

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 June 20, 2016 at 5:30 p.m.

PRESENT: Mayor David Helms, Vice-Mayor Dr. Jim Gates, Tricia Spencer, Bill Weaver, Larry Carter, Avery Cornett and Suzanne Jennings Council Members; Town Manager Bill Rush; Town Clerk/Director of Finance Cindy Stanley; Town Attorney Mark Fenyk; Smyth County News Representative Linda Burchette; Police Chief Rex Anders, Police Lieutenant Rusty Hamm; Assistant Town Manager/Town Engineer Cecil Hicks; Economic Development Director Ken Heath; Purchasing Agent/Fire Chief Billy Hamm and Marion Downtown Director Olivia McDonald.

ABSENT: Jim Barker.

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

VISITORS: Jeff & Anna Leigh DeBord, Jeff Spickard, Kathy Smith, Tom Totten, Sabrina Teaster, Kevin Eller, Bob Lawson, Debra Carter, Merrill Hudgins, Richard Hudgins, Jr. and John Graham.

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the minutes of the meeting held June 6, 2016 were approved as written. Messrs Dr. Gates, Spencer, Weaver, Carter, Cornett and Jennings voted affirmatively.

AGENDA: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the agenda was approved as distributed with one addition under Town Manager for Potential Water Contract with Smyth County.

PUBLIC PRESENTATION:

SWEARING IN OF TOWN COUNCIL MEMBERS: John Graham, Smyth County Clerk of the Circuit Court, noted he is proud of the Town of Marion and our forward thinking leaders. Mr. Graham administered the oath of office to Mayor David P. Helms, Dr. Jim Gates, Bill Weaver and Larry Carter.

Kevin Eller, 107 River Road, Chilhowie VA, (business location for Eller Taxi Service), is requesting permission to conduct business in the Town of Marion. His residential address is 128 Myers Street, Marion, VA. Sabrina Teaster spoke on behalf of the business and apologized for missing the last council meeting. She was unaware of the requirements to purchase a business license and would like to be able to conduct business in the Town of Marion by following the correct procedures to accomplish this. An application has been filed for Council's consideration. The necessary background checks and vehicle inspections would need to be completed. Upon motion of Mrs. Jennings, seconded by Ms. Spencer and a vote of 6 AYES and 0 NOES, a Public Hearing on this matter will be set for July 5, 2016 and Chief Anders is to begin the investigation process.

Tom Totten, Dogwood Drive, expressed his concerns regarding the placement of yard waste in his neighborhood. He is asking for Council's assistance in resolving this issue. Discussion ensued. Mr. Cornett suggested creating a small mulched area for placement of yard waste.

Dr. Gates reviewed the 2016 - 2017 proposed budget. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the 2016 - 2017 budget was adopted in the amount of \$12,018,849.

Mrs. Jennings reported that the Lincoln Theatre is expanding to a location next door to the current office. She also reported there were 64 golfers that participated in the Lincoln Theatre Golf Tournament.

There was a request for Mr. Carter to be reappointed to the District III Board. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 5 AYES, 0 NOES and 1 ABSTENTION, Mr. Carter was reappointed to the District III Board.

Mr. Cornett noted that Mr. Jennings had reported on the code compliance for the recreation department and hopes the Town Attorney is satisfied with the progress. Mr. Cornett also reported on touring the new state of the art facility, Emory & Henry College of Health Sciences.

Mayor Helms reminded everyone of the VML Conference in October at Virginia Beach. The town and county quarterly meeting will be held tomorrow night in Saltville at the Wave Pool at 6:00 pm. The VML Regional Supper held in Big Stone Gap was very nice and well attended. The 1966 class reunion visited the Henderson School Friday night. The Town of Pulaski has invited the Town of Marion to visit and attend a baseball game. A new managing company will be taking over at the Blue Ridge Job Corps on July 1, 2016 and has invited council to attend a cookout with them that day. Saturday was the 80th Anniversary of Hungry Mother State Park. There will be a special called meeting on Thursday, June 30, 2016 at 5:15 pm for yearend closing.

Mr. Fenyk reported that the town had received the easement for the Food Lion Shopping Center. Mr. Zumpf has been sworn in by the Judge for the Board of Zoning Appeals and Mr. Brian Reed will be sworn in September 2016.

ACCOUNTS: Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES the accounts were approved for payment in the amount of \$860,312.95. Messrs Dr. Gates, Spencer, Weaver, Carter, Cornett and Jennings voted affirmatively.

Chief Anders noted that four officers have completed training in Richmond. The Henry Street case is continued until July 27, 2016.

Chief Hamm reported the new ambulance is scheduled for delivery July 2016. Chief Hamm reviewed a repurposing proposal for surplus EMS vehicles. Stipulations in the EMS Grant specify the replaced ambulance cannot be used as an ambulance in the state of Virginia. The Police Department has requested this vehicle to repurpose as an Investigation Unit. Jackie Perry has requested the crash truck for a rolling inventory vehicle for the water crew. Upon motion of Mr. Carter, seconded by Mr. Cornett and a vote of 6 AYES and 0 NOES, these two repurposing requests were approved. Chief Hamm also reviewed a proposed Ordinance for Knox Boxes to be required by businesses. He reviewed and presented a very real scenario in which this process would save time and money. Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, this item was referred to the Ordinance Committee.

Mrs. McDonald distributed the Parking Survey results. She reported Leslie Vanover is the new Farmers Market Manager. Judging for the next round of awards for the Pop Up Presentations will be tomorrow night. The next concert series performance will be this Friday at 8:00 pm at the Farmers Market featuring Whiskey Gentry.

Mr. Heath reviewed a Resolution in the packet for the Song of the Mountain production equipment. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the Resolution of Support for the Song of the Mountains Equipment Upgrade was approved.

Mr. Hicks noted the paving will be completed Friday. A Public Hearing for two Special Use Permits will be held July 5, 2016.

Mr. Rush gave an update on the property maintenance enforcement and reported that 11 out of 16 are in the process of being compliant. The first loan for the CIRP Program has closed. A request was reviewed from Mr. Duncan McGregor for the Henderson School to become a permanent voting precinct. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the new West Park Voting Precinct will be the Wayne Henderson Appalachian School of Arts. Mr. Rush noted the General Assembly passed a bill requiring localities to appoint a FOIA (Freedom of Information Act) officer by July 1, 2016. Upon motion of Mr. Weaver, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, Town Manager, Bill Rush was appointed as the FOIA Officer. Mr. Rush reviewed the water contract with Smyth County noting the expiration date of June 30, 2016. He noted the reduction in revenue had been recognized in the new budget 2016-2017. Discussion ensued. This would guarantee 21 million gallons at \$5.00 per thousand for 7 years. Upon motion of Mr. Carter, seconded by Dr. Gates and a vote of 6 AYES and 0 NOES, the proposed water contract with Smyth County was approved with the Final Draft to be presented later.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-7) 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 and consultation with legal counsel. Mrs. Jennings 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 Mr. Weaver and carried by a vote of 6 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Cornett, Weaver, Carter, Dr. Gates, Spencer and Jennings voted affirmatively.

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

Mayor

Clerk