

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 7, 2013 at 5:30 p.m.

PRESENT: Mayor David Helms; Larry Carter, Tricia Spencer, Suzanne Jennings, Bill Weaver 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; Smyth County News Representative Stephanie Porter-Nichols; Economic Development Director Ken Heath; Assistant Town Engineer Todd Long; Town Clerk/Director of Finance Cindy Stanley.

ABSENT: Jim Barker and Jim Owens.

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

VISITORS: Charles Wassum, Charles Hayden, Jeff Spickard, Dr. Melody Payne, J. S. Staley, Marlene Hansen and Thomas Doss.

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 5 AYES and 0 NOES, the minutes of the meeting held December 17, 2012 were approved as written. Messrs Weaver, Carter, Dr. Gates, Ms. Jennings and Ms. Spencer voted affirmatively.

RESOLUTION NATIONAL HERITAGE AREA DESIGNATION FOR THE CROOKED ROAD: Mr. Heath read the Resolution. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 5 AYES and 0 NOES, the Resolution was adopted.

PUBLIC PRESENTATION: J. S. Staley 337 West Main Street – Mr. Staley noted his concern in regards to the \$25,000 Grant for a feasibility study on the Old Holston Harwood Building. He noted that parking lots within the Town are not at capacity and therefore using this site as parking may not be the best use. Mr. Staley also noted even though there is a grant available for this study, grants are still taxpayers dollars.

Tom Hower 218 North Church Street – Mr. Hower is the President of the Lincoln Theatre Board and thanked the Town for their support. He noted the resignation of the Director Dwayne Cregger and stated they have received approximately 30 applications thus far. Mr. Hower noted there is a proposal being put together by Todd Christensen for the Southwest Virginia Performing Arts Partnership. He is in support of the Grant application. Mayor Helms noted he was contacted Friday by Mr. Christensen in regards to the Town's support. Mr. Heath noted there would be no cost or staff time involved for the Town. Upon motion of Mrs. Jennings, seconded by Dr. Gates and a vote of 5 AYES and 0 NOES, Council is in support of the Southwest Virginia Performing Arts Partnership and we will provide the 2 necessary documents.

PUBLIC HEARING: Mr. Hicks reviewed the Proposed Special Use Permit for 862 Hollow Road. The intent is for the homeowner to operate a private studio for piano lessons. Staff recommendation is for approval. Mayor Helms opened the Public Hearing for comments. With no comments the Public Hearing was closed. Upon motion of Mrs. Jennings, seconded by Ms. Spencer and a vote of 5 AYES and 0 NOES, the Special Use Permit for 862 Hollow Road was approved with the conditions listed.

Mr. Hicks reviewed the Proposed Special Use Permit for 605 Look Avenue. The intent is for the homeowner to operate a business in his home for a Real Estate Appraisal Office. Staff recommendation is for approval. Mayor Helms opened the Public Hearing for comments. With no comments the Public Hearing was closed. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 5 AYES and 0 NOES, the Special Use Permit for 605 Look Avenue was approved with the conditions listed.

CLOSE OUT OF SEWER TREATMENT PLANT PHASE 1 PROJECT: Mr. Clark noted the Phase 1 process including the UV Disinfection has been completed. There is still an outstanding issue with the membrane roof on the lab. There are some leaks involving the flashing around the edges of the roof. There is a warranty on the work. Mr. Clark noted the project is 99% complete and the roof will be repaired to the Town's satisfaction.

REPORT FROM COUNCILWOMAN SUSIE JENNINGS IN FINANCING FOR FISCAL YEAR 2013 - 2014: Mrs. Jennings noted the Town's commitment to the Emory & Henry College of Physical Therapy shall be \$40,000 the first year, \$30,000 the second year and \$30,000 the third year for a total of \$100,000 for the Emory & Henry College of Physical Therapy. Mr. Clark will prepare a letter for Dr. Haney to submit with the Grant Application.

