

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 5, 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; Police Lieutenant Wes Thomas; Engineers Assistant Todd Long; Smyth County News Representative Stephanie Porter-Nichols; Fiscal Technician Paula Ashlin.

INVOCATION/PLEDGE TO THE FLAG: Mr. Hicks rendered the invocation. VFW Post #4667 Veterans Turk Johnson, Brian Martin, Jim Parlier and Ron Null led the pledge to the flag.

VISITORS: Jim Parlier, Carol Parsons, Charles Hayden, Dan Prater, Sue Thompson, James Cregger, Sonya Daniels, Kendall Johnson, Buck Sawyers, Frankie Fuller, Lou Don, John Tate, Charles Wassum, John Pierce, Turk Johnson, Brian Martin and Ron Null.

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Carter, and a vote of 7AYES and 0 NOES, the minutes of the meeting held October 15, 2012 were approved with one correction. Mr. Barker, Mr. Owens, Dr. Gates, Ms. Spencer, Mrs. Jennings, Mr. Carter, and Mr. Weaver voted affirmatively.

PUBLIC PRESENTATION: Mr. Jim Parlier shared stories and pictures from his experience of World War II. Jim Barker and Mayor Helms both thanked Mr. Parlier and all veterans present for their service and sacrifice and asked them to stand and be recognized.

Ms. Carol Parsons with Blue Ridge Job Corps gave a follow up summary in reference to the Blue Ridge Job Corps contract that expired on 3/31/12. She explained that the contract initially went out as a small business set aside. Ms. Parsons said the center had five small businesses come and do a walkthrough of the center. Ms. Parsons talked about ResCare which is a large business who has been running the center successfully for 15 years. She briefly gave a summary on the Education Management Corporation that manages the education portion of the center. Ms. Parsons gave a brief update on the facts sheet of Education Management Corporation. Education Management Corporation has put in a proposal to be a subcontractor. Education Management Corporation should be able to retain the contract. Mrs. Jennings thanked her for all of her hard work.

Mr. Ken Heath spoke on behalf of the council members in regards to the Extra Mile Recognition Program. Mr. Heath was approached by Shawn Anders with information on this program. The program simply encourages the recognition of people in the community who go the extra mile to serve their community. Mayor Helms and four council members chose to recognize five individuals and present them with certificates of recognition. Mayor Helms recognized Dr. Henderson Graham, Jim Barker recognized Mr. Ron Tomason and his staff, Jim Owens recognized Mr. Alvin Crowder, Tricia Spencer recognized Mrs. Suzanne Jennings, and Suzanne Jennings recognized Mr. Bill Buchanan.

JOINT PUBLIC HEARING WITH PLANNING COMMISSION: Planning Commission members present: Bob Ramsey, Cameron Wolfe, Jim Barker, Dan Surface, Ben Reedy, Avery Cornett. Mrs. Alice Freeman was absent. Mr. Michael Armbrister with Mt. Rogers PDC, spoke about the Comprehensive Plan. Mr. Armbrister briefly summarized how the Comprehensive Planning process began last year. He explained the steps taken in receiving citizen and business surveys. Mr. Armbrister explained key findings of the surveys and referenced his sources of information. Mr. Armbrister went over various statistical data of the Comprehensive Plan and its recommendations. Mr. Wolfe presented the plan to the mayor and council for a resolution to

adopt the comprehensive plan. Upon motion of Mr. Carter, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES the Comprehensive Plan was adopted. The planning commission was dismissed.

PUBLIC HEARING: PROPOSED ORDINANCE AMENDING SEC. 46-12 DISCHARGE OF FIREARMS AND OTHER WEAPONS: Mrs. Jennings opened the floor for public comment. Eleven citizens who are all residents of the Town of Marion and one gentleman who resides in Bristol, Va spoke their opinions on this matter. Twelve citizens opposed the ordinance as written. One supported it. After listening to the public comments Mrs. Jennings motioned that the issue be taken back to the Ordinance Committee for further review. The Ordinance and a recommendation will be made at the next council meeting which is scheduled for November 19, 2012 at 5:30 p.m. A copy of a revised Ordinance will be posted in the clerk's office, if applicable.

FINAL PAYMENT ON PARKING GARAGE: Mr. Clark recommended that a final payment in the amount of \$38,388.59 be paid on the new parking garage. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES the final payment will be made.

I-PAD TRAINING: Todd Long discussed details on I-Pad training for all council members and town employees who were issued I-Pads. Todd collaborated with the Mayor, Town Manager and Council members to decide on a date and time as to when they could have an I-Pad training in the council chambers. It was decided that the training would take place on Wednesday, November 14th. It was also decided that there would be two sessions of training to better accommodate everyone. One training will take place at noon and the other at 5:30 on the 14th. Todd Long and Chris King will both be available to assist anyone with questions.

APPROVAL OF CHANGE ORDER NUMBER 4 ON BIO-GAS PROJECT: Mr. Clark gave a brief summary on replacing the gas piping. Mr. Clark stated that \$32,049.30 had been secured from Mt. Rogers PDC for wastewater funding. Mr. Clark also stated that there was still \$46,085.00 in contingency which gives us a total of \$78,134.30 in extra funding. The change order has been signed off on by the engineer in the amount of \$49,368.00. We had been able to negotiate approximately \$6,000.00 off the original price of the change order. Upon the motion by Mr. Owens, seconded by Mr. Carter and a vote of 7 AYES and 0 NOES, a change order will be made.

