

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 November 19, 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; Economic Development Director Ken Heath; Police Chief Mike Roberts; Police Lieutenant Rex Anders; Police Lieutenant Andrew Moss; Engineers Assistant Todd Long; Smyth County News Representative Stephanie Porter-Nichols; Purchasing Agent B. J. Hamm; Fiscal Technician Paula Ashlin.

INVOCATION/PLEDGE TO THE FLAG: Mr. Heath rendered the invocation. Mayor Helms lead the pledge to the flag.

VISITORS: Jeffery Horn

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Carter, and a vote of 7 AYES and 0 NOES, the minutes of the meeting held November 5, 2012 were approved with one correction. Mr. Barker, Mr. Owens, Dr. Gates, Ms. Spencer, Mrs. Jennings, Mr. Carter, and Mr. Weaver voted affirmatively.

RESOLUTION IN APPRECIATION OF JAMES ROGERS: Upon motion of Mr. Weaver, seconded by Dr. Gates, and a vote of 7 AYES and 0 NOES, the resolution was approved.
Mike Roberts introduced the new Town Police Officer Jeffrey Horn.

PUBLIC HEARING: PROPOSED ORDINANCE TO AMEND SECTION 74-152, NOTICE TO OWNER OR OPERATOR PAYMENT OF FINE WITHIN 24 HOURS: Lieutenant Anders handed out a revised copy of the ordinance with two corrections. Mayor Helms discussed that the reason for the ordinance is for business owners who abuse parking spaces on Main Street. Discussion ensued. Upon motion of Mrs. Jennings, seconded by Mr. Weaver, and a vote of 7 AYES and 0 NOES, the two hour parking limit was increased to a three hour parking limit.

PUBLIC HEARING: PROPOSED ORDINANCE GIVING AUTHORIZATION FOR CHARGING OF A FEE FOR ACCIDENT REPORTS: Lieutenant Anders reviewed the state code and the ordinance. Mr. Anders noted that they are exploring a new digital central insurance hub that would allow us to share insurance reports and charge for them without insurance companies charging us fees. Upon motion of Dr. Gates, seconded by Mrs. Jennings, and a vote of 7 AYES and 0 NOES, the ordinance was approved.

PUBLIC HEARING: PROPOSED ORDINANCE ENACTING SECTION 46-26 METHAMPHETAMINE LAB CLEANUP COST: Chief Roberts briefly went over the ordinance and explained that this was federally funded at one point but is now up to the Town of Marion for funding and it would cover reimbursement for clean-up and personal protective equipment up to \$500. Upon motion by Mrs. Jennings and seconded by Mr. Owens, and a vote of 7 AYES and 0 NOES the ordinance was approved.

PUBLIC HEARING: PROPOSED ORDINANCE ENACTING SECTION 46-27 REIMBURSEMENT OF EXPENSES INCURRED IN RESPONDING TO DUI AND RELATED INCIDENTS: Chief Roberts summarized details from a letter from the General Assembly that the Circuit Court had forwarded to the Town of Marion. The letter contained reimbursement rates that were designed to recoup tax payer's money. Upon motion by Mrs. Jennings, seconded by Mr. Owens, and a vote of 7 AYES and 0 NOES the ordinance was approved.

PUBLIC HEARING: PROPOSED ORDINANCE ENACTING SECTION 46-28 REIMBURSEMENT OF EXPENSES INCURRED IN RESPONDING TO TERRORISM HOAX INCIDENT: Chief Roberts reviewed

a letter from the General Assembly that was forwarded by the Circuit Court to the Town of Marion explaining guidelines in an effort to recoup tax payer's money in case of an incident of terrorism. Upon a motion by Mrs. Jennings, seconded by Mr. Weaver, and a vote of 7 AYES and 0 NOES the ordinance was approved.

APPROVAL OF PAY REQUEST ON BIO-GAS PROJECT AND RELATED ISSUES: Mr. Clark requested approval of pay request number 12 in the amount of \$17,923.44. Mr. Clark also mentioned that the Town received \$132,000.00 from Mt. Rogers in the form of two grants available from the Southwest Virginia Wastewater fund. There will be a meeting in December with all parties involved with both the Phase I Project and Biogas Project to correctly allocate the Mt. Rogers money. Upon motion by Mrs. Jennings, seconded by Dr. Gates, and a vote of 7 AYES and 0 NOES pay request number 12 in the amount of \$17,923.44 was approved.

REPORT ON INSURANCE COVERAGE QUOTE AT GOLF COURSE: Mr. Clark gave a brief summary on the two different companies and the differences in the policies. Mr. Clark's research shows that for the seven month period from December 2012 to June 2013 the private carrier would cost \$6,555.00 and the VML Insurance Program would cost \$ 1, 077.00. Mr. Clark recommended going with the VML policy.