RECEIPT OF COST ESTIMATES OF LIGHTS AT UPPER AND LOWER PARKING LOTS OFF RIVERWALK TRAIL: Mr. Clark has received a cost estimate from Appalachian Power in the amount of \$5,629.27. There are existing poles in place, they just need to install lights. Mayor Helms also noted the need for power to the Amphitheatre in the future. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 5 AYES and 0 NOES, this item was referred to the Street Light Committee.

PROPOSAL FROM LANE ENGINEERING OF SLUDGE APPLICATION PLAN AND RENEWAL OF CURRENT CONTRACT: Mr. Clark has an agreement signed by Mr. Waddle to continue the contract until May 2013 at the negotiated price. Mr. Clark noted Mr. Waddle is also willing to extend the contract for 3 more years at this price. Discussion Ensued. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 5 AYES and 0 NOES, Mr. Clark and Mr. Fenyk are to prepare an amended three year contract with Mr. Waddle. Mr. Spickard discussed the possibility of acquiring alternate sites. Discussion ensued. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 5 AYES and 0 NOES, this was referred to the Sanitation Committee.

RECEIPT OF INFORMATION REGARDING SMYTH COUNTY PLANS TO REQUEST LEGISLATION TO ALLOW SPOT ZONES FOR "LIQUOR BY THE DRINK" SALES: Mr. Clark said the County Administrator had given him maps of the areas around exits 39, 44 and 47 where they were asking the legislature for a special legislation to allow the sale of mixed beverages. This information is attached. The town had worked with the county at exit 47 previously to form a Community Development Authority to achieve this end. The town wants to work with the county through the CDA process. If the special legislation is passed by the Virginia General Assembly, it would usurp the elective process of the citizens by negating the previous denials of the referendum and would eliminate the town's participation in any future development. The measure would likely relocate key retailers and restaurants out of the town limits, leaving vacant spaces and decreased revenues. Discussion ensued. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 5 AYES and 0 NOES, for staff to develop a letter expressing the town's concern and opposition to this legislative request, while emphasizing the town's continued willingness to partner with the county and developers, to each of the legislators as soon as possible.

PROPOSAL ON INSTALLING FENCING: Mr. Clark noted this current year's budget included fencing for the Town Shop. The fence at RiverBend Park needs to be extended for safety reasons. This is not a budgeted item. Mr. Clark has received a quote in the amount of \$2,980. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 5 AYES and 0 NOES, this was referred to the Recreation and Finance Committees.

SPECIAL USE PERMIT REQUEST MARION FRAME: Mr. Hicks noted he received an application Friday for this Special Use Permit for a wrecker service. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 5 AYES and 0 NOES, a Public Hearing was set for February 4, 2013.

Upon motion of Mr. Weaver, seconded by Mr. Carter and a vote of 5 AYES and 0 NOES, all three committee reports were continued.

Mayor Helms noted due to the Holiday the next Council meeting will be on January 22, 2013. Anyone planning to attend this year's Legislative Day needs to turn in their form to Ms. Stanley.

Mr. Heath reviewed Request #9 for the Streetscape Project in the amount of \$25,501.73. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 5 AYES and 0 NOES, the Final drawdown in the amount of \$25,501.73 was approved. It was also noted that Marion Downtown has received the contract for the \$25,000 for the feasibility study, however they have not received the funds yet. Mr. Heath has a very strong prospect for the Old Holston Harwood Building.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-1)(A-7) upon motion of Mrs. Jennings, seconded by Mr. Weaver and carried by a vote of 5 AYES and 0 NOES, Town Council

entered into Closed Session for the purpose of consultation with legal counsel and discussion of personnel matters. 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 5 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Weaver, Carter, Dr. Gates, Mrs. Jennings and Ms. Spencer voted affirmatively.

Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 5 AYES and 0 NOES, Mr. Clark and Mr. Fenyk will draft a letter to the Lessee of the Golf Course Restaurant noting they were 61 days delinquent on payments and the Town can require they vacate the premises, however that is not the Town's intent at this time.

Upon motion, duly seconded and vote of 5 AYES and 0 NOES, the meeting was adjourned.

Mayor

Clerk