

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 May 6, 2013 at 5:30 p.m.

PRESENT: Mayor David Helms; Jim Barker, Jim Owens, Dr. Jim Gates, Tricia Spencer, Suzanne Jennings, Bill Weaver and Larry Carter Council Members; Town Manager Bill Rush; Town Attorney Mark Fenyk; Assistant Town Manager/Town Engineer Cecil Hicks; Police Chief Mike Roberts; Police Lieutenant Rex Anders; Police Lieutenant Andrew Moss; Police Sergeant Rusty Hamm; Police Sergeant Steve Widner; Police Sergeant Wes Thomas; Police Officer Steve Hagy; Police Officer Joshua Taylor; Police Officer Daniel Hamm; Police Officer Jeffrey Horn; Animal Control Officer Lee Farmer; Smyth County News Representative Stephanie Porter-Nichols; Economic Development Director Ken Heath; Town Engineer Assistant Todd Long; Town Clerk/Director of Finance Cindy Stanley.

ABSENT: None

INVOCATION/PLEDGE TO THE FLAG: Reverend Bangle rendered the invocation. Police Officer Steve Hagy led the Pledge to the Flag.

VISITORS: House of Delegates Representative Annie B. Crockett-Stark, Charles Wassum, Jeff Spickard, Charles Hayden, Reverend James Bangle, Curtis Copenhaver, Nina Copenhaver, Lynn Sayers, Betsy Sayers, Rosa Lemmon, Shelia Russell, Jared, Sarah, Will and Andy Sparks, Kathy Blevins, Roger Dennison, Audrey Moss, Will Moss, Bill Moss, Ella Grace Moss and Sallie Moss.

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, the minutes of the meeting held April 15, 2013 were approved as written. Messrs Weaver, Owens, Carter, Barker, Jennings, Spencer and Dr. Gates voted affirmatively.

Mayor Helms welcomed the citizens and turned the meeting over to Chief Roberts. Chief Roberts began the Program for National Police Week by remembering Ralph Wolfe, a Marion Police Officer killed in the line of duty. He also thanked Council for their support. Reverend Bangle rendered the invocation. Chief Roberts continued the program with Officer Hagy leading the Pledge to the Flag. Officer Taylor read the names of the officers killed in the line of duty in 2012. Sergeant Widner read the Proclamation Designating May 12-18, 2013 National Police Week. Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the Proclamation was adopted. Chief Roberts introduced Sergeant Hamm. Hamm just completed a 9 week course at the State Forensic Academy in Richmond. He was elected Class President. Chief Roberts noted he was very proud of him. Sergeant Hamm thanked Chief Roberts, all Police Department members and the Town of Marion for allowing him this opportunity. The training involved all sciences of crime scenes. Mayor Helms thanked Sergeant Hamm and the Police Department. Mayor Helms and Chief Roberts visited the Academy while Sergeant Hamm was there training. Mayor Helms is pleased we have 2 officers trained in Forensic Science.

RESOLUTION LEMMON FAMILY: Delegate Annie B. Crockett-Stark read a Resolution from the Commonwealth of Virginia honoring Willard Lincoln Lemmon. She presented the Resolution to the Mr. Lemmon's family.

PUBLIC PRESENTATION: Roger Dennison - 435 Pearl Avenue - He commended the Town for the Pearl Avenue Rehab Project. He asked Council to consider lowering the speed limit on Pearl Avenue to 15 miles per hour. It is now posted at 25 miles per hour. Mr. Dennison is concerned for the safety of the children in the area. Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, this was referred to the Street Committee.

ADVERTISEMENT OF SALE OF SURPLUS PROPERTY ON CRESCENT: Mr. Rush noted the issue with the deed for the property has been resolved by Mr. Fenyk. The property has been advertised and bids are due May 28, 2013. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, this was continued.

RESOLUTION HONORING DELEGATE JOSEPH P. JOHNSON, JR. FOR SERVICE IN HOUSE OF DELEGATES: Upon motion of Mr. Owens, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, this Resolution was continued until Delegate Johnson can be present.

RESOLUTION IN APPRECIATION OF DANIEL RODRIGUEZ, "THE SINGING POLICEMAN": Dr. Gates presented this Resolution to Mr. Rodriguez on Sunday night at the Lincoln Theatre. Upon motion of Mr. Weaver, seconded by Dr. Gates and a vote of 7 AYES and 0 NOES, the Resolution was accepted.

LINE OF CREDIT SWEEP ACCOUNT UPDATE: Ms. Stanley noted this account is now in place with the Bank of Marion and ready for use. Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, this item may clear the agenda.

REMEDIATION OF STREAM DEBRIS: Mr. Rush has been in contact with the Army Corp of Engineers in regards to assisting with this project. They reported to Mr. Rush that they do not handle these type of projects. Mr. Rush also contacted a Star Construction representative, Dean Wilkerson. Mr. Wilkerson reported that Star Construction may be able to assist at a rate of \$195 per hour. Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, Mr. Rush and Mr. Hicks are authorized to oversee this project at a minimal cost.

