

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 October 8, 2015 at 5:30 p.m.

PRESENT: Mayor David Helms, Dr. Jim Gates, Jim Barker (left early), Larry Carter, Bill Weaver, Tricia Spencer (arriving late) and Suzanne Jennings Council Members; Town Manager Bill Rush; Town Clerk/Director of Finance Cindy Stanley; Town Attorney Mark Fenyk; Smyth County News Representative Stephanie Porter-Nichols; Assistant Town Manager/Town Engineer Cecil Hicks; Police Chief Rex Anders; Public Works Director Jackie Perry; Economic Development Director Ken Heath; and Golf Course Manager Terry Jennings.

ABSENT: None.

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

VISITORS: Michael Edwards, Charles Hayden, Avery Cornett, Steve Horne and Tom & Sallye Totten.

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Carter and a vote of 5 AYES and 0 NOES, the minutes of the meeting held September 21, 2015 were approved as written. Messrs Weaver, Barker, Carter, Jennings and Dr. Gates voted affirmatively.

AGENDA: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 5 AYES and 0 NOES, the Agenda was approved as distributed with two additions, one under Engineering for zoning and one under closed session A-29 Contract negotiation.

PUBLIC PRESENTATION: Tom Totten, Dogwood Drive, expressed their concerns about yard waste being placed in its appropriate location for pick up. He thanked Mr. Perry for responding to remove the yard waste. Avery Cornett arrived. Mr. Totten suggested a letter be sent as a reminder of brush pickup guide lines. Ms. Spencer arrived. Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, a letter will be sent to the land owner stating yard waste is to be placed on the land owners portion of the right of way.

Mr. Rush reviewed a letter from a citizen requesting installation of a sidewalk on Veterans Street. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, this item was referred to the street committee.

PUBLIC HEARING SPECIAL USE PERMIT: Mr. Hicks reviewed the special use permit request for 613 Goolsby Street by Mr. Steve Horne for a home occupation business. Mr. Horne submitted Proffered Conditions. Council reviewed these. Mayor Helms opened the Public Hearing for citizen comments. With no comments the Public Hearing was closed. Upon motion of Mr. Barker, seconded by Ms. Spencer and a vote of 6 AYES and 0 NOES, the Special Use Permit for 613 Goolsby Street for Mr. Horne for a home occupation business was approved.

Mr. Barker reviewed a request for the 4th Annual Gobbler Gallop using the same route and format as last year. Upon motion of Mr. Barker, seconded by Dr. Gates and a vote of 6 AYES and 0 NOES, the 4th Annual Gobbler Gallop to be held on Thanksgiving Day was approved.

Mrs. Jennings enjoyed the VML Conference and reported that Samantha White asked Mrs. Jennings to thank council for allowing her to attend.

Mr. Weaver also reported that he enjoyed the VML Conference.

Mr. Carter also thanked council for allowing him to attend and he reported receiving lots of positive feedback.

Mayor Helms reported that the Town of Marion received a VML Achievement Award at the Conference. This is the third Achievement Award for the town for the years 2002, 2012, 2015. Mayor Helms was appreciative of the Towns support of him for being on the executive board. The Extra Mile Nomination forms will be distributed at the next council meeting and nominations will be recognized at the first council meeting in November. The VML Regional Supper will be held October 28, 2015 at the Heartwood in Abingdon. The topic for discussion will be Conflict of Interest. Mayor Helms reviewed a Resolution for

Amending the Town Charter so the Town Manager will have administrative control over the Police Department and the Planning Department instead of the Mayor. Mr. Rush read the Resolution aloud. Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, the Resolution for the Charter amendment was approved.

Ms. Stanley distributed Code book supplemental #25. She thanked council for allowing her and Mrs. Catron to attend the Virginia Municipal Clerks Association Institute and Academy in Richmond.

Mr. Jennings reviewed the programs currently in session at the Recreation Department. The pools have closed for the season. The mixed beverage license for the Golf Course has been received. There are three tournaments scheduled for this month and the ballroom is booked every weekend.

Mr. Perry reviewed the operations of the Public Works Department. Mr. Barker left. Mr. Perry noted they are having some issues with the line striping machine. The trucks are being prepared for leaf removal.

Mr. Fenyk noted that a public hearing is not required for the charter amendment. He reviewed the Mutual Aid Agreement with the Summit Center and the town and noted this is a beneficial agreement. He also thanked council for the opportunity to attend the VML Conference. He is reviewing the deed for the 4 acres of Atkins property that was conveyed to Smyth County from the Town of Marion.

Chief Anders reported that his department is assisting the Blue Ridge Job Corps with active shooter training, which has been mandated for the Job Corps to implement. He is working with Lee Farmer and the County on suggestions for handling the dog barking complaints.

Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 5 AYES and 0 NOES, the Mutual Aid Agreement with the Summit Center was approved.

Mr. Heath also thanked council for the opportunity to attend the VML Conference. The Vibrant Communities Grant was submitted yesterday. The Homecoming parade will be Thursday at 6:00 pm. A Shakeout Day with a nixle text alert will be October 15, 2015 at 10:15 am as an Earthquake Drill. The Summit Center ribbon cutting will be Thursday, November 5, 2015 at 3:30 pm. Legislative Day will be January 27, 2016. Mr. Heath has served two terms on the Chamber Board and his term expires and a council representative needs to be nominated. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 4 AYES, 0 NOES and 1 ABSTENTION (Carter), Mr. Carter was nominated as the Town's Representative on the Chamber Board.

Mr. Hicks reviewed a proposal from the Department of Transportation for a paving revision on Highway 16. Mr. Hicks was directed to get something in writing on the proposal. Mr. Hicks reviewed a contract with Mattern & Craig for bridge inspections in the amount of \$10,900. Upon motion of Mr. Weaver, seconded by Mr. Carter and a vote of 5 AYES and 0 NOES, the contract with Mattern & Craig for bridge inspections in the amount of \$10,900 was approved. Mr. Hicks presented a request for rezoning for the Old Francis Brothers Building. Bill Huber has an interest in purchasing the building and remodeling for residential apartments. The property would need to be rezoned from Commercial General to R-3 Residential. Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 5 AYES and 0 NOES, this item was referred to the Planning Commission. The problem with the signal system at Callan Drive and Highway 16 has been resolved.

Mr. Rush also thanked council for allowing him to attend the VML Conference. He reviewed a second proposal on roof repairs for the digester building from Morristown Roofing in the amount of \$20,300. This is the low bid. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 5 AYES and 0 NOES, the bid was awarded to Morristown Roofing in the amount of \$20,300.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-3) and (A-29) upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 5 AYES and 0 NOES, Town Council entered into Closed Session for the purpose of personnel matter, consideration of the acquisition of real property and contract negotiations. 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 Dr. Gates and carried by a

vote of 5 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Spencer, Weaver, Carter, Dr. Gates and Jennings voted affirmatively.

Ms. Spencer left. Upon motion of Dr. Gates, seconded by Mr. Carter and a vote of 4 AYES and 0 NOES, the Town Manager is to enter into negotiations for Real Property.

Upon motion, duly seconded and a vote of 4 AYES and 0 NOES, the meeting was adjourned.

Mayor

Clerk