

DRAFT MINUTES
Commission on Local Government
Public Hearing
Town of Marion – Smyth County
Voluntary Settlement Agreement
7:00 p.m., May 13, 2014
Lincoln Theater
117 East Main Street
Marion, Virginia 24354

Members Present

John T. Stirrup, Jr., Chairman
Bruce C. Goodson, Vice-Chairman
Cole Hendrix
John G. Kines, Jr.
Victoria L. Hull

Members Absent

Staff Present

Zachary Robbins, Local Government Policy Manager
Edward Lanza, Senior Public Finance Analyst
J. David Conmy, Senior Policy Analyst

I. Call to Order

A. Welcome

Commission Chairman John T. Stirrup, Jr. called the meeting to order at 7:00 p.m. on May 12, 2014 in the Lincoln Theater in Marion, Virginia. Mr. Stirrup explained that the Commission is present to review a proposed voluntary settlement agreement between the Town of Marion and Smyth County. He further explained that the proposed agreement provides for the immediate annexation to the Town of Marion of approximately 409 acres of territory located in Smyth County and the potential incorporation of an approximately 100 additional acres; for the waiver of certain annexation and city status rights; for the sharing of Town and County revenues generated from certain areas proposed for annexation; for the

conveyance of certain real estate and water rights on property owned by the Town; and for other matters.

B. Introduction of Commission Members and Staff

Next, Mr. Stirrup introduced the members of the Commission and provided biographical information on each member. He also introduced the Commission staff.

II. Commission's Review

Mr. Robbins explained that the Commission on Local Government is directed by law to review proposed annexations and other local boundary change and transition issues – as well as negotiated agreements settling such matters – prior to their presentation to the courts for ultimate disposition. Upon receipt of notice of such proposed action or agreement, the Commission is directed to “hold hearings, make investigations, analyze local needs and make findings of facts and recommendations” regarding the issue to the affected local governments. With respect to a proposed agreement that is negotiated under the authority of Section 15.2-3400 of the Code of Virginia – such as the one proposed here – the Commission is required to report, in writing, its findings and recommendations as to whether the proposed settlement is in the best interest of the Commonwealth.

Mr. Robbins indicated that the public hearing was advertised by notice published in the Smyth County News-Messenger on Wednesday, April 16, 2014 and again on Wednesday, April 23, 2014. In addition, notice of the oral presentations was mailed to the local governments contiguous to, or sharing functions, revenue or tax sources with the Town and County. Mr. Robbins advised those in attendance that the public hearing is intended to afford the public an opportunity to comment on the proposed voluntary settlement agreement. He added that the Commission has agreed to keep its record open for the receipt of additional written citizen comment through May 30, 2014 and will close its record as of that date. Mr. Robbins said that the Commission will endeavor to render its report to the affected local governments prior to the end of September 2014, and advised the audience where to find the meeting date online once it is announced.

III. Receipt of Testimony

Mr. Stirrup indicated that those who pre-registered would first have the opportunity to speak, followed by those who signed up at the meeting, followed by any others. He asked that any groups choose a spokesperson so as to avoid repetitious remarks, and to limit comments to no more than five minutes per speaker.

Of the approximately 45 persons who attended the public hearing, the following 14 citizens addressed the Commission during the public hearing:

- Otis Barker of Adwolfe spoke in opposition to the expansion of liquor-by-the-drink.
- Bill Musser of Marion (registered, but was not present)
- Pastor Michael Porter of Grayson County, from Blessed Hope Baptist Church in Smyth County spoke in opposition to the expansion of liquor-by-the drink.
- Jessie Hall of Marion (registered, but chose not to speak)
- Pastor Ralph Surber of Sugar Grove, spoke in opposition to the expansion of liquor-by-the-drink.
- Pastor Donald Medley from Brookside Baptist Church in Sugar Grove, spoke in opposition to the expansion of liquor-by-the drink, citing *Va. Code* § 15.2-2200.
- Charles Wassum of Marion opposed the expansion of liquor-by-the-drink, citing *Va. Code* § 15.2-2223. He specifically opposed the annexation of the golf course in Area A. He understood the primary reason for the annexation of this area was to seek revenues from liquor sales to offset the \$100,000 annual loss to the golf facility. He stated that this is effectively subsidizing drinking, and takes away business from existing establishments in the Town.
- Lavon Lowry owns several businesses in Smyth County and Marion and questioned the advantages to annexing the golf course.
- Arthur Barker, a preacher from Sugar Grove, spoke in opposition to the expansion of liquor-by-the-drink.
- David Thomas of Marion asked why the Town couldn't hold a referendum on the question of liquor-by-the-drink at the golf course. He commented there was little

likelihood of development at Areas C and D. He accused a town staff member with a conflict of interest with certain real estate.

- Charles Harrington, Exec. Director of Marion Housing & Development Authority, spoke in favor of the annexation, noting advantages for annexing each area.
- Bill Powers of Smyth County, owns land adjacent to the golf course and supports the proposed annexation.
- Matt Wassum of Marion, spoke in opposition to the expansion of liquor-by-the-drink.
- Gilda Powers of Smyth County, owns land adjacent to the golf course, stated that the agreement is about much more than liquor-by-the-drink. She stated that it is more about progress for Marion and competing with neighboring jurisdictions. She stated that the Town should be able to fully control land that it owns.
- Earl Griffey of Marion spoke in opposition to the expansion of liquor-by-the-drink.
- Chad West of Smyth County spoke in opposition to the expansion of liquor-by-the-drink.

IV. Closing Remarks

Mr. Stirrup expressed the Commission's appreciation to the speakers for the comments they provided and to the community for its hospitality to the Commission. He noted that the Commission would try to issue its report by the end of September 2014.

V. Adjournment

Mr. Kines made a motion to adjourn, which was seconded by Mr. Hendrix. Such motion was unanimously adopted, and the meeting was adjourned at 7:46 p.m.

John T. Stirrup, Jr.
Chairman

Zachary Robbins
Local Government Policy Manager