

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 November 5, 2018 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 (arriving late) Council Members; Vice-Chairman Bob Ramsey, Alice Freeman, Trey White and Ben Reedy Planning Commission Members; Town Manager Bill Rush; Town Clerk Cindy Stanley; Town Attorney Mark Fenyk; Smyth County News Representative Stephanie Porter-Nichols; Police Chief John Clair; Assistant Town Manager/Town Engineer Cecil Hicks; Economic Development Director Ken Heath and Deputy Clerk Anita Catron.

**ABSENT:** None.

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

**VISITORS:** Jeff Spickard, Kathy Smith, Joe Naff, CB Gwynn, Joe Ellis, Jay Overbey, Shane Ashlin, Erwin Rowland, Mike Edwards, Herbert Freeman, Tom & Susan Austin, Paul Morrison, Jerry Sheets, Scott Burnop, Michael Perry, Malcolm Brown, Billy Evans, Bill Huber, Michael Patrick and Lili Cornett.

**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 October 15, 2018 were approved as written. Messrs Barker, Dr. Gates, Spencer, Jennings, Weaver and Carter voted affirmatively.

**AGENDA:** Upon motion of Mrs. Jennings, seconded by Ms. Spencer and a vote of 6 AYES and 0 NOES, the agenda was approved as distributed with two additions, Resolution of Support and Re-appointment of Trey White to Planning Commission.

**PUBLIC PRESENTATIONS:** Jerry Sheets, 563 Paradise Drive, Chilhowie, VA, employee at Utility Trailer, spoke about the need for school resource officers. He noted there are three schools in Smyth County without a resource officer. Mr. Cornett arrived. Mr. Sheets has spoken to the Board of Supervisors, Sherriff Chip Shuler and teachers in the area. Mr. Sheets requested Town Council to consider helping with this issue even though it may not be our responsibility. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, this request for consideration of a school resource officer was referred to the budget committee.

Mike Edwards, Smyth-Wythe Airport Representative, gave an update on the Airport operations. He attended two national meetings on air traffic control. Electric Air Craft and Autonomous Air Vehicles are the next big move forward in aviation. Mr. Barker recently visited the Airport. The obstruction removal is to be completed in 90 days. Mr. Edwards noted the Airport is applying for a 3 million dollar grant to capitalize the existing long term capital project plan.

Paul Morrison, 1104 Prater Lane, recently moved back to Marion. He attended the Downtown Trick or Treat event with his children. He asked for council to consider closing the street next year for this event, from the Bank of Marion to Broad Street. He also addressed safety concerns in the neighborhoods, as traffic congestion was a big concern.

Mike Perry, 1254 Culbert Drive, noted Halloween this year was a little more orderly due to a better Police presence, with officers on foot. He also noted Police Chief Clair was walking the neighborhood with his family introducing himself.

**JOINT PUBLIC HEARING REZONING REQUEST FOR PROPERTY LOCATED ON CALLEN DRIVE & PARK BOULEVARD:** Mayor Helms announced this is a Joint Public Hearing with Planning Commission. He turned the meeting over to Planning Commission Vice-Chairman Ramsey. He asked, Zoning Administrator, Mr. Rush to review the request. He noted this request was for 2 parcels to be rezoned from Medical Arts to Commercial General and 11 lots to be rezoned from R-1, Single Family dwelling to R-3 Multi-family dwelling. Mr. Bill Huber, Architect, reviewed the design of small family houses, apartments and also noted a small stream runs through the property. This design is intended to meet the needs of students as the College of Health Sciences continues to grow. The Commercial area would be governed by the zoning guidelines. Mr. Fenyk noted there is no need to vacate the plat or lot lines for

this request. Green areas for recreation will be available. Mr. Ramsey opened the Public Hearing for citizen comment.

1-Mrs. Rowland, 739 Park Blvd, noted there was no sign placed on the property notifying citizens of the public hearing. She distributed a handout, listing her reasons for asking Planning Commission and Council to vote against the rezoning.

2-Susan Austin, 1146 Culbert Drive, envisions more residential growth for Callen Drive. She expressed her safety concerns for traffic and pedestrians.

3-Malcom Brown, 675 Park Blvd, partner for the development, noted this area will increase the walk ability for the area. He also noted this may be the highest and best use of the property.

4-Joe Ellis, 148 Campbell Avenue, partner for the development, wants to make the best impact for the area with a residential village. He noted the first year of the Emory & Henry School of Health Science operations only 40% of the students didn't live in Marion.

5-Mrs. Cornett asked what would be allowed if rezoned. Mr. Rush noted possibilities of rezoning this to Commercial General (CG) and Residential Multi-family (R-3).

Discussion ensued. With no further comments, the Public Hearing was closed. Upon motion of Mr. White, seconded by Mr. Reedy and a vote of 4 AYES and 0 NOES, it is the recommendation of Planning Commission that the rezoning request be accepted. Upon motion of Mrs. Jennings, seconded by Ms. Spencer and a vote of 6 AYES and 1 NO, the rezoning request was approved, changing the zoning for the requested parcels 151 A-42 & 43 on Callen Drive and Park Blvd from Medical Arts to Commercial General and Parcels 151 A 28, 30, 32, 34, 36, 37, 38, 39, 40, 41 and 44 from Residential (R-1) to Residential (R-3).

