

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 21, 2012 at 5:30 p.m.

PRESENT: Mayor David Helms; Jane Hale, Tricia Spencer, Suzanne Jennings (arrived late), Jim Owens, Bill Weaver, Jim Barker 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 (arrived late); Economic Development Director Ken Heath; Purchasing Agent Billy Hamm; Town Clerk/Director of Finance Cindy Stanley.

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

VISITORS: Dr. Charles Wassum, Dan Kegley, Jeff Spickard, Erwin Rowland, Betty Jo Keith, Sally Firestone, Nancy Bales, Ann Martin, Peggy McKinnon, Mavis Williams, Mary Woak, P. G. Wingfield, Phyllis Robinson, Peter Doty, Harold Slemple, Howard Burton, Mike Richardson, Julie Kelly, James Kelly, Dale Richardson, Lois Richardson, Sandip Patel, Chaitali Patel, Joel Hampton, Bo Surber, Richard Keesling, Todd May, Jeff Richardson, Robert Ward, Mary Elizabeth Campbell and David & Chloe Potter.

MINUTES: Upon motion of Mr. Weaver, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, the minutes of the meeting held February 6, 2012 were approved as written. Messrs Barker, Owens, Weaver, Gates, Ms. Spencer and Mrs. Hale voted affirmatively.

PUBLIC PRESENTATIONS: Erwin Rowland 739 Park Boulevard presented documents to Council members. A petition with 327 signatures objecting to Mt Rogers Community Services Board request for parking was presented. Ms. Rowland is requesting clarification in the zoning ordinance in regards to parking.

P. G. Wingfield stated there are suitable vacant buildings on the State Hospital Property.

Betty Jo Keith 623 Staley Street is opposed to the location of the Mt Rogers Community Services Board. She is concerned about how the traffic will be controlled.

Harold Slemple 244 Robinhood Drive is concerned about the parking for the facility. He also stated he believes there is property available at the State Hospital. He indicated we need this type of facility only at a better location.

Mr. Patel, owner of the Econolodge Motel stated last Saturday there were three officers on his property hindering his customers. The driveway was blocked by the officers and he asked them to move.

Peter Doty 127 Ewring's Lane noted it seems the use of the terms are being stretched.

Chief Roberts arrived.

Dr. Wassum noted the comprehensive plan is to be protecting communities. He feels parking should be for the residents.

Diana Pennington 201 Holly Street has worked with the Lincoln Theatre and the Tourism Board and feels the location of the Mt Rogers Community Services Board will be negative for the neighborhood.

Mr. Fenyk stated the code of Virginia allows 30 days for an appeal. After the decision made at the December 12, 2011 Planning Commission meeting, there was no appeal recorded.

Mr Hicks reviewed the December 12, 2011 Planning Commission meeting minutes. Discussion ensued. Mr. Hicks noted that parking facilities are allowed in all districts.

REPORT ON STREETScape PROJECT REALIGNMENT AND STREET LIGHT COST: Mr. Heath stated VDOT has approved the project. The project is ready to order lights in the amount of \$44,304. Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, the lights were approved in the amount of \$44,304.

POSSIBLE PROCEDURE TO REMOVE HOUSE ON 427 PEARL AVENUE IN CONJUNCTION WITH CDBG PROJECT: Mayor Helms indicated we cannot get a clear deed to the property. Mr. Fenyk can file action in Circuit Court to begin proceedings to acquire the property. Quotes on demolition are between \$5,000 and \$7,000 per Mr. Clark. This purchase would be part of the Town's match on this project. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, this item was tabled until we have some firm numbers before we commit the money.

PROPOSED LIGHTNING PROTECTION ON CRYING TREE: There was \$600 budgeted for this project in the 2010-2011 budget. Mr. Clark indicated the fiscal year ended and the project was not started. A price was secured for \$4,911 for the lightning protection and \$1,280 for pruning for a total of \$6,190. There is a grant for \$2,500 from the Department of Forestry. Upon motion of Mr. Barker, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, this item was referred to the Budget Committee.

REQUEST FROM TOWN MANAGER TO SET GOLF COMMITTEE MEETING: Mr. Clark asked that a Golf Committee meeting be set for Thursday at noon. Mr. Heath noted that there will be a proposal for the Banquet Facilities by the next Council meeting.

PAY REQUEST #6 FOR THE SEWER TREATMENT PLANT: The Ultra Violet (UV) system should be up and running within the next 30 days. Mr. Spickard recommends approval of pay request #6 in the amount of \$76,679.16. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, pay request #6 was approved in the amount of \$76,670.16.

