

Minutes of a regular meeting of the Town Council of the town of Marion held in the Council Chambers of the Municipal Building on December 21, 2009 at 7:00 p.m.

PRESENT: Mayor David Helms; Dr. James Gates, Suzanne Jennings (leaving early), Jane Hale, Messrs Mel Leaman (arriving late), 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; Purchasing Agent B. J. Hamm; Community and Economic Development Director Ken Heath; and Town Clerk/Director of Finance Dixie Sheets.

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

VISITORS: Steven Campbell

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 7, 2009 were approved as written and distributed. Dr. Gates, Mrs. Jennings, Mrs. Hale, Messrs Hendrick, Weaver and Cregger voted affirmatively.

REPORT ON COST ESTIMATES OF EAST CHILHOWIE STREET BRIDGE – STEVEN CAMPBELL (MATTERN & CRAIG): Mr. Steven Campbell was Mattern & Craig's Manager on this project. The problem with the East Chilhowie Street Bridge is the result of a traffic accident. Mr. Campbell stated that temporary shoring will be provided to support the remainder of the truss while the damages are repaired. The estimated cost of the repair is \$120,000. He added that the cost estimate may vary based upon the interest of bidders.

Mr. Clark report that plans for the project are 90% complete. After review by the Town, the project may be placed for bid. Mr. Clark further explained to the Council that funds for this project will be borrowed. He noted that the Town's insurance company, VML, includes an exclusion for this type and manner of damage. The Town has contacted State Farm, the insurance company of the owner of the vehicle that hit the bridge, concerning this claim. Thus far, they have not informed the Town of the amount of coverage by the owner of the vehicle or the

driver. A claim in the amount of \$20,000 has been submitted to State Farm for the charges by Mattern & Craig. The Town has not received a response from the claim. Mr. Cregger was concerned that the insurance company is not moving to resolve this matter. Mr. Clark was to address this matter with the insurance company.

Mr. Cregger moved that the Town proceed with the bidding process on the East Chilhowie Street Bridge Repair. Mrs. Jennings seconded the motion. Council approved the motion by a vote of 6 AYES and 0 NOES. Dr. Gates, Mrs. Jennings, Mrs. Hale, Messrs Hendrick, Weaver, and Cregger voted affirmatively.

**REPORT ON BRIDGE INSPECTION – STEVEN CAMPBELL (MATTERN & CRAIG):** Mr. Steven Campbell reported that the all bridges within the Town, except one, was inspected during the month of November. The Inspection Report and recommendations for repairs, including cost estimates, will be forthcoming.

**REPORT ON RECEIPT OF \$170,000 GRANT FROM TOBACCO**

**COMMISSION FOR FIRST FRUITS:** The Town has received a letter, dated 12/10/09, from the Virginia Tobacco Commission that the Town's request for a grant under the Tobacco Region Opportunity Fund has been approved in the amount of \$170,000. These funds will be used to assist First Fruits Beverage Company, LLC. A Performance Agreement has been executed by all parties based upon the creation of at least 51 jobs and investment of at least \$3,895,000 in the Town of Marion.

**COMPLETION OF WELLBORNE & TOWN STREET PROJECTS:** Mr. Hicks reported that 735 feet of 6 inch pipe has been installed at the Wellborne location in Atkins and that the project is complete. The work was performed in-house and completed in mid-November. The line was through the former Virginia House Furniture line that also served Industrial Welding. Several Council members asked if Wellborne was requested by the Town to participate in the cost of the replacement line. Mr. Clark stated that this was discussed prior to beginning this project. It was determined that it served another customer. Mr. Fenyk noted that when the Town used the line to provide water service to other water customers, the Town became owner of the line.

The Town Street Drainage Project included installation of two (2) manholes and 80 feet of line. This project is also complete.

**STATUS OF OLD PRATER LANE RAILROAD CROSSING:** Mr. Hicks advised that after the bids came in for the Prater Lane Railroad Crossing there was a shortage of committed funds in the amount of \$210,308. VDOT and Norfolk Southern have approximately \$257,914 committed to this project. Mr. Hicks has communicated this to VDOT and felt that the Town may receive the additional federal funds to complete the project. A response is not expected until after the holidays.

**SOUTH MAIN STREET PROJECT:** Mr. Weaver stated that the surface repair on this project is not acceptable. Mr. Clark advised that Town staff is aware of this and will use “cold pack” to smooth out the rough places until the asphalt plant reopens in 2010.

Mr. Leaman arrived.

**SUBMISSION OF GRANT THROUGH DEPARTMENT OF ENERGY ON SEWER TREATMENT PLANT DIGESTER:** Mr. Clark stated that the Town received a marketing visit from Thompson & Litton (T&L) recently. They informed the Town that grant money is available thru the Department of Energy. They visited the Sewer Treatment Plant and felt strongly that the Town has a viable project for these funds by generating electricity that could be sold to Appalachian Power Company and heating the digester using produced methane gas. If approved, the Town would receive \$467,500 for use in the needed repairs on the digester at the Sewer Treatment Plant.