REPORT ON REVISED ARCHITECTURAL CONTRACT ON SCHOOL OF APPALACHIAN MUSIC AND ARTS: Mr. Heath stated he and Mr. Clark had researched the standard architectural fees and a copy was supplied to council from DHCD on a 1,000,000.00 project. No more than 10% was standard. Mr. Huber's fee was 9.3% and all funding agencies are satisfied. Costs for the project would be \$95,000.00 for basic services, \$2,500.00 for materials and \$5,000.00 for a tax credit application which comes to the total of \$102,500.00. Upon motion by Dr. Gates, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES the contract was approved.

REPORT ON DREDGING AT WATER TREATMENT PLANT, RADIO HILL ROAD WATER LINE AND WORK ON SOUTH CHURCH STREET: Mr. Hicks summarized the issues at the water treatment plant and stressed the serious need for the dredging at the intake station. Mr. Hicks explained that the project will begin on Monday, November 26, 2012. The project is estimated to take three days to complete. Mr. Hicks explained that right of way was the main issue holding up the Radio Hill Road project but that issue has now been resolved. Mrs. Jennings expressed her concern about future interruptions in water service due to this project. Mr. Hicks explained that it was very unlikely that there would be another water interruption because of the Radio Hill Road project. Mr. Hicks also gave a brief presentation on the South Church Street drainage issues, how it is maintained and what needs to be done to fix the situation.

ACCOUNTS/INVESTMENTS: Upon motion by Dr. Gates, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES the accounts were approved in the amount of \$922,362.20. There was no investment report this period.

APPLICATION FOR ENTERPRISE ZONE BENEFITS FROM INDUSTRY: Upon motion by Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES this was referred back to the finance committee and a report will be presented at the next council meeting to be held on December 3, 2012.

ORDINANCE COMMITTEE REPORT – RECOMMENDATION ON 46-12 DISCHARGE OF FIREARMS AND OTHER WEAPONS: Upon motion by Mrs. Jennings, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES this amended ordinance was approved. Council requested for public comments. John Pierce of Bristol, Va thanked council for amending the ordinance.

STREET COMMITTEE REPORT – KEEPING/REMOVING SOUTH CHURCH DRAINAGE AS LAST URBAN PROJECT: Mr. Weaver said Mr. Hicks and Mr. Clark met with VDOT and discussed the

current project. VDOT had drawn up a plan and advised that there was only enough money available for a retention pond to be constructed to protect against a ten year storm. Dr. Gates proposed having a general informational meeting with the public before deciding on this project. Upon motion by Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES an informational public meeting was approved. Upon motion by Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES the VDOT survey will be held until after a public meeting.

STREET LIGHT COMMITTEE – EDWYNNE DRIVE: Upon motion by Mrs. Jennings, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES this item was continued.

Mr. Owens had no report but wished to recognize the very nice letter received by the gentleman who had broken down from New Jersey.

Dr. Gates complimented the Police Department for their exceptional control during the Christmas Parade.

Mr. Carter recently went to a District Three Board of Governors meeting and wanted to recognize the exceptional service that they are providing.

Mayor Helms briefly discussed how the Christmas Parade and Christmas Market was a big success. Mayor Helms noted that the town's leaf pick up was going well. Mayor Helms invited council and anyone else who is interested to join him and other town employees at Food City in Marion to bag groceries on November 20, 2012 from 3pm – 4pm in an effort to recognize the work United Way is doing to get more community involvement. Mayor Helms also invited everyone to help with the Salvation Army's Red Kettle Program starting on November 20, 2012.

Ken Heath briefly noted that the Virginia Main Street representatives were here and explained that there is a grant available for \$25,000.00 to study the feasibility on the Holston Harwood Building. Mr. Heath also passed on the invitation from the Marion Volunteer Fire Department to their annual dinner being held on December 1, 2012 at 7pm at the Marion Fire Hall.

Lieutenant Anders referred Ordinance 74-152 to the ordinance committee to set parking fines. Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES this ordinance was referred to the ordinance committee.

Cecil Hicks noted that the new signs at Rite Aid turned out very nice. He briefly discussed that the detection sensors at the intersection of Wassona and Johnston Roads have been successfully replaced and are running smoothly.

Mr. Clark discussed the need for more I Pads for employees. Todd Long stated that we need at least three more I Pads. Mr. Long also stated that he wanted everyone to be up and running with their I Pads before the next council meeting on December 3, 2012. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES three more I Pads were approved.

Todd Long reminded everyone of the Senior Citizens Christmas Lunch which will be held tomorrow, November 20, 2012 at 11:30 a.m..

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 a vote of 7 AYES and 0 NOES, Town Council entered into Closed Session for the purpose of consultation with legal counsel. Dr. Gates 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 7 AYES

and 0 NOES. The Fiscal Technician polled the Council Members. Messrs Barker, Owens, Weaver, Carter, Dr. Gates, Ms. Spencer and Mrs. Jennings voted affirmatively.

Dr. Gates recommended Mr. Clark meet with the County Administrator to discuss the contract for usage of non-potable water at Cornett Springs in Atkins. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES Mr. Clark is to contact the County Administrator.

Dr. Gates recommended there be a meeting between the Finance Committee and the School of Music to discuss personnel issues. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES the meeting was approved.

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

Mayor

Clerk