

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 January 22, 2013 at 5:30 p.m.

PRESENT: Mayor David Helms; Larry Carter, Tricia Spencer, Suzanne Jennings, Bill Weaver, Jim Owens and Dr. Jim Gates Council Members; Town Manager John E. B. Clark, Jr.; Town Attorney Mark Fenyk; Assistant Town Manager/Town Engineer Cecil Hicks; Police Lieutenant Rex Anders; Police Chief Mike Roberts; Purchasing Agent Billy Hamm; Smyth County News Representative Stephanie Porter-Nichols; Economic Development Director Ken Heath; Donnie Coley; Andrew Moss; Assistant Town Engineer Todd Long; Town Clerk/Director of Finance Cindy Stanley.

ABSENT: Jim Barker

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

VISITORS: Charles Wassum, Charles Hayden, Chris Gilley, Jeff Spickard, Todd May, Charlie Harrington, Sam Russell and David Fields.

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, the minutes of the meeting held January 7, 2013 were approved as written. Messrs Weaver, Owens, Carter, Dr. Gates, Mrs. Jennings and Ms. Spencer voted affirmatively.

PUBLIC PRESENTATION: Phil Martin – Water Mill Road – Mr. Martin is concerned about trees down in the right of way on Brunswick Lane and Althea Street from the recent storm. Mr. Clark will refer this to the Public Works Director.

MS. EVELYN LAWRENCE ON TOWN'S SUPPORT REGARDING SALLY'S CRYING TREE: Ms. Lawrence thanked the Town for its support of Sally's Crying Tree. She noted the wise decision to place lightning protection to the tree. The book "Remarkable Trees of Virginia" notes Ms. Lawrence and Sally's Crying Tree in an article on page 27. The Magazine "American Forest" also has an article about the tree. Shirley Blackwell presented a framed picture of Ms. Lawrence and Sally's Crying Tree to Council.

PUBLIC HEARING – SOLICITATION OF POSSIBLE NEEDS FOR CDBG APPLICATION: Ms. Chris Gilley of Mount Rogers Planning District Commission noted there is \$9,000,000 available for grants statewide. She is trying to secure a housing project and is currently assessing the area for a suitable neighborhood. The neighborhood must have 51% home owners for the project to be eligible. She asked for any comments about prior housing projects. Mayor Helms also included 5E at this time, REPORT FROM DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT ON FINAL COMPLIANCE OF PEARL AND BUCHANAN. David Adams report found no items of non-compliance and thanked staff. With no more questions, Mayor Helms closed the Public Hearing and thanked Chris Gilley for her leadership in these programs.

REPORT FROM WAYNE C. HENDERSON SCHOOL OF MUSIC BOARD OF DIRECTORS: Mr. Russell presented to Council a formal request for the Town of Marion to pay the salary for the director and part-time staff. The director would report to the Town Manager as well as the Board of Directors. At this time the

Mayor moved to 7C, committee report on this item. Discussion ensued regarding the City of Galax and their involvement in the Chestnut Creek School of Arts. Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, this was referred to the Finance Committee, with Mr. Heath to assist in coordinating a meeting with the City of Galax and Chestnut Creek School of Arts staff. Mr. Clark noted the budget process will begin earlier this year and there will be some preliminary numbers plugged in for the 2013 – 2014 budget.

APPROVAL OF PAY REQUEST NUMBER 14: Mr. Clark reviewed the pay request and recommended approval. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, pay request number 14 in the amount of \$37,792.46 was approved.

COMPLETION OF RADIO HILL WATER LINE REPLACEMENT PROJECT AND REQUEST FOR REIMBURSEMENT: Mr. Clark noted this project is complete and a request for reimbursement has been submitted.

SOLICITATION OF ENGINEERING PROPOSALS ON EDWYNNE DRIVE WATER LINE REPLACEMENT PROJECT: Mr. Hicks reviewed the proposal for engineering services for this project. This project is being funded by the Virginia Health Department. The project should be started in the spring of 2013.