**ACCOUNTS:** Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, the accounts were approved for payment in the amount of \$947,160.29. Dr. Gates, Mrs. Jennings, Mrs. Hale, Messrs Leaman, Hendrick, Cregger, and Weaver voted affirmatively.

**INVESTMENT REPORT:** Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, the investment report was approved as written and distributed. Dr. Gates, Mrs. Jennings, Mrs. Hale, Messrs Leaman, Hendrick, Cregger and Weaver voted affirmatively.

**REPORT ON RECEIPT OF \$55,000 GRANT FOR FARMER'S MARKET FROM TOBACCO COMMISSION:** Mr. Heath reported that the Virginia Tobacco Commission Agribusiness Committee has recommended approval of a \$55,000 grant toward adjoining the current structures and adding restrooms/stage/storage to the Farmer's Market Pavillion. Additional funds may be available from Rural Development in a 55/45 split. The Town plans to apply for \$67,222, or 55% of the \$122,220 projected cost in spring 2010.

**WATER ACCOUNTABILITY:** Mr. Weaver cited the improvement in the water loss by the Town. Mr. Clark noted that this is much better and that the Town should see a significant change due to replacement of the South Main Street Water Line. He and Mr. Hicks added that this is an ongoing project, due to old lines in the ground.

**REPORT FROM SANITATION AND EQUIPMENT COMMITTEES ON LARGE CHIPPER/BRUSH BURNING:** Mr. Cregger reported that due to the financial status in the economy, this is not the time to invest in such an expensive piece of equipment. The Committee recommended that the Town burn more frequently and ignite smaller piles of brush. This could be done on a monthly basis if necessary. He noted that if the brush is mulched, it would also have to be disposed of. Mr. Hendrick advised that the Town may look into the alternative of Don Medley, chipping the brush at the current site. He has a large chipper and would only need the use of a front end loader. Discussion ensued. Dr. Gates moved that between now and the budget process, Mr. Medley be invited to come to the site, with his machine, for a demonstration. If the Town is satisfied that it would save money and be more eco-friendly, the cost may be considered in the Budget for 2010-2011. Mr. Weaver seconded the motion. Council approved the motion unanimously. Dr. Gates, Mrs. Jennings, Mrs. Hale, Messrs Leaman, Weaver, Cregger, and Hendrick voted affirmatively.

**SPRINKLE AVENUE-CARE OF PREMISES:** Mrs. Jennings stated that she continues to receive complaints on the house on Sprinkle Avenue. Mr. Fenyk advised that the only recourse for the Town is to file another action in court. This may be filed on a daily basis. Mrs. Jennings moved that the Town pursue charging the individual each day. Mr. Weaver seconded the motion. Council approved unanimously.

Mrs. Jennings was excused.

**LEGISLATIVE DAY:** Mayor Helms asked that anyone attending the Legislative Day in Richmond on February 11 notify Ms. Sheets at the earliest possible date.

**SMYTH WYTHE AIRPORT COMMISSION:** Mayor Helms announced the resignation of Dr. Wayne Reynolds from the Smyth-Wythe Airport Commission. He cited involvement as Operational Medical Director for EMS service provided by Chilhowie Fire Department. He is also a volunteer firefighter and is a physician at the Greever Clinic. In his letter, he expressed his appreciation to serve as the Town's representative.

**POLICE TRAINING/EMD (TASER) WEAPONS:** Chief Roberts reported that The Attorney has drafted a policy for the use of TASER weapons. All officers have met the training requirement for the devices. He requested Council approval to use these weapons. Upon motion of Mr. Cregger, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, Chief Roberts request to use TASER weapons was approved. Dr. Gates, Mrs. Hale, Messrs Leaman, Hendrick, Weaver and Cregger voted affirmatively.

**WATER ACCOUNTABILITY:** Mr. Clark stated that Anderson and Associates have completed the water accountability study and are currently compiling data. Grant funds were used for this project.

**RIVERVIEW ESTATES PUMP STATION:** Mr. Clark advised that during the process of this project, it was determined that no written easement existed for the pump station. Mr. Clark has been working with the property owner on an easement agreement. A grant in the amount of \$50,000 has been awarded to the Town for this project.

**VML MAGAZINE:** The Town of Marion will be featured in the VML Magazine January issue. Also, a photograph of Main Street, taken by Town Engineer Cecil Hicks, will be used as the cover for the issue.

**CENSUS:** Mr. Heath stated that the Town will provide a "Whistle Stop" at Wal-Mart on January 13 from 2-4 pm to collect census information.

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