#### **JOINT PUBLIC HEARING REZONING REQUEST FOR PROPERTY LOCATED AT 533 & 535 SOUTH CHURCH**

**STREET:** Zoning Administrator, Mr. Rush reviewed the request for 2 houses on Church Street south of the town shop to be rezoned from R-2 to Industrial General. Mr. Jay Overbey, 109 Spotwood Place noted he would like to use the two existing structures to allow for 16 storage units which would be a better use for the properties. Mr. Ramsey opened the Public Hearing for citizen comment. With no public comments, the Public Hearing was closed. Planning Commission comments included notation of side setbacks of 50 feet. Upon motion of Mr. White, seconded by Mrs. Freeman and a vote of 3 AYES, 0 NOES and 1 ABSTAINMENT (Reedy), it is the recommendation of Planning Commission that the rezoning request be denied due to the setback guidelines. Mr. Barker returned to the council dais. Dr. Gates noted the possibility of a special use permit. Special use permits are not allowed for storage in R-2 District. The only other option is to take the request before the Board of Zoning Appeals for a variance. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 1 NO, the rezoning request to rezone 533 & 535 South Church Street from Residential (R-2) to Industrial General (IG) was denied.

At this point in the meeting a short break was taken and Planning Commission members were dismissed.

Mr. Barker attended the tax sale and purchased 3 blighted properties and 1 additional property for the Town. He also attended the Matson Drive Community Watch meeting and was very impressed with the Police presence. Upon motion of Mr. Barker, seconded by Dr. Gates and a vote of 7 AYES and 0 NOES, a Resolution in Appreciation of Dr. Eric Sacknoff was accepted.

Ms. Spencer noted the high school tennis courts need some work. Upon motion of Ms. Spencer, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the condition of the high school tennis courts was referred to the Recreation Committee.

Mrs. Jennings was extremely complimentary of the EMS staff, as they were recently called for her husband to be taken to the stroke center.

Mr. Weaver had a citizen concern recently about Danny Parks' residence on Henry Street, as his car rolled into a neighbors house.

Mayor Helms noted there was a VFW Resolution for consideration. Upon motion of Mr. Weaver, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, a Resolution in Honor of the 73<sup>rd</sup> Anniversary of Marion VFW Post 4667 was accepted. Town offices will be closed Monday, November 12, 2018 in

observance of Veteran’s Day. He reminded council to be considering nominations for Extra Mile Recognitions and to have those to Ken by Friday to be presented at next council meeting. The Salvation Army Red Kettle Drive begins November 20, 2018.

Mr. Fenyk reported the proposed deed for the quarry property has been submitted.

Ms. Stanley reviewed a proposed job description for an Administrative Assistant for the Clerk/Finance Department. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the job description for Administrative Assistant for the Clerk/Finance Department was approved.

Chief Clair reported the operational duties of the Police Department have now moved to the new location at the Scott Center. He noted the contract has expired that was allowing us to piggyback for the USDA Rural Development grant for the police cars. This can be re-done in January. He reported on the inoperable vehicles, noting most remedied the violations once given proper notice and time.

Mr. Heath reviewed two RBEG Loan applications, noting this is the last \$30,000 to be drawn down from the grant. Upon motion of Mr. Carter, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, the RBEG Loan request for Boothe Chiropractic Center in the amount of \$15,000 with a term of 60 months at two percent interest was approved. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES, 0 NOES and 1 ABSTAINION (Spencer), the RBEG Loan request for Sisters Café in the amount of \$15,000 with a term of 60 months at two percent interest was approved. Mr. Heath reviewed information on the Centre Building. Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 6 AYES, 0 NOES and 1 ABSTAINION ( Spencer), a Virginia Housing Development Authority Resolution on the Centre Building was accepted.

Mr. Hicks noted Environmental Clearance has been given on the South Church Street Drainage Project. The Streetscape Phase IV Project has been completed.

Mr. Rush reported a Public Hearing will be held December 3, 2018 in reference to the closing for Virginia Resource Authority on CIRP Phase III & IV Water and Sewer Projects. Mr. Rush noted Trey White’s term on Planning Commission will expire December 4, 2018. Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, Trey White was re-appointed to Marion Planning Commission. Mr. Rush reviewed the possible USDA Agency relocation to the Alpha building in Washington County. Upon motion of Mr. Weaver, seconded by Mr. Carter and a vote of 7 AYES and 0 NOES, a Resolution of Support for Washington County, VA/One Alpha Place Expression of Interest for USDA Agency Relocation was accepted.

**CLOSED SESSION:** Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-1) 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 personnel matter. 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 Town Clerk polled the Council Members. Messrs Weaver, Dr. Gates, Barker, Spencer, Jennings, Carter and Cornett voted affirmatively.

Upon motion, duly seconded and a vote of 7 AYES and 0 NOES, the meeting was adjourned at 8:31 pm.

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Mayor

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Clerk

