

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 July 2, 2012 at 5:30 p.m.

PRESENT: Mayor David Helms; Tricia Spencer, Bill Weaver, Jim Owens, Larry Carter, Dr. Jim Gates 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; Town Clerk/Director of Finance Cindy Stanley.

ABSENT: Suzanne Jennings.

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

VISITORS: Charles Wassum, Steven Jacoby, C B Gwyn, Joe Naff, Scott Freeman and Debra Carter.

MINUTES: Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, the minutes of the meeting held June 18, 2012 were approved as written. Messrs Barker, Weaver, Owens, Carter, Dr. Gates and Ms. Spencer voted affirmatively.

MINUTES: Upon motion of Mr. Barker, seconded by Mr. Owens and a vote of 5 AYES, 0 NOES and 1 ABSTENTION (Dr. Gates), the minutes of the meeting held June 29, 2012 were approved as written. Messrs Barker, Weaver, Owens, Carter and Ms. Spencer voted affirmatively.

Mayor Helms welcomed new Councilman Larry Carter. Mayor Helms also introduced Special Guest Steven Jacoby. Mr. Jacoby is walking from Prescott, AZ to Washington, D. C. Mr. Jacoby thanked everyone for welcoming him into our town.

PUBLIC PRESENTATIONS: Scott Freeman reported from the Smyth-Wythe Airport Commission. The new terminal is complete. There will be a ribbon cutting and open house on Saturday July 14, 2012 at 11:00 am. Mr. Freeman reviewed maintenance repairs needed and the land acquisition project.

APPOINTMENT OF TOWN MANAGER: Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, John E. B. Clark, Jr., was appointed as Town Manager. Messrs Carter, Barker, Owens, Weaver, Dr. Gates and Ms. Spencer voted affirmatively.

APPOINTMENT OF POLICE CHIEF: Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, Mike Roberts was appointed as Police Chief. Messrs Carter, Barker, Owens, Weaver, Dr. Gates and Ms. Spencer voted affirmatively.

APPOINTMENT OF TOWN CLERK/DIRECTOR OF FINANCE: Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, Cindy Stanley was appointed as Town Clerk/Director of Finance. Messrs Carter, Barker, Owens, Weaver, Dr. Gates and Ms. Spencer voted affirmatively.

APPOINTMENT OF ASSISTANT TOWN MANAGER/TOWN ENGINEER: Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, Cecil Hicks was appointed as Assistant Town

Manager/Town Engineer. Messrs Carter, Barker, Owens, Weaver, Dr. Gates and Ms. Spencer voted affirmatively.

APPOINTMENT OF TOWN ATTORNEY: Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, Mark Fenyk was appointed as Town Attorney. Messrs Carter, Barker, Owens, Weaver, Dr. Gates and Ms. Spencer voted affirmatively.

REPORT ON BOUNDARY ADJUSTMENT REQUEST TO BOARD OF SUPERVISORS: Mr. Clark presented this request to the Board of Supervisors at their last meeting on Thursday night June 28, 2012. Smyth County will have a Public Hearing on this request on August 14, 2012.

APPROVAL OF PAY REQUEST NUMBER 6 AND 7 ON PARKING GARAGE AND UPDATE: Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, pay request number 6 for the Parking Garage in the amount of \$71,817.50 was approved for payment. Upon motion of Dr. Gates, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, pay request number 7 for the Parking Garage in the amount of \$46,008.50 was approved for payment. Mr. Heath noted the Parking Garage unofficially opened Friday.

REQUESTED TIMELINE ON BANQUET/KITCHEN CONTRACT AT GOLF COURSE: A timeline was submitted to Council as requested. Mr. Heath reviewed the timeline.

PRESENTATION OF REVENUE/COST OF RECREATION POOL THROUGH JUNE 23, 2012: This information was submitted to Council as requested. Mr. Clark reviewed the numbers with Council.

