

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 March 18, 2013 at 5:30 p.m.

PRESENT: Mayor David Helms; Tricia Spencer, 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; Purchasing Agent Billy Hamm; Smyth County News Representative Stephanie Porter-Nichols; Economic Development Director Ken Heath; Donnie Coley, Tony Edwards, Carol Cale, Don Henderlite, Assistant Town Engineer Todd Long; Town Clerk/Director of Finance Cindy Stanley.

ABSENT: Larry Carter

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

VISITORS: Charles Wassum, Charles Hayden, Jeff Spickard, Roger Umbarger, Chris Gilley, James & Phyllis Moore, Atville & Cora Hearn, Richard Keesling, April Shipley, Lance Turner, James Bonham, Anne Hull, Lewis Mann, Bill Rush and Todd May.

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 March 4, 2013 were approved as written. Messrs Weaver, Owens, Jennings, Spencer, Barker and Dr. Gates voted affirmatively.

PUBLIC PRESENTATION: Anne Hull with the Appalachian Spirit Gallery presented a painting to Mr. Clark for his retirement in recognition of their appreciation to him.

NOTICE OF TOWN'S #1 RANKING OF WATER TREATMENT PLANT IN VIRGINIA OPTIMIZATION PROGRAM: Mayor Helms noted the significance of this award. This indicates the Town has three times cleaner water than the standards require. Donnie Coley introduced the staff present. Tony Edwards noted the importance of the protection of public health and how this award reinforces trust of peers. Mr. Clark thanked Council for allowing him to bring the resources and personnel together after losing all three operators in a short period about five years ago. Mayor Helms stated his appreciation of their work.

CONSIDERATION OF DECLARING LOTS ON CRESCENT AVENUE AS SURPLUS PROPERTY: Mr. Hicks reviewed this request. Mayor Helms opened the Public Hearing for comments. With no comments, Mayor Helms closed the Public Hearing.

CONSIDERATION OF ISSUING SPECIAL USE PERMIT AT 412 IRON STREET FOR A CHILD DAY CARE CENTER: Mr. Hicks reviewed this request. Mr. Turner was present as a representative of the Mt. Zion Temple. Staff recommendation is for approval. Mayor Helms opened the Public Hearing. Regina Roberts – 349 South Iron Street – spoke in opposition due to potential parking and traffic problems. Mr. Turner noted there will be parking available off the street. Ms. Roberts also noted her concern for the safety and emergency vehicles to have access to the street. With no further comments, Mayor Helms closed the Public Hearing.

CONSIDERATION TO APPLY FOR CDBG PROJECT ON CRESCENT AND PALMER AVENUE: Ms. Gilley reviewed the project. Mayor Helms opened the Public Hearing. Phyllis Moore asked about the time frame for the project. Ms. Gilley noted it should be mid-summer before notification of the funding. The project could possibly begin the first of next year, taking about two years to complete. Each house should take approximately two months. With no further comment, Mayor Helms closed the Public Hearing.

COUNCIL DECISION TO DECLARE CRESCENT LOTS SURPLUS: Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, these lots were declared surplus.

COUNCIL DECISION TO ISSUE SPECIAL USE PERMIT ON 412 IRON STREET: Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, this special use permit was approved.

COUNCIL DECISION TO APPROVE VARIOUS RESOLUTIONS AND AUTHORIZATION FOR CDBG PROJECT: Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, the CDBG project was approved.

UPDATE ON BIOGAS DIGESTER PROJECT: Mr. Clark noted the contractor is seeking another vendor to acquire the generator. The contractor is assuming the additional costs. The contractor is asking for an extension of time with no penalty. Mr. Lewis Mann with Thompson & Litton noted Tech 3 Solutions from Florida will be the new vendor for the generator. Frizzell Construction is asking for an additional 105 days. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, a time extension until July 31, 2013 was approved.

UPDATE ON SLUDGE DISPOSAL IN RICH VALLEY: Mr. Clark stated the land owner is willing to accept the sludge. Hauling will begin as soon as the weather permits.

UPDATE ON VISIT TO SCHOOL OF MUSIC IN GALAX: Mayor Helms noted the Chestnut Creek School of Arts has an exceptional program. It was noted this is a team effort between the city and the school. Mr. Weaver noted it was very impressive and the key is a good director.

