

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 February 4, 2013 at 5:30 p.m.

PRESENT: Mayor David Helms; Larry Carter, Tricia Spencer (arriving late), Suzanne Jennings, Bill Weaver, Jim Barker, 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; Smyth County News Representative Stephanie Porter-Nichols; Economic Development Director Ken Heath; Fire Chief Todd May; Purchasing Agent Billy Hamm; Assistant Town Engineer Todd Long; Town Clerk/Director of Finance Cindy Stanley.

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

VISITORS: Charles Wassum, Sandip Patel and Viral Shah.

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 January 22, 2013 were approved as written. Messrs Weaver, Carter, Barker, Owens, Dr. Gates and Mrs. Jennings voted affirmatively.

RESOLUTION IN RECOGNITION OF AFRICAN AMERICAN HISTORY MONTH 2013: Mayor Helms read the Resolution. Ms. Spencer arrived. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the Resolution was adopted.

PUBLIC PRESENTATION: Charles Wassum - 200 Larch Street - Mr. Wassum's remarks were concerning March 5, 2012 minutes, at which he spoke about zoning not parking.

PUBLIC HEARING APPLICATION FOR SPECIAL USE PERMIT FOR HOME OCCUPATION AT 124 VIRGINIA AVENUE FOR WRECKER BUSINESS: Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, this was removed from the agenda due to the request being withdrawn.

REPORT ON SOUTH CHURCH DRAINAGE: Mr. Hicks noted that most citizens were opposed to the Retention Pond at the public information meeting. Mr. Hicks has presented some other proposals to VDOT. Town staff, VDOT and Street Committee are reviewing a new design. Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, this was referred to the Street Committee.

REPORT ON COURTHOUSE CONSTRUCTION: Mr. Hicks noted the issuance of Notice to Proceed has been given to the contractor effective February 18, 2013 for 150 day contract. The first phase is to include the utility adjustments and demolition of the old jailhouse. Park Street will need to be closed, however Church Street will not need to be closed.

NOTICE OF JOINT MEETING WITH COUNTY ON FEBRUARY 7, 2013 AT 5:30PM AT COUNTY OFFICE BUILDING: Mr. Clark reminded everyone of the meeting and noted the Boundary Adjustment will be on the agenda.

RESPONSE LETTER TO COUNTY REGARDING VARIOUS ISSUES: Mayor Helms noted this is in regards to the letter presented a couple weeks ago. Upon motion of Mr. Weaver, seconded by Mrs. Jennings this item was referred to closed session. Discussion ensued. Mr. Weaver withdrew his motion. Upon motion of Dr. Gates, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES, this letter will be delivered to the County tomorrow morning with Mr. Weavers suggestions removed.

CONSIDERATION OF RE-APPOINTMENT OF MR. CAMERON WOLFE, MR. DAN SURFACE AND MRS. ALICE FREEMAN TO MARION PLANNING COMMISSION: Mr. Hicks noted he will ask these members at the next Planning Commission meeting, February 11, 2013 if they are willing to serve another term. Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, this item was continued until next Council meeting.

SPECIAL USE PERMIT REQUEST - MT. ZION TEMPLE: Mr. Hicks noted the soonest this could be advertised and a Public Hearing set will be March 4, 2013. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, a Public Hearing will be set for March 4, 2013..

Mayor Helms would like to have a deadline for placing items on the agenda. Discussion ensued. The deadline for placing items on the agenda is to be Friday at 12:00 noon.

ORDINANCE COMMITTEE ON PROPOSED ORDINANCE OF FIRE DEPARTMENT SERVING AS FIRST RESPONDERS: Mrs. Jennings noted there are only 21 members on the Fire Department and she appreciates all they do. Todd May noted he had one change from the last committee meeting and Dr. Bruzzo made a few changes. Dr. Bruzzo emailed the change to Mr. Fenyk. Mr. Fenyk will incorporate these changes to the ordinance and bring back to the committee. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, this was referred back to the Ordinance Committee.

INSURANCE COMMITTEE ON INCREASING FIRE DEPARTMENT INJURY BENEFITS: Upon motion of Mrs. Jennings, seconded by Mr. Carter and a vote of 7 AYES and 0 NOES, this was continued.

Dr. Gates thanked Council for the opportunity to attend the VML meeting.

Mrs. Jennings noted the Lincoln Theatre is doing Director interviews. Two different proposals for the Lincoln Theatre and the Song of the Mountains need to be presented to the Town for budget consideration.

Mr. Carter attended the District III Board meeting and they went over their audit. It seems they are a very sound organization.

Mayor Helms noted due to the Holiday the next Council meeting will be on February 19, 2013.

Mr. Heath requested a meeting be scheduled with the Finance Committee to discuss historic tax credits for the Appalachian School of Music.

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 7 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 Mrs. Jennings and carried by vote of 7 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Weaver, Carter, Barker, Owens, Dr. Gates, Mrs. Jennings and Ms. Spencer voted affirmatively.

Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, Mr. Clark was asked to stay one more month to train the new Manager and help with the budget.

Upon motion, duly seconded and vote of 7 AYES and 0 NOES, this meeting was continued.

---

Mayor

---

Clerk

Minutes of a joint meeting of the Town Council of the Town of Marion, Virginia and the Smyth County Board of Supervisors held in the Council Chambers of the County Building on February 7, 2013 at 5:30 p.m.

The meeting was called to order by the Chairman of the Board of Supervisors. Mayor Helms noted this is a continuation of the Council meeting from February 4, 2013.

PRESENT: Mayor David Helms; Larry Carter, Tricia Spencer, Suzanne Jennings, Bill Weaver, Jim Barker, Jim Owens and Dr. Jim Gates Council Members; Town Manager John E. B. Clark, Jr.; Assistant Town Manager/Town Engineer Cecil Hicks; Smyth County News Representative Stephanie Porter-Nichols; Economic Development Director Ken Heath; Assistant Town Clerk Anita Catron; Town Clerk/Director of Finance Cindy Stanley.

The Chairman noted this meeting is to discuss opposition to House Bill 1667. Mayor Helms began and noted he feels communications between these two agencies has fallen short. Mayor Helms noted the

Town is here to work with the County and hopes that is what can come out of this meeting. Discussion ensued with all parties willing to work together for the good of the Town and County. A sub-committee with members from both agencies will meet in regards to the Boundary Adjustment before the next County meeting in March.

Upon motion, duly seconded and vote of 7 AYES and 0 NOES, this meeting was adjourned.

---

Mayor

---

Clerk