APPROVAL OF FIRE DEPARTMENT TO BE FIRST RESPONDERS: Todd May, Fire Chief, reviewed the first responder process for receiving certification. The Fire Department would use two Fire Department vehicles and the Rescue Squad would be responsible for the medical equipment. Please note this is correcting the minutes of October 1, 2012 at which it was stated the vehicles would be provided by the rescue squad. Mr. May reported Dr. Bruzzo asked the Fire Department for their help, due to dwindling rescue volunteers. Mr. Harrington noted the authorization requires the County's approval first. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, this was referred to the Ordinance Committee with Mr. May to attend with a Resolution/Ordinance to present to the Attorney. This will be reported on at the next Council meeting.

REQUEST FROM MARION VOLUNTEER FIRE DEPARTMENT: Mr. May noted the need to increase the weekly disability limits for an injured fireman. He would like Council to consider to increase this from \$100 to \$500 per week. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES this was referred to the Insurance Committee.

ACCOUNTS: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the accounts were approved for payment in the amount of \$1,136,571.95.

INVESTMENTS: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the investment report for January 2013 was accepted.

CONSIDERATION OF APPOINTMENTS TO MARION REDEVELOPMENT AND HOUSING AUTHORITY BOARD: Mr. Harrington noted these individuals are willing to serve. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, Betty Barker, Malcolm Brown and John Graham were

reappointed for four year terms and Regina Roberts was appointed to the Marion Redevelopment and Housing Authority Board.

NOTICE OF PUBLIC HEARING ON FEBRUARY 4, 2013 ON SPECIAL USE PERMIT AT 124 VIRGINIA AVENUE: Mr. Hicks noted this has been advertised and the home owners are being notified.

SANITATION COMMITTEE ON SLUDGE APPLICATION AND LANE GROUP CONTRACT: Mr. Clark noted the first field application will begin after March 1, 2013. The amount of sludge needing to be taken to a land fill is 468 tons. The VPDES Permit will not expire until June of 2016. Mr. Spickard has submitted a contract proposal for finding a backup field for land application and for finding a land fill for the sludge that cannot be applied. Discussion ensued. Upon motion of Mr. Carter, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, the contract will be explored as written.

STREET COMMITTEE ON SOUTH CHURCH STREET VDOT URBAN PROJECT: Mr. Weaver noted Town staff and effected neighbors had met with VDOT. Mr. Hicks submitted some good proposal options for control/redirecting floods waters. Town staff is waiting for VDOT to present more information.

FINANCE COMMITTEE ON FENCING AT RIVERBEND PARK: Dr. Gates noted the fencing needs to be extended on the left side by 80 feet and on the right side by 50 feet. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, \$2,980 for fencing at Riverbend Park was approved.

STREET LIGHT COMMITTEE ON LIGHTING ON WEST SIDE OF RIVERWALK AT PARKING LOT: Ms. Spencer noted the need for this additional lighting and also the need for power to the Amphitheatre in the future. Upon motion of Ms. Spencer, seconded by Dr. Gates and a vote of 6 AYES and 0 NOES, lighting on the west side of the RiverWalk Trail was approved in the amount of \$1,500.

Dr. Gates noted per a conversation with Tony Edwards in regards to the surface and ground water study, that was done several years ago and other localities had received reports free of charge, however there was not much information provided. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, this item was tabled until April when there will be more information available from the Water Treatment Plant Staff.

Mayor Helms reported the Town Spring has been off-line and the staff has been working around the clock. Mr. Hamm has the 3 hour parking signs ready.

Mr. Heath reported the application for the Appalachian Trail Town is 75% complete. There is TEA 21 funding available to finish out the long range goal for Downtown to complete the Streetscape from the Job Corp to the Campbell House. The share from VDOT would be approximately \$200,000 with the Town's share to be approximately \$100,000. Upon motion of Mr. Owens, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, Mr. Heath will file the application February 1, 2013 for TEA 21 funding. Mr. Heath noted the need to look at purchasing additional Christmas lights and banners in the new budget.

Mr. Clark noted the Golf Course revenue is right at 50% at the end of December.

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 6 AYES and 0 NOES, Town Council entered into Closed Session for the purpose of discussion of personnel matters . Mr. Weaver 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 Dr. Gates and carried by vote of 6 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Owens, Weaver, Carter, Dr. Gates, Mrs. Jennings and Ms. Spencer voted affirmatively.

Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, candidates for the Town Manager position may be reimbursed for mileage and lodging.

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

Mayor

Clerk