

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 September 17, 2012 at 5:30 p.m.

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

INVOCATION/PLEDGE TO THE FLAG: Mrs. Jennings rendered the invocation. Boy Scout Landon Hanshew led the Pledge to the Flag.

VISITORS: Charles Wassum, Scott Schrieffer, Ann Edmisten, Landon Hanshew, Jeff Hanshew, Marilyn Peacock and Gary Peacock.

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, the minutes of the meeting held September 4, 2012 were approved as written. Messrs Barker, Weaver, Owens, Carter, Dr. Gates, Ms. Jennings and Ms. Spencer voted affirmatively.

PROCLAMATION OF CONSTITUTION WEEK: Mayor Helms read the Proclamation. Upon motion of Mr. Barker, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, September 17-23, 2012 is recognized as Constitution Week.

RESOLUTION ON EXTRA MILE DAY: Mr. Heath read the Resolution. Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, November 1, 2012 is declared as Extra Mile Day.

PUBLIC PRESENTATIONS: None

REPORT ON ONGOING LEAK REPAIRS FOLLOWING CORRELATION STUDY: Mr. Hicks noted the leak study crew had spent the last two months correlating at night to find leaks. There have been 85 leaks found on the low pressure side and 66 of those repaired thus far. Correlating is scheduled to begin on the high pressure side.

REQUEST FROM ADJOINING PROPERTY OWNER ON REQUESTED ACCESS THROUGH TOWN WATER TREATMENT PLANT PROPERTY: Mr. Clark noted this item has been handled administratively. The adjoining property owner requested access for the purposes of logging timber. Mr. Clark noted the many reservations regarding this request. This request was respectfully declined and a letter sent to the adjoining property owner.

APPROVAL OF PAY REQUEST NUMBER 10 ON BIOGAS PROJECT: Mr. Clark noted the contractor is 75% finished and recommends approval. Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, pay request #10 in the amount of \$73,662.00 was approved.

POTENTIAL START OF RADIO HILL WATER PROJECT: Mr. Clark noted receipt of a notice of violation from the Health Department about two years ago. Mr. Hicks noted this involves one residence and the radio station. Mr. Fenyk advised the property is in a Trust. The document has been sent to the Trustee. The document needs to be executed. The cost estimate for this project is \$6,200. Funding has been secured through Southeast Regional Community Assistance Project.

SCHEDULED START OF LAST SUBSTANTIAL UPGRADE OF SIGNALS AT LEE, MAIN AND CHATHAM HILL: Mr. Hicks talked to the Contractor last Thursday. Work is scheduled to begin immediately.

ADVERTISEMENT OF PEST CONTROL CONTRACT: Mr. Hamm stated there are ten buildings to be included in this contract. Bids are due on September 21, 2012 at 10:00am.

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 \$1,072,912.15.

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

RECOMMENDATION ON LEASE GOLF CARTS AT HOLSTON HILLS COMMUNITY GOLF COURSE: Currently the Golf Course owns 20 golf carts and leases 20 golf carts. There is a need for approximately 10 more carts. Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the bid was awarded to Cunningham Golf Car Company in the amount of \$26,104 for 50 golf carts with a trade in on the 19 carts owned by the Town.

APPROVAL OF MANAGEMENT AGREEMENT FOR WAYNE HENDERSON SCHOOL OF MUSIC AND RECEIPT OF 501C3 DETERMINATION OF SAME: Mr. Heath noted the Wayne Henderson School of Music has received notification of 1.2 million dollars in Grants. Upon motion of Dr. Gates, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, the Management Agreement was approved with Brian Reed of Mount Rogers Planning District Commission to manage the Grants at a cost of \$53,000.

ORDINANCE COMMITTEE ON VARIETY OF POLICE RELATED ISSUES: There are six ordinance issues the Police Department would like amended.

1. Restitution of \$350 if an individual is found guilty of one of four different offense including DUI, reckless driving, driving without a license and leaving the scene of an accident.
2. Restitution of \$350 if an individual is found guilty of a terrorism hoax.
3. Individuals charged with manufacturing of methamphetamine shall be responsible for the expense of the cleanup.
4. Bow and Arrow needs to be specified under other weapons not allowed to be discharged.
5. Administrative revision on overtime parking in the Downtown District.
6. Fees related to Accident Reports. Upon motion of Mrs. Jennings, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES, Mr. Fenyk will prepare the draft copies for review of the Ordinance Committee which will then present them to Council with a recommendation by October 15, 2012.

FINANCE COMMITTEE ON 2012-2013 \$20,000 UNIFORM BUDGET ITEM: Mr. Hamm reviewed this item noting most employees utilize the boot allowance. There is much debate about the uniforms and some sort of identification for employees, including the possibility of identification badges. Upon motion of Dr. Gates, seconded by Mr. Carter and a vote of 6 AYES and 1 NO (Mr. Weaver), the boot allowance was raised from \$75 to \$125, do not renew the uniform contract and present a proposal on uniforms and identification to Council. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, this item was continued.

Mrs. Jennings noted the Wassona area Residents thank the Town employees for mowing.

Dr. Gates noted that Mrs. Joyce Greenwood wife of former Council Member Bill Greenwood passed away.

Mr. Barker reminded Council Members the Comprehensive Plan was included in the packet and asked everyone to please review. A Joint Public Hearing date will need to be set at the next Council meeting for approval of the Comprehensive Plan.

Mayor Helms was very appreciative of the 911 Program and proud to have a piece of the Twin Tower Steel. The Fly-In Saturday at the Airport was very nice. The Tourism Appreciation Picnic was held last week. Mayor Helms thanked Mrs. Catron for attending the meeting.

Ms. Stanley noted the ongoing court case is scheduled for Thursday. One of the Fire Trucks has been paid off as per Finance Committee's request during budget preparation.

Mr. Heath noted the Homecoming Parade will be held Thursday.

Mr. Hicks noted a Joint Public Hearing has been advertised and set for October 1, 2012.

Mr. Schriefer noted the Smyth County Lead Program kicked off last Thursday night and will run through the end of April.

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

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

Mayor

Clerk