

Minutes of a regular meeting of the Marion Planning Commission held in Council Chambers at the Municipal Building on February 13, 2017 at 5:15pm.

**CALL TO ORDER:** Vice-Chairman Ramsey called the meeting to order.

**INVOCATION:** Mr. Hicks rendered the invocation.

**VISITORS:** None.

**PRESENT:** Vice-Chairman Bob Ramsey, Alice Freeman, Dan Surface, Jim Barker and Trey White Planning Commission Members, Town Engineer/Assistant Town Manager Cecil Hicks, Engineer's Assistant/IT Coordinator Todd Long, Town Manager/Zoning Administrator Bill Rush, Deputy Clerk Anita Catron and Town Attorney Mark Fenyk.

**ABSENT:** Cameron Wolfe and Ben Reedy.

**DETERMINATION OF A QUORUM:** The meeting was called to order, and with 5 voting members present, the Commission has a quorum.

**MINUTES:** Upon motion of Mr. Surface, seconded by Mrs. Freeman and a vote of 5 AYES and 0 NOES, minutes of the meeting held January 9, 2017 were approved as written. Messrs Freeman, White, Barker, Surface and Ramsey voted affirmatively.

**REPORT OF THE SECRETARY:** No Report

**REPORT OF STANDING COMMITTEES:** No Report.

**REPORT OF SPECIAL COMMITTEES:** No Report.

**REVIEW OF THE TOWN CODE: "TRASH RECEPTACLES":** Vice-Chairman Ramsey stated the next item on the agenda for discussion is the continued review of the Trash Receptacles issue. He turned the floor to Mr. Rush for the review. Apologies were made to Commissioners for not having all the information in the packets for review before the meeting. Mr. Rush began with a recap from the January meeting, and stated he feels that most of the incidents discussed are isolated issues. He discussed how the parking ticket fines are handled in the downtown area, and suggested these issues be handled in a similar way. He reminded members of suggestions discussed at the last meeting for the charges and collections for these receptacle issues. He would like the Commissioners thoughts on sending the notifications and fines for trash receptacle issues at rental properties to the renter and also the landlord. This would be for Single Family Residents and Duplexes. If the issues are at a Triplex or Apartment Complex, the notifications and fines would be sent only to the landlord. The charges would be:

First Offense-Letter Only,  
Second Offense-\$25.00 Fine,  
Third Offense- \$50.00 Fine,  
Fourth Offense-\$100.00 Fine,  
Fifth Offense-\$250.00 Fine,

All Fines would be a Class 4 Misdemeanor.

These fines would reset each year on June 30th. Discussion ensued regarding ways to ensure payment of fines to avoid going to court. Members asked Mr. Fenyk if it is possible to place a lien against property for unpaid fines. He stated this could be done and discussed the process with them. Mr. Rush informed members Town trash pick-up services are not automatically offered to a Triplex or Apartments Complex, but at the landlord's request, a fee can be set. If they decide not to accept the service at the set rate, members feel landlord's should be required to disclose the name of the company they are going to use to ensure trash pick-up is provided.

**RIGHT OF WAY WORDING OR REQUIREMENTS FOR ZONING ORDINANCE AMENDMENT:** Vice-Chairman Ramsey stated the next item for discussion is the Right of Way wording and requested Mr. Rush to review. Mr. Rush began by explaining documentation from Smyth County for how they deal with this issue. The Town may not want to use the same wording, because County issues differ from Town issues.

Discussion ensued regarding the requirements for lot size and road frontage in accordance with the Town Zoning Ordinance. After discussion, members would like to pursue the possibility of making a change to the Town Zoning Ordinance that would require property owners requiring access to a back property(s) thru another landowner's property, to obtain a "deeded" right of way thru that property. After further discussion, Mr. Rush would like to make recommendation that the right of way be fifty (50) feet wide.

**OTHER QUESTIONS OR COMMENTS:** Mr. Rush stated he will prepare for Planning Commissioners:

1) Draft copy of possible wording for changes dealing with "Trash Receptacles" for the Town Code.

2) Draft copy of possible wording to add in the Zoning Ordinance for dealing with "Right of Way" Issues

The next Planning Commission meeting will be scheduled for March 13, 2017 at 5:15pm.

Upon motion, duly seconded by and a vote of 5 AYES and 0 NOES, the meeting was adjourned.

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Chairman

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Secretary