

Minutes of a regular meeting of the Town Council of the Town of Marion held in the Council Chambers of the Municipal Building on January 4, 2010 at 7:00 p.m.

PRESENT: Mayor David Helms; Suzanne Jennings, Jane Hale, Messrs Mel Leaman, Bill Weaver, Eugene Hendrick, and Buford Cregger, Council Members; Town Manager John E. B. Clark, Jr.; Town Attorney Mark Fenyk; Assistant Town Manager/Town Engineer Cecil Hicks; Police Chief Michael Roberts; Police Lt. Rex Anders; Community and Economic Development Director Ken Heath; and Town Clerk/Director of Finance Dixie Sheets.

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

VISITORS: Jeff Spickard, Daniel Hamm

MINUTES: Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, the minutes of the meeting conducted on December 21, 2009 were approved as written and distributed. Mrs. Jennings, Mrs. Hale, Messrs Leaman, Hendrick, Weaver and Cregger voted affirmatively.

PAY REQUEST #3 – SOUTH MAIN STREET WATER LINE: Mr. Spickard reported that the South Main Street Water Line Project is 92% complete. He requested approval of Pay Request #3 in the amount of \$13,040.87. He also requested \$1,925 in administration costs. Change order # 2 was presented for approval in the amount of a \$977.88 credit for return of unused materials. Mrs. Jennings moved that Change Order # 2 be approved in the amount of a \$977.88 credit. Mr. Weaver seconded the motion. Council approved the motion by a vote of 6 AYES and 0 NOES. Mrs. Jennings, Mrs. Hale, Messrs Hendrick, Cregger, Weaver, and Leaman voted affirmatively.

Mrs. Jennings moved that South Main Street Water Line Pay request # 3 be approved in the amount of \$14,965.87. This amount incorporates the credit of \$977.88 approved previously. Mr. Weaver seconded the motion. Council approved the same by a vote of 6 AYES and 0 NOES. Mrs. Hale, Mrs. Jennings and Messrs Cregger, Leaman, Weaver, and Hendrick voted affirmatively.

It was discussed that reclamation of the area is not complete. Mayor Helms asked if the contractor is responsible to maintain the construction area until asphalt can be applied. Mr. Spickard stated that it is the contractor's responsibility to maintain the area and the area will be under a one year guarantee after that.

APPOINTMENT TO SMYTH-WYTHE AIRPORT COMMISSION TO REPLACE DR. WAYNE REYNOLDS: Upon motion of Mrs. Jennings, seconded by Mr. Leaman, and vote of 6 AYES and 0 NOES, this item was continued.

CHRISTMAS LIGHTING: Mrs. Jennings and other Council members stated that citizens complimented the Town on the beautiful Christmas lights.

BRUSH CHIPPING: Mr. Hendrick stated that, due to the holidays, he had not contacted Don Medley to discuss a presentation on chipping of the brush near the water tanks.

RESCHEDULE TOWN COUNCIL MEETING: Mayor Helms noted that due to the Martin Luther King, Jr. Holiday on January 18, Town Council will meet on Tuesday, January 19 at 7 p.m.

LEGISLATIVE DAY: Mayor Helms encouraged members to notify the Town Clerk if they plan to attend the VML Legislative Day in February.

SNOW REMOVAL: Several compliments were received on the Town crew's snow removal during the recent snow event. However, some complaints were received when the crews began removing snow from the parking areas on Main Street. Overall, citizens were pleased with the snow removal.

POLICE DEPARTMENT INTERNSHIP: Chief Roberts introduced Police Intern Daniel Hamm . Mr. Hamm is a Criminal Justice student at Wytheville Community College. He will perform 180 hours service with the MPD. Mr. Hamm thanked the Town Council and Police Department for the opportunity to intern.

RALPH STANLEY CONCERT AT THE LINCOLN THEATRE: Mr. Heath stated that tickets are still available for the January 15 Ralph Stanley Concert at the Historic Lincoln Theatre.

1908 SCHOOLHOUSE PROJECT: Mr. Heath informed Council that Phase 1 is nearly complete. The pigeon droppings have been removed and the building secured. However, there are now some broken windows that must be patched. Mr. Huber will inspect to determine if other windows are cracked or broken that should be repaired to prevent pigeon return or internal damage due to weather.

Phase II involves replacement of the windows outside. However, the low-bidder Branson Construction, Inc. was unable to provide a Material or Performance bond for the project and could not execute the contract awarded to them. This will result in forfeiture of a \$7,400 bid bond.

The next lowest bidder was Improvements Unlimited, LLC. , in the amount of \$354,000. This would result in a shortfall in the project of approximately \$15,000. Part of this shortfall will be made up from the forfeiture of Branson's bid bond. Mr. Heath reiterated that there will be no Town general funds involved in the project. Mrs. Jennings asked what happens if other short falls occur. Mr. Heath assured her that this has been considered in the contingency fund. She asked if the Town could sell the property and who would be responsible for maintenance of the building. Mr. Clark and Mr. Fenyk explained that the DHCD funds must be used for a cultural center and related uses. It has already been determined that the Appalachian School of Music will be the best use for the structure. Upon completion, Town Council or a Special Committee will negotiate maintenance and other issues with the lessee, a 501(c) 3 corporation. Mr. Clark added that the Town has to provide insurance on the structure.

Mrs. Jennings moved that the Town accept the bid of Improvements Unlimited, LLC, in an amount, not to exceed, \$354,000, and that the Project Management Team negotiate with the contractor. Mrs. Hale seconded the motion. Council approved the same by a vote of 4 AYES and 2 NOES (Leaman, Cregger)

MARION POLICE DEPARTMENT: A letter was presented from Herbert C. Clay, Esquire requesting that the Town consider naming the Police Department's new building after the late Council Member Mark F.

Warren. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 4 AYES and 2 NOES (Weaver, Hendrick), this request was referred to the Building Committee for study and recommendation.

CLOSED SESSION: Pursuant to Code of Virginia 1950, as Amended, Section 2.2-3711 (1) and upon motion, duly seconded, and vote of 6 AYES and 0 NOES, Council entered into Closed Session to discuss Personnel matters. Mrs. Jennings moved that Town Council return to Open Session and that it be known that only those matters legally exempted from Open Session and identified in the motion were discussed during the Closed Session. Mrs. Hale seconded the motion. Council approved the motion by a vote of 6 AYES and 0 NOES. Mrs. Jennings, Mrs. Hale, Messrs Weaver, Leaman, Hendrick, and Cregger voted affirmatively.

POLICE DEPARTMENT: Mr. Weaver moved that Chief Roberts be authorized to advertise for a Town of Marion Police Officer, Certified Preferred. Mr. Hendrick seconded the motion. Council approved the same by a vote of 6 AYES and 0 NOES.

Upon motion, duly seconded and vote of 6 AYES and 0 NOES, the meeting was adjourned.

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Mayor

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Clerk