PROPOSAL ON SEVEN MONTH GOLF COURSE INSURANCE TERM: Mr. Clark reviewed proposals from VML Insurance and Slemple Brant and Saunders and Associates. Both proposals were included in the council packets for review. Mr. Clark went over some of the key coverages at the course and said VML's quote was substantially lower. Mr. Gates and Mr. Weaver expressed their concerns about whether or not the two companies offered the same coverage. Mr. Clark will check on this. Upon motion by Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES the town will go with the VML insurance provided Mr. Clark is satisfied both quotes are for the same coverage.

ADVERTISEMENT OF TOWN MANAGER'S POSITION: Mr. Clark has announced his retirement as Town Manager. The Town of Marion started advertising for Mr. Clark's position on October 16, 2012. It is being advertised online on the VML website and will start being advertised in VML Magazine in mid November. The job description is also online on the Town of Marion website.

CROOKED ROAD NATIONAL HERITAGE AREA FOUNDATION: Ken Heath gave a brief summary of the proposed National Heritage Area. Mr. Heath explained National Heritage Area, how many exist and where, and how they get designated. He explained what the benefits of the NHA designation would be and how it works.

CHAMBER OF COMMERCE ANNUAL DINNER: Mayor Helms announced that the Chamber of Commerce will have its annual dinner November 15th at 6:30. It will be held at the General Francis Marion Hotel. If anyone is interested in attending let Anita Catron know by the week of November 5th – November 9th.

CROSS CONNECTION AND BACK-FLOW PREVENTION SURVEYS: Mr. Hicks gave a brief summary of the cross connection and back-flow prevention survey program. Mr. Hicks explained that the Town of Marion has been required by the Board of Health to participate in this program since 1991. Surveys are sent out every year to all residential, industrial and commercial customers. All information obtained is put into the database.

REQUEST FOR STREET LIGHT ON EDWYNNE DRIVE: Upon motion by Mayor Helms, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES this issue will be sent back to street committee and addressed at the next council meeting.

REQUEST OF REMOVAL OF RAILROAD TRANSFORMER: Mayor Helms and Mr. Heath explained that the transformers were removed and picked up by an environmental contractor and disposed of properly.

APPROVAL OF AGREEMENT BETWEEN TOWN AND WILLIAM HUBER, ARCHITECT ON SCHOOL OF APPALACHIAN MUSIC AND ART: Mr. Heath gave a brief summary on the details of the project. Mr. Heath explained there are two grants for this project both totaling around \$1 million dollars. Upon motion by Dr. Gates, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES for Mr. Clark and Mr. Heath to research the fees for architectural services. This contract will be continued to the next council meeting.

STREET COMMITTEE REPORT: Mr. Weaver gave the street committee report. He discussed actions taken to correct traffic situation on East Main Street. The town installed dotted lines and curvature to the road. Additional signage was also added. Mr. Weaver addressed the dangerous intersection at Lee and Church Streets. Mr. Hicks suggested the town put up two extra dangerous intersection signs for extra warning. Upon a motion by Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 1 NOE the town will place two signs up at the intersection.

NEW LIGHTS AT HARDEE'S: It was brought to council's attention that the new signs are improperly labeled. Mr. Hicks is working with VDOT to correct the problem.

DRAINAGE ISSUES ON SOUTH CHURCH STREET: Mr. Weaver has a proposal from VDOT to mitigate the water issues on South Church Street. The solution involves digging a retention pond and would cost at least \$965,000.00. Mr. Weaver is not making a recommendation to do this at this time due to the high cost of the project. The town has notified residences that the issue will be addressed. Dr. Gates asked if the money could be used for other projects since it now involved acquiring property. Upon motion by Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES the issue will be sent back to the street committee for further review.

Mayor Helms announced that there will be a Legislative Breakfast on November 19th in Scott County. Anyone interested needs to contact Ken Heath. Mayor Helms acknowledged that the Farmer's Market and Halloween Madness events were both successful. He announced that there will be a VFW Auxiliary Breakfast on November 10th from 8a.m. – 10a.m. All of council and their spouses are invited to attend. Veterans Day will be on November 11th and the Town of Marion offices will be closed on November 12th in observance of this day. Mayor Helms acknowledged the trip that Mr. Heath, Mr. Clark and Police Chief Mike Roberts made to Tazewell in observance of the Back of the Dragon. Signs have been purchased and the town is

currently looking for places along Park Blvd. to place the signs. Mayor Helms also gave a brief report on the visit from the Virginia Main Street Committee. They gave Marion a good report on our progress and discussed the shortage of volunteers and action we can take to get more people involved to help.

Mr. Barker reported that the Game Commission would be shocking fish along the river on Thursday, November 8th.

Ms. Spencer discussed how she was approached by some citizens concerning the burning of old mobile homes on route 11 near Better Homes Furniture Outlet. The citizens were concerned about the toxic risk that may be involved from burning them. Police Lieutenant Andrew Moss advised that this was out of town limits so the county offices are in charge of that situation. Lieutenant Moss advised contacting Clegg Williams with the county office or contacting the EPA on this matter.

Mrs. Jennings stated that the ordinance committee needed to meet ASAP. She also put in a request that the town try to find some money to give the Rotary Club for new Christmas lighting/decorations for the town. Mrs. Jennings' last request was for council to approve a request from citizens on Holston Hills Lane to black top their road. It was noted by council that if it is considered that the citizens would have to bring the street up to state standards.

Mr. Fenyk gave a brief summary of CPAC which is a music licensing agency that had sent a proposal to Holston Hills Community Course in regards to music for the club. More research needs to be done on their pricing and other competition.

Chief Roberts will be introducing the Town of Marion's newest police officer at the next council meeting.

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

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

Mayor

Clerk