

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 June 4, 2012 at 5:30 p.m.

PRESENT: Mayor David Helms; Jane Hale, Tricia Spencer, Suzanne Jennings, Dr. Jim Gates, Bill Weaver, Jim Owens and Jim Barker 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; Economic Development Director Ken Heath; Smyth County News Representative Stephanie Porter-Nichols; Councilman Elect Larry Carter; 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, Erwin Rowland, Pam Hall, Olivia Hall, Jeff Spickard, Joe Naff, Bob Lincoln, Tom Hower, Bill Buchanan, Ron Thomason, Tim White and Sam Russell.

MINUTES: Upon motion of Mrs. Jennings, seconded by Mrs. Hale and a vote of 7 AYES and 0 NOES, the minutes of the meeting held May 21, 2012 were approved as written. Messrs Barker, Weaver, Owens, Dr. Gates, Ms. Spencer, Mrs. Jennings and Mrs. Hale voted affirmatively.

PUBLIC PRESENTATIONS: Pam Hall with Brain Injury Services thanked Council for their appropriation and support.

Bob Lincoln, General Manager of the General Francis Marion Hotel would like an explanation as to how the lease for the food service vendor at the Golf Course was developed.

PUBLIC HEARING 2012 – 2013 BUDGET PROPOSAL: Dr. Gates reviewed the balanced budget, including the Golf Course. The only increase is in garbage pickup. Mr. Clark noted there is an increase in health insurance offsetting the garbage increase. Dr. Gates opened the Public Hearing for comment. Ron Thomason, Director of Tourism for Smyth County thanked Council for their support. Tim White, Executive Director and host of Song of the Mountains thanked Council for their support. He noted Alpha Natural Resources has withdrawn their sponsorship for the Song of the Mountains. Mr. White is requesting additional funding from the Town of Marion. Sam Russell spoke in support of Mr. White's request. Joe Ellis thanked Council for their support and also spoke in support of the additional funding for Song of the Mountains. Bill Buchanan also spoke in favor of this request. Upon motion of Mr. Owens, seconded by Mrs. Hale and a vote of 7 AYES and 0 NOES, the request from Song of the Mountains for additional funding will be referred back to the finance committee. With no further public comments, Mayor Helms closed the Public Hearing.

APPROVAL OF PAY REQUEST #7 FOR STREETScape PROJECT: Mr. Heath reviewed pay request #7. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and a vote of 7 AYES and 0 NOES, pay request #7 was approved in the amount of \$51,973.93.

APPROVAL OF FINAL PAY REQUEST ON HIGH LEVEL TANK: Mr. Spickard noted all repairs are complete. Mr. Spickard recommends approval of this pay request. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, the final pay request for the high level tank was approved in the amount of \$54,525.50 which includes the Town's match.

EXECUTION OF BANQUET CONTRACT AT GOLF COURSE: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, this item was moved to closed session, justification A-7 (possible litigation).

RESOLUTION OPTION ON VIRGINIA RETIREMENT SYSTEM CONTRIBUTION RATE: Ms. Stanley reviewed the resolutions and noted the resolutions must be passed prior to July 1, 2012 and received by Virginia Retirement System no later than July 10, 2012. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the Employer Contribution Rate Resolution was approved for the certified rate of 16.83%. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the Member Contribution Election Resolution was approved at 1%.

STREET COMMITTEE ON PAVING AWARD, CURB AND GUTTER ON STROTHER STREET, ISSUES ON LOT OVER STALEY CREEK AT PENDLETON AND MAIN AND WASSONA PARK MONUMENTS: Mr. Hicks

negotiated the cost of the asphalt from 107.65 per ton to 104.65 per ton, bringing the total bid for paving to \$317,296.39. The paving schedule is as follows: June 12 & 13 milling, June 14 paving to begin, June 22 complete and June 27 to receive invoice. Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the paving bid from W-L Construction & Paving, Inc. in the amount of \$317,296.39 was approved. Mr. Weaver explained the cost to replace the damaged curb and gutter on Strother Street will be \$12,800 for 282 feet. It is his recommendation for replacement. Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the 282 feet of curb and gutter on Strother Street was approved for replacement. The Wassona Park Monuments issue is still pending and waiting on deeds. Mr. Hicks noted the lot over Staley Creek is not a Town bridge or Town property, and he did not feel the Streetscape Project had caused the hole damage. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, this item was moved to closed session, justification A-7 (legal issues). Mr. Naff spoke as the property owner and noted he allows possible damage was done by the construction company

GOLF COMMITTEE ON ADVISORY BOARD: Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, this item was continued.

STREET LIGHT COMMITTEE ON LIGHT AT WEST END OF RIVERWALK: Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, this item was continued.

Mrs. Hale noted the trees at the Post Office are blocking the right of way.

Mayor Helms noted the Memorial weekend festivities went well and the VFW did a good job. He felt like the Back of the Dragon events were much better Downtown than at the School location. There was a new walking trail opened at Hungry Mother State Park. The Torch Run was held Saturday and Mayor Helms thanked those that participated. Mayor Helms is opposed to the meal elimination at the Senior Citizens Center. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, Mr. Clark will draft a letter in opposition of the meal elimination. Congratulations to Mr. Heath and Mr. Clark on the Virginia Municipal League Achievement Award.

Mr. Fenyk needs clarification for authorizing Terry Jennings to sign the lease agreement for the golf equipment of one tee mower and two rough mowers. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, Terry Jennings has been authorized to sign the equipment lease agreement.

Ms. Stanley briefly reviewed the Bank of Marion interest rates for the Police Department Building loan that is due to be refinanced. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, this item was referred to the Finance Committee.

Mr. Heath presented a proposal for the fireworks for this year, which is proposing a decrease in Town funding. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, this proposal was accepted.

Mr. Hicks stated Larry Carter will be leaving the Planning Commission and the Board of Zoning Appeals. Bob Ramsey is interested in the vacancy on the Board of Zoning Appeals. This position is appointed by the Judge from Councils recommendations. Mr. Wassum noted the code states only one person can sit on the Board of Zoning Appeals and Planning Commission per the Zoning Ordinance. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, recommendations for the Board of Zoning Appeals and Planning Commission will be continued until the next Council meeting.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-7) 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 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 7 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Barker, Owens, Weaver, Dr. Gates, Mrs. Jennings, Mrs. Hale and Ms. Spencer voted affirmatively.

Upon motion of Dr. Gates, seconded by Mr. Barker and a vote of 6 AYES and 1 NOES (Mr. Weaver), Mr. Hicks will get an estimate, not to exceed \$500, from an architectural engineer to assess the condition of the hole in the parking lot.

Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, Mayor Helms signature dated June 1, 2012 on the food services contract for the Golf Course was approved.

Upon motion of Dr. Gates, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, Mr. Heath and Mr. Clark are to compile a scenario of how we determined the food service contract, to Mr. Lincoln and a copy to Council.

Virginia Municipal League conference will be held in Williamsburg September 23-25, 2012. Submit your conference reservation to Ms. Stanley.

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

Mayor

Clerk