

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 6, 2012 at 5:30 p.m.

PRESENT: Mayor David Helms; Tricia Spencer, Bill Weaver, Jim Owens, Larry Carter 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; Economic Development Director Ken Heath; Smyth County News Representative Stephanie Porter-Nichols; Town Clerk/Director of Finance Cindy Stanley.

ABSENT: Suzanne Jennings and Jim Barker.

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

VISITORS: Charles Wassum, C B Gwyn, Joe Naff, Shane Ashlin, Jay Overbay and Don Barker.

MINUTES: Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 5 AYES and 0 NOES, the minutes of the meeting held July 16, 2012 were approved as written. Messrs Weaver, Owens, Carter, Dr. Gates and Ms. Spencer voted affirmatively.

PUBLIC PRESENTATIONS: Charles Wassum 200 Larch Street, referred to the minutes of March 5, 2012. Mr. Wassum feels the minutes of March 5, 2012 incorrectly represented his concerns. He states his presentation was in regards to zoning not a parking lot on residential land.

PLAT OF DAMAGED AREA AT PENDLETON AND MAIN: Mr. Hicks reviewed the Plat/Survey and noted the damage is 6.3 feet onto the Naff/Gwyn Property. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 5 AYES and 0 NOES, the request for the Town to pay for repairs on the property was denied.

APPROVAL OF PAY REQUEST NUMBER 9 ON SEWER TREATMENT PLANT BIOGAS PROJECT: Mr. Clark reviewed the pay request and recommends approval. Upon motion of Mr. Carter, seconded by Mr. Owens and a vote of 5 AYES and 0 NOES, pay request number 9 in the amount of \$77,430.93 was approved for payment.

NOTICE OF CHAMBER OF COMMERCE TOWN AND COUNTRY BARBEQUE AUGUST 16, 2012: Mayor Helms noted the Town and Country Barbeque will be held at the W-L Hanger in Chilhowie on August 16, 2012 at 6:30pm. He asked anyone planning to attend to please notify Ms. Stanley.

STREET COMMITTEE ON PARKING ISSUE ON SPRINKLE AVENUE: Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 5 AYES and 0 NOES, this item was continued until more information can be received from VDOT, due to the steep grade and limited view.

POLICE COMMITTEE CONCERNING MUTUAL AID AGREEMENT: Smyth County presented the Mutual Aid Agreement to the Town. The term of the agreement is from January 1, 2012 until December 31, 2015.

These dates correspond to the Sheriff's term of office. At the Council meeting on January 17, 2012 Mayor Helms and Chief Roberts were given the authority to sign the agreement when it is ready.

Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 4 AYES, 0 NOES and 1 ABSTENTION (Mr. Carter), Council will review the tape from March 5, 2012 for verification.

Ms. Spencer noted there is a tree at the cemetery needing to be removed.

Mayor Helms noted the Blue Star Memorial was placed at the Train Station. He noted Spirit 45 World War II Appreciation Day will be held at the Court House Sunday August 12, 2012. Mayor Helms received a check for \$500 from the VFW as a donation for the Fireworks display. The Town and County quarterly meeting is in the planning process. It is to be held on August 30, 2012 at 6:15pm at the Holston Hills Community Golf Course.

Ms. Stanley noted the Commissioner of Revenue has contacted her office and the Real Estate and Personal Property taxes will be prepared and mailed much sooner this year than in the past.

Mr. Heath noted forty people have signed up for the Small Business Class that is to be held at the Municipal Building on Tuesdays for the next eight weeks. Mr. Heath has received two proposals on the 1908 Schoolhouse Project from Spectrum Design and Lane Engineering. There will be a Crooked Road meeting here on Thursday August 16, 2012 at 10:00am. Mr. Heath noted he has two issues for executive session on possible purchase of Real Estate.

Mayor Helms noted there were three new vendors at the Farmers Market this past Saturday.

Ms. Spencer inquired about the contract with First Fruits. Mr. Clark noted they only owe the current bill.

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 a vote of 5 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 Mr. Owens and carried by a vote of 5 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Owens, Weaver, Carter, Dr. Gates and Ms. Spencer voted affirmatively.

LICENSING CONTRACT AT GOLF COURSE: Upon motion of Dr. Gates, seconded by Ms. Spencer and a vote of 5 AYES and 0 NOES, the contract for ABC Licensing was amended to include the Golf Course itself and the Liability Insurance is to remain at one million dollars as per the original contract.

Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 5 AYES and 0 NOES, the possible purchase of Real Estate was referred to the Buildings and Grounds Committee.

Upon motion, duly seconded and a vote of 5 AYES and 0 NOES, the meeting was adjourned.

---

Mayor

---

Clerk