

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 October 15, 2012 at 5:30 p.m.

PRESENT: Mayor David Helms; Larry Carter, Dr. James Gates, Tricia Spencer, Suzanne Jennings, Bill Weaver, Jim Owens and Jim Barker, Council Members; Town Attorney Mark Fenyk; Town Manager John E. B. Clark, Jr.; Assistant Town Manager/Town Engineer Cecil Hicks; Purchasing Agent B. J. Hamm; Economic Development Director Ken Heath; Police Chief Mike Roberts; Police Lieutenant Andrew Moss; Police Lieutenant Rex Anders; Engineers Assistant Todd Long; Smyth County News Representative Stephanie Porter- Nichols; Deputy Town Clerk Anita Catron.

INVOCATION/PLEDGE TO THE FLAG: Mr. Heath rendered the invocation. Girl Scouts Olivia Vanhoy and Taylor Lee Thompson led the Pledge to the Flag.

VISITORS: Scott Schriefer, Stacey Ely, Dave Haney, Sally Morgan, Kim Vanhoy, Olivia Vanhoy, Taylor Lee Thompson, Tracy Thompson, David Thomas, Charles Hayden, Lyn Thompson and Charles Wassum.

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Owens, and a vote of 7 AYES and 0 NOES, the minutes of the meeting held October 1, 2012 were approved with one correction. Messrs Barker, Owens, Dr. Gates, Ms. Spencer, Mrs. Jennings, Mr. Carter and Mr. Weaver voted affirmatively.

PUBLIC PRESENTATION: Mr. Bill Thompson was not in attendance.

REQUEST FROM EMORY AND HENRY COLLEGE: Dr. Dave Haney with Emory and Henry College spoke requesting assistance from Town of Marion in the amount of \$100,000.00. This would be given over a three (3) year period. The money will be used to help with costs for more faculty, day-to-day operations and additional space as needed. Emory and Henry hope to expand the Health Care Programs and this will require more staff and additional space. Upon motion of Dr. Gates, seconded by Ms. Spencer, and a vote of 7 AYES and 0 NOES, this item was approved for funding over the next three year period.

ERIC ALBANO YOUTH SOCCER FOUNDATION 5-K GOBBLER GALLOP: Mike Albano was present to request permission to have the 5-K run on Thanksgiving Morning, November 22, 2012 at 9:00 A. M. The route will be the same as last year. The foundation felt they had very good attendance last year and that everyone enjoyed this. Upon motion of Dr. Gates, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, this request was approved.

SCARECROW LANE ON MAIN STREET: Olivia Vanhoy and Taylor Lee Thompson, members of the Girl Scouts, were present to talk about the Scarecrow Lane Project on Main Street. This was a Girl Scout Project as a way to promote small business and tourism in Marion. They have had a lot of compliments on this project. Various businesses, churches and other agencies have participated in this at a cost of \$15.00. Ballot jars have been placed in various business locations so anyone may go by and vote for your favorite scarecrow. Prizes will be given for first, second and third place winners. The winner will be announced later in the paper. The response to this has been very good and they hope to repeat it again next year.

RESOLUTION HONORING THE ACHIEVEMENT BY MOUNTAIN STATES HEALTH ALLIANCE IN BEING NAMED THE 2012 NATIONAL QUALITY HEALTHCARE AWARD RECIPIENT: Stacey Ely was in attendance to accept this resolution. This award is given by the National Quality Healthcare and they present only one (1) national award annually. Upon motion of Mr. Weaver, seconded by Mrs. Jennings, and a vote of 7 AYES and 0 NOES this resolution was approved and presented by Mayor Helms to Ms. Ely.

APPROVAL OF PAY REQUEST #11 ON BIOGAS PROJECT: Mr. Clark reviewed the pay request from the contractor in the amount of \$155,080.31. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, this pay request was approved for payment. Mr. Clark also stated there was a change order that has been received from the contractor in the amount of \$54,978. This change order dealt with replacement of the old carbon steel piping and exceeds the available contingency. Other sources have been contacted with regards to pricing for the needed item, and we have been given a price that is less than the contractor has quoted. Mr. Clark stated they are to have a meeting with regards to this and he will have more information at the November 5th meeting. He also stated the Town

had received another \$32,049.30 in Mount Rogers PDC funding for the project and thanked PDC employees Chris Gilley and Brian Reed for the effort.