PAY REQUEST #3 FOR THE SEWER TREATMENT PLANT DIGESTER PROJECT: Mr. Clark reviewed the pay request. The contractor amount is \$121,103.05 and the engineering amount is \$1,200.00 for a total of \$123,103.05. Upon motion of Mrs. Hale, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, pay request #3 was approved in the amount of \$123,103.05.

Mrs. Jennings arrived.

ACCOUNTS: Upon motion of Mr. Weaver, seconded by Dr. Gates and a vote of 7 AYES and 0 NOES, the accounts were approved for payment in the amount of \$1,081,478.10.

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

UPDATE ON HEARTWOOD: Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, this was moved to March 19, 2012 Council meeting.

REQUEST FROM EXTREME VOLLEYBALL: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, this was referred to the Finance Committee.

REQUEST FROM FIRE DEPARTMENT ON SELLING VEHICLE: Mr. Todd May asked Council's permission to sale a 1987 engine and replace it with a newer engine. The Fire Department will pay for the new purchase of a newer vehicle. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the sale of the 1987 fire vehicle was approved.

REQUEST FROM MR. ERNIE SULLINS ON REZONING LOTS ON SHOP STREET: Upon motion of Mr. Barker, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, this item was referred to the Planning Commission.

STREET LIGHT REQUEST FROM MR. ERNIE SULLINS ON SHOP STREET: Upon motion of Mrs. Jennings, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES, this item was referred to the Street Light Committee.

REQUEST FROM BILL RUSH ON REZONING OLD HARWOOD PROPERTY: Upon motion of Mr. Barker, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, this item was referred to the Planning Commission.

POLICE CHIEF ON VACANCIES: Chief Roberts noted he received a resignation of an officer who has accepted a position with the State Police. He received a resignation from another officer today. In anticipation of these resignations, an advertisement was published in December. There are four or five certified applicants. February 24, 2012 will be both the officers last day. Chief Roberts will work on the previous issue with Mr. Patel and report back to Council.

SANITATION COMMITTEE ON ENGINEERING CONTRACT AMENDMENT FOR MT ROGERS MONEY AND SURGE PROTECTION OF UV LIGHTS: Mr. Clark noted this is a continuation of the last meeting. The Amendment is for \$6,200 for design. The Lane Group met with the Sewer Treatment Plant staff and the Sanitation Committee. Upon motion of Mrs. Hale, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the additional cost was accepted.

BUILDING & GROUNDS AND RECREATION ON UPWARD BOUND SOCCER: Upon motion of Mrs. Hale, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, this item was continued.

GOLF COMMITTEE: Dr. Gates noted there are some interviews set for Friday for the General Manager of the Golf Course. The Committee is accepting quotes for painting. Mr. Clark noted the survey should be done this week and be ready for closing in about five to ten days after survey is complete.

Mrs. Hale has received comments on 711 Iron Street in regards to dogs and trash. She has been asked about changing the due date of Business Licenses. This will be reviewed during budget workshops.

Mr. Owens has received positive comments about the snow removal. He also thanked Council for the VML trip.

Dr. Gates recommended referring the parking issues with Mt Rogers Community Services Board to the Ordinance Committee. Mr. Fenyk recommended this be sent back to the Planning Commission. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, this was referred to the Planning Commission for review.

Ms. Spencer has been approached by a couple of downtown businesses in regards to losing parking spaces due to the Streetscape Project.

Mayor Helms met with Utility Trailer today about the Memorial Day Parade. Their employees are positive and upbeat. There are over 1,000 employees. Mayor Helms noted while at the Legislative Day in Richmond they met with the Director of State Parks. They hope to partner with the Town to promote the Golf Course. Mayor Helms acknowledged the passing of the Deputy Clerk Anita Catron's husband and announced the Funeral arrangements.

Ms. Stanley brought to the attention of Council that Dr. Henderson Graham's term to the Board of Zoning Appeals Board has expired. He has agreed to serve another term. Upon motion of Mr. Weaver, seconded by Mrs. Hale and a vote of 7 AYES and 0 NOES, Dr. Henderson Graham was approved to serve another term.

Mr. Heath noted there will be two Grand Openings for new businesses Friday at noon. March 2, 2012 is the deadline for the newsletter. Marion is one of the top four picks for a location for a movie production from a book based in Dickenson County. They will be here Tuesday March 6, 2012 for a tour of the area. Back of the Dragon will be June 6 and October 16 and will be held at the Farmers Market this year.

Mr. Fenyk indicated VDOT has no money to provide to the Town for traffic being diverted thru town due to the repairs on Interstate 81.

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

Mayor

Clerk