EXECUTION OF NEW WEBSITE CONTRACT: Mr. Long noted a temporary site has been set up to let citizens know our site is under construction.

ACCOUNTS: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the accounts were approved for payment in the amount of \$728,539.59

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

UPDATE ON STORM READY SERVICE: Mr. Heath noted Smyth County Emergency Management is one more class and about one meeting away from having the application complete. Mayor Helms appreciates Kens work on this and feels it is necessary to be prepared.

REQUEST FOR QUALIFICATIONS ON HISTORIC TAX CREDITS: Mr. Heath noted there has been 3 RFQ's for tax credits received on the Old Schoolhouse Project. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the finance committee will work with the Wayne Henderson Board to select a firm to handle the tax credits.

FEMA APPROVAL OF COSTS RESULTING FROM JUNE 29 – JULY 1, 2012 STORMS: Mr. Heath noted that damages in the amount of approximately \$1,800 have been secured.

UPDATE ON APPALACHIAN SPIRIT GALLERY: Ms. Hull noted they are beginning their eighth year. The Train Museum's soft opening had around 300 people in attendance. Mayor Helms noted his appreciation for the Spirit gallery.

NOTICE OF AUTISM AWARENESS CAMPAIGN: Mr. Heath will have a Resolution ready for the next meeting.

ORDINANCE COMMITTEE ON FIRE DEPARTMENT EMT'S: Mrs. Jennings noted she feels the first responder program will strengthen the EMS environment. There are nine firemen trained at this time to become first responders. There would be an additional \$2,000 fee for insurance to be able to add this service for the community. The committee recommendation is to approve the first responder program and pay the additional insurance premium. The Fire Chief noted that first responders will not respond outside the service area of the Fire Department. The Chief also presented a check from Smyth County for their annual commitment. The title to the brush truck which has been paid off was turned over to the Clerk. The Fire Department will work with Dr. Bruzzo to schedule another meeting to include the Town Attorney and Rescue Squad to finally determine the issue.

Mrs. Jennings thanked Mr. Clark for his loyalty as Town Manager. Mrs. Jennings also noted she had listened to the minutes from March 5, 2012 per Mr. Wassum's request. She noted the minutes had been corrected and the issue was closed.

Dr. Gates expressed his appreciation to Mr. Clark and wishes him well on his retirement.

Mr. Owens also wishes Mr. Clark well on his retirement.

Mr. Barker noted Trout Unlimited is sponsoring a fishing event with a meal included to showcase the Golf Course. Mr. Barker expressed his concerns for safety in regards to being able to exit the building if the door was locked. Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, this was referred to the Buildings and Grounds Committee.

Mayor Helms noted there was a request from Megan Robinson distributed. Mayor Helms requested a Resolution in Appreciation of Delegate Joe Johnson. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, Council is in favor of a Resolution in Support of Delegate Joe Johnson. Mayor Helms thanked Mr. Clark for his service and noted Mr. Clark had been instrumental in the Town receiving two VML awards. He appreciated Mr. Clark's dedication and honesty.

Mr. Clark thanked Council and appreciates the confidence they have shown. He said he could never repay the debt that they had provided for him.

Mr. Spickard noted Edwynne Drive Water Line Project is beginning and the utilities will be marked over the next couple weeks.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-1), (A-5), (A-6) and (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 personnel matters, discussion of a prospective business, discussion or consideration of public funds 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 vote of 6 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Owens, Weaver, Barker, Dr. Gates, Mrs. Jennings and Ms. Spencer voted affirmatively.

Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, the RBEG Loan was approved for Mr. Scott Schumaker in the amount of \$15,000 provided his business plan includes plans to purchase a building downtown.

Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, Council approves working with Smyth County and the Developer on any future development at exit 47 and empower the Town Staff to set up meetings and advise on any issues.

Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, Council approves the hire of the new Town Manager, Mr. Bill Rush, effective March 13, 2013 pending a successful background check.

Upon motion of Dr. Gates, seconded by Ms. Spencer and a vote of 6 AYES and 0 NOES, let the record show Mr. Wassum's comments from March 5, 2012 were related to zoning and not parking.

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

Mayor

Clerk