PROPOSED RESOLUTION TO REVISE ENTERPRISE ZONE: Community Development Director Ken Heath and Smyth County Community and Economic Development Director Sally Morgan, gave an overview of the area they are requesting to have Council approve for changes to the Enterprise Zone. These changes would add more property to the Enterprise Zone, require changes be made in past incentives, Building Permit Fee's, Water and Sewer Costs and Business License charges. New wording would also clarify that new jobs must be full-time permanent jobs to be eligible for tax incentives. They feel if this amendment is approved by Council it will help not only here, but in other areas of Smyth and Washington Counties also as this will allow for more acreage to be included, and create more full time job opportunities. Upon motion of Mrs. Jennings, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES, this resolution was approved.

APPEAL LETTER CONCERNING VDOT DENIAL OF USING LAND PURCHASE AT HARDEE'S INTERSECTION FOR 2 % MATCH: Mr. Clark informed Council Members that the original request to VDOT had been denied. After discussion with the property owner asking for a donation, they noted that VDOT had sent a letter in which VDOT made the possibility of purchasing the property an option. The property owner then felt that compensation was needed if they were to give up the property. Mr. Clark has made a second request to VDOT for this to be reconsidered in the 2% match for the Town because of this situation. To date the second request has been sent to Richmond for review.

VML INSURANCE POSITION ON VOLUNTEER BUS DRIVERS: Mr. Clark has contacted VML concerning coverage and has been informed by the representative that these drivers will be covered under liability however, not worker's compensation. Todd Long is conducting tests for the volunteer drivers. They must have a valid driver's license with a good driving record to be considered for this. Mr. Clark suggests this program continue but it must be monitored.

ACCOUNTS: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the accounts were approved for payment in the amount of \$812,166.86.

INVESTMENTS: There were no investments for this period. Upon motion of Mr. Owens, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES this report was approved.

RESOLUTION TO CLOSE CHATHAM HILL ROAD BRIDGE FOR REPAIRS: Mr. Hicks presented a resolution to Council for approval on closing the Chatham Hill Road Bridge for repairs. Approval of this resolution to close the bridge to traffic for sixty (60) days is required by the Department of Transportation before the work can begin. Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, this resolution was approved, with the request of Council that this work is done during the summer months so as not to interfere with school traffic.

UPDATE ON STORM RECOVERY EFFORTS THROUGH FEMA: Mr. Heath has been working with employees from each department to gather cost information for cleanup efforts from the storms. FEMA has determined that some of these costs may be reimbursed back to the town.

NEW TRAFFIC PATTERN AT MARION PRIMARY SCHOOL: Mr. Hicks informed council of a meeting with Dr. Robinson and Mr. Jeff Cassell of the Smyth County School Board concerning the change in traffic pattern for bus traffic and parent pick-up/drop off of students. They need to extend the road that will have three (3) gates that can be opened and closed at appropriate times to allow for the traffic flow. The school officials will be responsible for opening and closing the gates.

GOLF COMMITTEE ON FEES AND EQUIPMENT NEEDS: Dr. Gates stated the Golf Committee had met with Terry Jennings and the new rates for winter are going into effect in November. Also new rates may need to be set to continue to reach the current revenue level. They also request permission from council to lease a special tractor that will mow and blow leaves. The Golf Course has no leaf blower and this will allow them to keep the greens clear of leaves. They have gotten two (2) proposals for this tractor and feel the best quote was from Ventrac. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES leasing of the new mowing tractor was approved.

FINANCE COMMITTEE ON EMORY AND HENRY COLLEGE REQUEST AND IMPROVEMENTS TO LOT ON PEARL/BUCHANAN STREETS IN CONJUNCTION WITH CDBG PROJECT: Dr. Gates stated the Finance Committee has met and decided to use this lot for parking now and review this at a later date. They will then consider adding a shelter to be used for picnics and by children waiting for the bus. They request the town crew roll this area and spread milling material so it may be used for parking.