AIRPORT COMMISSION - LETTER FROM WYTHE COUNTY: This letter is in regards to the possibility of Wythe County withdrawing from their commitment to the Airport. Mr. Rush noted Rural Retreat has withdrew their commitment from the Airport. The Town of Marion's commitment is \$48,310, the same as Smyth County. Upon motion of Mr. Carter, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, this item will be continued.

REQUEST FROM MT ROGERS COMMUNITY SERVICES BOARD - RIVERBEND PARK & RIVERWALK BEAUTIFICATION PROGRAM: Matthew Moorer with Mt Rogers Community Services Board contacted Mr. Rush with a request to adopt the Riverbend Park and Riverwalk areas within the Town of Marion to provide routine maintenance and beautification and give back to the local community that continues to support the missions and services of this agency. Upon motion of Dr. Gates, seconded by Mr. Barker, and a vote of 7 AYES and 0 NOES, this request was accepted.

SUMMER ENRICHMENT PROGRAM REQUEST: The Town of Marion has sponsored a worker for this program since 1974. Due to increases from years past, the Town currently sponsors 3 workers. The cost is estimated to be approximately \$8,000 per year. Discussion ensued. Upon motion of Dr. Gates, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES, the Town Manager and Town Clerk are authorized to distribute the remaining funds for the current fiscal year to the program for their use, indicating this is an appropriation, and advise the instructor of the program to submit a request to the budget committee for an appropriation for next fiscal year. This request needs to outline the number and addresses of the students included in this program, as well as a clarification of the matching support the other county municipalities provide. The intention is to change the dynamics of this program to an annual appropriation to the organization rather than part time employees assigned to the organization.

PROCLAMATION DECLARING MAY 10, 2013 ARBOR DAY: Mayor Helms noted Arbor Day events will be held Friday May 10, 2013 at 11 am at Riverbend Park. Upon motion of Mr. Barker, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the Proclamation was accepted.

ETF TRANSACTION PROPOSAL: Mr. Rush recommends the Bank of Marion as a vendor to allow the Town to accept debit and credit cards as a form of payment. Retailers must pay transaction fees, however municipalities are allowed to recoup these fees. Upon motion of Mr. Carter, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, this item was continued until next meeting.

COMMITTEE REPORTS: Dr. Gates noted the budget committee has met a number of times with staff and department heads. A meeting needs to be scheduled for a budget work session with full Council and staff for approval. The budget synopsis must be advertised by May 25, 2013.

Mr. Barker noted a Clean Water Act Grant is available for helping cleanup the Riverwalk and placing pet litter receptacles on site. Upon motion of Dr. Gates, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, approval to apply for this grant was accepted.

Mr. Weaver ask Council members to review the Spring Paving Schedule and submit any amendments or suggestions.

Mayor Helms announced the March of Dimes Walk will be held May 11, 2013 at the RiverBend Park. He also noted Arbor Day events will be held Friday May 10, 2013 at the Riverbend Park. Older Americans Day will be May 16, 2013 at the Park in Chilhowie. May 16, 2013 is also Student Government Day. The Relay For Life will be held next Friday night May 17, 2013 at 6pm at the Marion Senior High School Track.

Mr. Heath noted a date will be set for activities to celebrate Marion being named as an Appalachian Trail Community. The School of Music bids came in \$700,000 over budget. Mr. Heath will report back to Council on this item at the next meeting. Summit Bottling began production today, May 6, 2013 with 18 employees. Marion was named Small Business Community of the Year. Grand opening of the Farmers Market is Saturday May 11, 2013. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the TEA-21 North Iron Street Project is requiring that Appalachian Power set 2 poles, which is not to exceed \$7,000. Mr. Heath and Olivia Hall attended the National Main Street Conference in New Orleans. There are 2 new restaurants opening in Marion.

Mr. Hicks noted that Tony Edwards had been to Roanoke last week to accept a 2012 Waterworks award given by the Health Department each year. The delivery date for the generator for the Sewer Treatment Plant Project is still set for June 26, 2013. This project is still on schedule for completion in August. The Edwynne Water Line Project will be ready to bid near the end of June. The Rocky Hollow Memorandum of Understanding with the County for the Proposed use of the Cornett Springs has been tabled by the County.

Mr. Rush will be attending the VLGMA conference in June. The ipads are proving to be a great cost saving item. The Exit 47 Memorandum of Understanding letter has been completed and signed by Mr. Politis.

Mayor Helms announced that Emory & Henry College has received a \$200,000 grant which will positively impact the School of Physical Therapy.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-7) upon motion of Mrs. Jennings, seconded by Dr. Gates and vote of 7 AYES and 0 NOES, Town Council entered into Closed Session for the purpose of legal consultation. 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 7 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Owens, Weaver, Carter, Dr. Gates, Barker, Jennings and Ms. Spencer voted affirmatively.

Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, Mr. Rush and Mr. Fenyk are to write a letter regarding a breach of contract and terminate the contract and deliver the letter tomorrow, May 7, 2013.

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

Mayor

Clerk