

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 August 19, 2013 at 5:30 p.m.

PRESENT: Mayor David Helms; Dr. Jim Gates, Jim Barker, Jim Owens, 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 Lieutenant Rex Anders; Police Lieutenant Andrew Moss; Purchasing Agent Billy Hamm; Economic Development Director Ken Heath; Smyth County News Representative Stephanie Porter-Nichols; Town Clerk/Director of Finance Cindy Stanley.

ABSENT: None

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

VISITORS: Jeff Spickard, Charles Wassum, Mike Edwards, Carolyn Stamper, Dave Haney, Jake Schrum, Becky Coley, Eric Coley, Brian Reed, Chris Gilley, Lyn Thompson, Denton Staley and Kyle Rhodes.

MINUTES: Upon motion of Mr. Barker, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the minutes of the meeting held August 5, 2013 were approved as written. Messrs Weaver, Dr. Gates, Owens, Barker, Carter, Jennings and Spencer voted affirmatively.

AGENDA: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the Agenda was approved as amended.

PUBLIC PRESENTATION: None.

EMORY & HENRY PRESENTATION OF DR. JAKE SCHRUM AND NEW EMORY & HENRY PRESIDENT: An update on the Emory & Henry School of Physical Therapy was given by several staff members. The new President of Emory & Henry College, Dr. Jake Schrum was introduced. Dr. David Haney gave a brief update on the grants the college has received and introduced two other staff members. Eric Coley is the Academic Coordinator of Clinical Education. Dr. Kamran Tavakol is the Director of the Physical Therapy Program.

PUBLIC HEARING CRESCENT/PALMER HOUSING REHAB PROJECT: Chris Gilley with Mt. Rogers Planning District Commission reviewed the project. Mayor Helms opened the Public Hearing. With no public comment from citizens Mayor Helms closed the Public Hearing.

RECEIPT OF BIDS - GRAZING RIGHTS ON WTP PROPERTY: Mr. Rush noted the only bid received was from the current lease holder, Larry Bowman. The bid was in the amount of \$800 for five years. Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, the bid in the amount of \$800 through 2018 was accepted following the bid package specifications.

COURT STREET - VACATE RIGHT OF WAY AND DEED TO SMYTH COUNTY: Mr. Rush noted this request from Smyth County for the remodel of the Court House. Upon motion of Mr. Weaver, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, the Town of Marion will vacate Court Street from Park Street to Church Street and deed this to Smyth County.

COMMUNITY DEVELOPMENT ASSOCIATION: Mr. Rush gave a brief account of the CDA, noting the CDA sells bonds for the project, revenue is used to repay the bonds and the remaining revenue is shared between the two localities. Upon motion of Mrs. Jennings, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES, the Articles of Incorporation were approved with a change in the number of board members from 5 to 7, the Revenue Sharing Agreement was accepted and the committee was approved to include the 7 members listed in the draft.

REQUEST TO VACATE UNDEVELOPED RIGHT OF WAY ON JOHN STREET: Mr. Rush reviewed the request from the two property owners asking the Town to vacate the undeveloped right of way and deeding the property to them for the construction of an out building. Motion made by Mrs. Jennings and seconded by Mr. Barker to approve the request with the conditions the property is to be split between adjoining property owners was rescinded. Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 7

AYES and 0 NOES, this request was authorized subject to the property owners agreement to equitable cost which is to be determined.

HARWOOD IRF/ARC RESOLUTION: Mr. Heath noted these are Resolutions in support of a grant application for DHCD IRF Funds and for ARC Funds for the Holston Harwood Building. Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the Resolutions were approved. Mr. Reed with Mt. Rogers Planning District Commission reviewed the Residential Anti-Displacement and Relocation Plan. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the Residential Anti-Displacement and Relocation Plan was approved. Mr. Reed also noted that Mt. Rogers Planning District Commission is working on a grant application that will provide funds for an initiative to brand and market the outdoor recreation opportunities in a portion of Smyth and Grayson counties. Friends of Southwest Virginia is committing to the match with Mt. Rogers Planning District Commission doing the in-kind match. Upon motion of Mrs. Jennings, seconded by Dr. Gates and a vote of 7 AYES and 0 NOES, participation in this project was approved and Ken Heath was appointed to serve on this project.

PORTA-JOHN CONTRACT: Mr. Rush negotiated this contract with the current company, R & R Enterprises/Jobsite Johnny, for two(2) three year renewals at a 17% cost reduction. Upon motion of Mr. Owens, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, Mr. Rush was authorized to execute the contract.

ACCOUNTS: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, the accounts were approved for payment in the amount of \$657,936.34.

INVESTMENTS: Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the investment report was accepted.

Mayor Helms announced the Blue Ridge Job Corp Commencement will be Friday August 23, 2013 at 11:00 am. The next Council meeting will be held September 3, 2013 due to the Labor Day Holiday. He also noted there will be a change in the structure of the VML Insurance Programs. There will be free music at the RiverBend Park Amphitheatre on August 31, 2013 at 7:30 pm. Mayor Helms read a Resolution in support of closing Baughman Avenue Bridge for a period of 76 days for replacement. Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the Resolution was approved. Mayor Helms noted appreciation of Emory & Henry Representatives attendance tonight.

Mr. Fenyk noted that the deed for Court Street was ready to be signed. He also noted that the deed for Crescent Avenue will be ready this week.

Ms. Stanley briefly reviewed the Virginia Local Disability Program through the Virginia Retirement System. Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the Town of Marion will not opt out of the Virginia Local Disability Program.

Mr. Heath reviewed Pay Request #10 for the Streetscape project. Upon motion of Mr. Carter, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, Pay Request # 10 in the amount of \$87,875.00 was approved for payment. Mr. Heath gave an update on the Wayne Henderson School of Appalachian Arts. He also noted there will be a dedication ceremony at the Fire Department on September 11, 2013 at 6:00 pm for the unveiling of the 9-11 Memorial. There will be a dedication ceremony on September 12, 2013 at 5:00 pm at the Farmers Market for the designation of Marion/Smyth County becoming an Appalachian Trail Community.

Police Lieutenant Rex Anders noted the new traffic pattern at the intermediate school is working very well.

Mr. Hicks informed staff that he had contacted the contractor for the CO-Gen project and made him aware the change order had been denied. The Health Department is currently reviewing the bids for the Edwynne Water Line Project. Mr. Hicks noted there is a Health Department Planning Grant available for the Wilden Street Water Line project. Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, Town of Marion will apply for this design grant for Wilden Street Water Line project.

Mr. Rush noted the Spruce/Matson Housing Rehab project is ongoing and 9 houses have been completed. He also noted the Town's electronic backup files are going to be moved from the Senior Citizens Center to the Marion Police Department.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-1) and (A-3) 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 and discussion of the disposition of publicly held real property. 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 vote of 7 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Weaver, Carter, Barker, Owens, Dr. Gates, Jennings and Spencer voted affirmatively.

Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the Town Manager is directed to begin the process of developing the qualifications and job description for the Chief of Police.

Upon motion of Mr. Weaver, seconded by Mr. Carter and a vote of 7 AYES and 0 NOES, the Town Manager's salary will be adjusted pursuant to the contract of the 6 month anniversary date.

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

Mayor

Clerk