ORDINANCE COMMITTEE ON A VARIETY OF ISSUES: Mrs. Jennings stated the ordinance committee would like to set another Public Hearing for possible amendment to five (5) listed Ordinances. Authorization For Charging Of A Fee For Accident Reports, Methamphetamine Lab Cleanup Costs, Reimbursement of Expenses Incurred In Responding to DUI and Related Incidents, Notice to Owner or Operator: Payment of Fine Within 24 Hours and Reimbursement of Expenses Incurred In Responding to Terrorism Hoax Incidents. Upon motion of Mrs. Jennings, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES these were set for Public Hearing on November 19th. Mayor Helms reminded everyone of the Public Hearing set for November 5th to adopt the Comprehensive Plan and for the possible amendment to Discharge of Firearms and other Weapons Ordinance.

Mrs. Jennings inquired about the I-PAD training classes. Todd Long stated he and Chris King have those ready if anyone would like to take them home. They also will be having two (2) classes on these one will be scheduled for morning and one for later in the day. He will notify everyone with possible dates for these classes.

Mr. Barker thanked everyone for turning in the nominations for the Extra Mile Project.

Mayor Helms stated he has received a letter from Mr. John Graham who has requested the Town consider taking action to improve street signs in two (2) places. The first is at the intersection of Lee Street and Church Street he would like council to consider a "Dangerous Intersection" sign for this intersection. The second request is for the bottom of East Main Street. Cars miss the turn and become lost in a residential neighborhood. Some type of signage needs to be in place to indicate that Main Street continues around the curve and not up the hill. Also lines painted on the edge of the street may also be of help. Mr. Hicks is to work on these problems.

Mr. Heath gave an update on the "Pop-Up Business" project. These classes have been well attended and there has been a lot of excitement shown over the possibilities that have come from these classes. Several in attendance have requested another class. Wells Fargo has contributed \$15, 000.00 for small business grant. Also there was a group visiting our town today from New York City. They are doing a documentary on where the 911 Memorial Steel has gone. Town of Marion appears to have one of the largest pieces of this Memorial Steel. They have indicated they will be back for the dedication ceremony. A representative from Virginia Main Street will be in town on Wednesday 17th to discuss what can be done in Downtown to keep making improvements. Mr. Heath also would like to request \$420.00 for the Town's portion of the "Back of the Dragon Sign. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, this request was approved with the understanding that Tazewell must approve their match of the money for a sign in their town. B.J. Hamm Purchasing Agent, stated the bids for Pest Control have been received. The low bid was SNR Pest Control. Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES this bid was accepted in the amount of \$140.00 monthly.

Scott Schriefer requested to speak on behalf of the Lead Program. He was a part of this program sponsored by the Chamber of Commerce of Smyth County, and participated in a 10 hour tour of the towns and different areas in Smyth County. He found the tour very informative and found that in each town there was a different thought as to what was going on. He felt Mr. Heath was informative with the focus for Town of Marion, and thanked him and everyone involved with this program.

CLOSED SESSION Pursuant to Code of Virginia, as amended Section 2.2-3711 (A-1) & (A-7) upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, Town Council entered into Closed Session for the purpose of consultation with legal counsel and personnel matters. 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. Spencer and carried by a vote of 7 AYES and 0 NOES. The Deputy Clerk

polled the Council Members. Messrs Barker, Owens, Weaver, Carter, Dr. Gates, Ms Spencer and Mrs. Jennings voted affirmatively.

Upon motion of Dr. Gates, seconded by Ms. Spencer and a vote to 7 AYES and 0 NOES, Mr. Clark was to set up a meeting with the County concerning the implications with the Boundary Adjustment Request. Also the Personnel Committee will have a meeting with Mr. Clark to discuss job criteria. Mr. Clark was requested to advertise the job with VML.

Mr. Carter informed members of a medical clinic that he has discussed with the Mayor of Bluefield, VA. These clinics are open on Saturday and often later in the evenings. They offer an alternative to the hospital emergency room. He has had good feed-back from people who have gone to these clinics. He presented a pamphlet to Mr. Clark to be given to the appropriate committee to check into this and see if this might be something good to come into our area as the closest one to Marion is in Abingdon.

Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the meeting was adjourned.

Mayor

Clerk