STREET LIGHT PROPOSAL AT LOWER END OF RIVERBEND PARK: Mr. Clark noted a Street Light Committee meeting will be set as soon as Appalachian Power has submitted a proposal. The Shop Street request for a street light is still pending per Appalachian Power.

SURVEY ON PROPERTY LINE AT PENDLETON AND MAIN: Mr. Hicks noted Mike Heldreth should have this completed next week.

APPOINTMENTS TO PLANNING COMMISSION AND BOARD OF ZONING APPEALS: Upon motion of Mr. Barker, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, these appointments will be continued.

PRESENTATION OF COMMITTEE ASSIGNMENTS FOR 2012-2013: Mayor Helms reviewed the Committee Assignment recommendation. Upon motion of Mr. Barker, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the committee assignments were accepted. As part of the committee assignments, Mr. Barker was appointed to the District III Board.

EVALUATION OF NEEDED REPAIRS ON GOLF COURSE POOL: Dr. Gates noted an estimate has been submitted for these repairs. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, this item was continued.

PROPOSED PURCHASE OF IPADS: Mr. Clark reviewed the proposal and noted the cost will increase in three to four weeks. Upon motion of Dr. Gates, seconded by Ms. Spencer and a vote of 6 AYES and 0 NOES, this was referred to the Technology Committee to make a recommendation at the next meeting, or act if needed.

UPDATE ON OLD SCHOOLHOUSE GRANT: We have received the Grant award from the Department of Housing and Community Development and are awaiting word from the Appalachian Regional Commission. A management team has been formed.

Mayor Helms noted a letter from Mike Davidson had been received asking for funding for Rachel's Challenge, an Anti-Bullying Program. Upon motion of Mr. Weaver, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, the recommendation was for Marion Senior High School and Marion Middle School use their yearly appropriation from the Town totally \$1,200 for this new program.

Dr. Gates noted the Golf Committee has a tentative proposal for Advisory Board Members. The five members are Gary Peacock, Kathy Cox, Eric Pennington, Dr. Gates and Jim Owens. Upon motion of Dr. Gates, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, these five members will serve on the Golf Course Advisory Board.

Mr. Barker welcomed new Councilman Mr. Carter.

Mayor Helms asked members of Council to submit their registration to Ms. Stanley for VML Conference in September. Song of the Mountains had a full house Saturday night. The Smyth County News had an article in the paper about the decrease in the Senior Citizen Meals Program.

ADOPTION OF THE VIRGINIA CODE AS AMENDED JULY 1, 2012: Mr. Fenyk noted that the Town needs to adopt those changes. Upon motion of Mr. Barker, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, the Town adopted the Code of Virginia as amended July 1, 2012.

Mr. Heath noted the Chili Cook Off will be July 20, 2012. Mr. Heath will have a report at the next meeting on the Fireworks Donations.

Chief Roberts noted there were very few changes in the Code of Virginia. The Police Department is working with the Town Attorney on updating the Town Ordinances. Upon motion of Dr. Gates, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, this will go to the Ordinance Committee when prepared.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-7), (A-3) upon motion of Mr. Weaver, seconded by Mr. Owens and vote of 6 AYES and 0 NOES, Town Council entered into Closed Session for the purpose of consultation with legal counsel and possible purchase of real property for a public purpose. Mr. Weaver 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 6 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Barker, Owens, Weaver, Carter, Dr. Gates and Ms. Spencer voted affirmatively.

COUNTER OFFER FROM PROPERTY OWNER AT CORNER OF MAIN AND CHATHAM HILL ROAD: Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, proposal to purchase property for new street light construction at the corner of Main Street and Chatham Hill Road offer was accepted.

CONTRACT ON INDUSTRIAL DELINQUENT WATER/SEWER ACCOUNT: Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 4 AYES, 1 NO (Ms. Spencer) and 1 ABSTENTION (Dr. Gates), Mr. Clark is to contact and negotiate a new contract with the new company with stipulations on the deadline to pay and the new company is to make a deposit and try to collect the past due amount.

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

Mayor

Clerk