved as distributed with the addition of an ordinance to regulate assemblies for discussion under Town Attorney.

**PUBLIC HEARING FISCAL 2020-2021 PROPOSED BUDGET:** Vice-Mayor Gates opened the Public Hearing. With no public comments Vice-Mayor Gates closed the Public Hearing. Mr. Barker noted since we were reducing Community Development funding page, such as the Library, Song of the Mountain and other organizations, it is not a good time to give a 2.5% merit increase across the board. Mr. Barker also noted he is in favor of some increase to the lower paid employees, but not all the way across the board. Discussion ensued regarding another committee meeting before June 30, 2020. Upon motion of Mr. Barker, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, the 2.5% merit increase was referred to the Finance and Personnel Committees.

#### **PUBLIC PRESENTATIONS:**

**SWEARING IN OF TOWN COUNCIL MEMBERS:** John Graham, Smyth County Clerk of the Circuit Court, administered the oath of office to the newly re-elected council members Dr. Jim Gates, Larry Cater and Bill Weaver.

Billy Stamper, 659 Spruce Street, spoke about the rally Saturday. He apologized for the video on social media of himself making inappropriate hand gestures.

Harold Slemp inquired about the Town of Marion franchise with utility companies. He spoke to a representative from the gas company that was in the area today. That person indicated the gas company is not bringing the gas line to Mr. Slemp's neighborhood. Mr. Fenyk noted most utilities will bring within a certain distance and charge the individual if not within that specific distance. Mr. Rush noted most utilities have a franchise to operate in town, but the town can't compel them to go into any certain areas. Mr. Slemp asked if each franchise has different contracts or agreements. Mr. Slemp requested a copy of the franchise with the gas company.

Sallie Moss thanked everyone for the peaceful protest Saturday. She noted she is proud of her student, 17 year old Travon Brown.

David Sparks spoke noting he helped Travon Brown organize Saturday's rally. He thanked everyone and noted there was never any intent of anything harmful to occur.

Travon Brown, 424 Pearl Avenue, noted he is 17 years old and he organized the peaceful protest Saturday. He apologized to the Police Chief for not giving more notice for the department to prepare.

Rebecca Hensley, 550 Lynn Avenue, thanked Chief Clair for protecting her Saturday as she is 6 months pregnant. She noted that she sees racism as a big issue that needs to be changed.

Vice-Mayor Gates thanked everyone for their comments and noted the town is open to discussion on this issue which can be continued through dialogue with the Economic Development Department.

Mr. Barker reported he is very proud of the Police Department, Public Works Department, Economic Development Department and everyone that assisted Saturday. He presented a letter of Support from Dr. Bruzzo commending the departments on preplanning and would like it read into the minutes and to become part of Chief Clair's personnel file.

Mr. Weaver noted the police force did a very professional job Saturday.

Chief Clair reported Saturday's event had significant commentary that was very loud and vulgar. It was absolutely lawful and his department did their absolute best for it to not be disruptive.

Vice Mayor- Gates reported a special called meeting will be held June 30, 2020 for closing Fiscal Year matters and adoption of the budget. Town representatives met with the Smyth County Foundation about the Golf Course. Changes in memberships were discussed. Packets were distributed for their board members. Mr. Cornett noted he looks forward to future dialogue with the Foundation.

Mr. Fenyk thanked Chief Clair and all Law Enforcement Officers for their efforts to de-escalate and reach a resolution for the best interest of all parties at Saturday's event. Mr. Fenyk reviewed code section 15.2-925 of the State of Virginia which regulates assemblies or movement of persons or vehicles under certain circumstances. If enacted, Mr. Rush noted the Chief Law Enforcement Official may activate this ordinance if there exists an imminent threat of any civil commotion or disturbance in the nature of a riot which constitutes a clear and present danger. This proposed ordinance came in from the Commonwealth Attorney's office and a special called meeting would need to take place to implement. Discussion ensued and Chief Clair suggested seeking further legal counsel.

Mr. Heath expressed his faith in Chief Clair and also noted citizens' rights to a peaceful assembly and to prohibit an assembly is very serious. Mr. Fenyk continued discussion regarding the possibility of requiring permits for groups to be in public right of ways and advance notice to facilitate, not prohibit those activities. Mr. Heath thanked Council, Police Department, Alex Veatch, Cyndi McCloskey and everyone involved with Saturday's event, noting it was a great team effort.

Mr. Hicks thanked the Police Department and Billy Hamm, Fire/EMS, for safety this past weekend. Mr. Hicks reported the digester at the Sewer Treatment Plant has been cleaned out and the mixer is working well now. This is Mr. Hicks' last council meeting as he will be retiring July 1, 2020. He thanked everyone for all their support over the past 32 ½ years.

**ACCOUNTS:** There was an error with the accounts payable list and it did not get included in the agenda packet. Upon motion of Mr. Weaver, seconded by Mr. Barker and a vote of 5 AYES and 0 NOES (Ms. Spencer was not present), the accounts payables will be moved to the June 30, 2020 meeting.

Ms. Stanley reviewed a Resolution for Enhanced Hazardous Duty Benefits to include Full-time Marion Fire/EMS, Firefighters and Emergency Medical Technicians. Upon motion of Mr. Barker, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the Enhanced Hazardous Duty Benefits Resolution was accepted.

Mr. Rush noted he was extremely impressed with the preplanning for Saturday's event and the whole group did a great job.

Upon motion, duly seconded and a vote of 6 AYES and 0 NOES, the meeting was adjourned at 7:20 pm.

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Mayor

Clerk