

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 December 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 Engineer Todd Long; Chris King; Town Clerk/Director of Finance Cindy Stanley.

INVOCATION/PLEDGE TO THE FLAG: Mayor Helms read a personal Christmas Card and a moment of silence was observed in remembrance of the victims of the Sandy Hook shooting. Mayor Helms led the Pledge to the Flag.

VISITORS: Charles Wassum, and Charles Hayden.

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 December 3, 2012 were approved as written. Messrs Barker, Weaver, Owens, Carter, Dr. Gates, Mrs. Jennings and Ms. Spencer voted affirmatively.

REPORT ON PUBLIC INFORMATION MEETING ON PROPOSED SOUTH CHURCH STREET DRAINAGE PROJECT ON DECEMBER 11, 2012: Mr. Clark noted there were approximately 20 to 25 residents at the meeting. There were also 4 to 5 representatives from VDOT present to answer questions. The project is not completely designed. VDOT representatives noted the Retention Pond would be the best solution. There was opposition from the residents. Discussion Ensued. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, this project will be sent to the Street Committee for review with VDOT representatives.

APPROVAL OF AMENDED PAY REQUEST NUMBER 12 ON BIOGAS PROJECT: This request replaces the previous pay request number 12. This request is \$1,300 less than the previous one. The contractor was paid 100% of the Mt. Rogers money. The reduction on this pay request covers the 5 % retainage. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, amended pay request number 12 was approved in the amount of \$11,975.84.

APPROVAL OF PAY REQUEST NUMBER 13 ON BIOGAS PROJECT: Mr. Clark noted this pay request has been certified by the engineer. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, pay request number 13 in the amount of \$38,955.00 was approved.

PROPOSAL TO CONDUCT SOURCE WATER PROTECTION PLAN: The Virginia Department of Health Office of Water Programs conducted a Source Water Assessment for the Town of Marion in 2002. There were five high risk areas noted, years ago most of these areas have been addressed. Source Water Protection Programs are voluntary in the Commonwealth of Virginia. This program is being offered to the Town of Marion by CHA (Clough Harbor & Associates, in Blacksburg). The only cost to the Town is staff time. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, this item was continued until Mr. Clark obtains more information.

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 \$690,751.10.

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

LETTER FROM DR. DAVID HANEY OF EMORY & HENRY EXPLAINING DELAY IN IMPLEMENTING SCHOOL OF HEALTH MANAGEMENT: Mr. Clark referenced the letter. Due to the resignation of the Program Director this will delay the start of the program. However, the college is still moving forward to complete this project. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 6 AYES and 1 NO, Mrs. Jennings will report at next Council meeting as to what is expected of the Town in regards to funding for next year.

FINANCE AND PERSONNEL COMMITTEE ON APPALACHIAN SCHOOL OF MUSIC DIRECTOR: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, this item was continued.

SPECIAL USE PERMIT ON HOLLOW ROAD: Mr. Hicks noted a Public Hearing for January 7, 2013 is already set and property owners are being notified.

SPECIAL USE PERMIT ON LOOK AVENUE: Upon motion of Mr. Weaver, seconded by Dr. Gates and a vote of 6 AYES, 0 NOES and 1 ABSTENTION (Barker), this will be included with the Public Hearing on January 7, 2013.

Mr. Owens thanked the employees for a great lunch and good program Friday at the Senior Citizens Center.

Dr. Gates noted he should have abstained from any voting in regards to First Fruits due to the fact he had interest in the business.

Mayor Helms noted the Employee Christmas Dinner was well attended with several retirees present. The Marion Life Saving Crew Christmas Dinner was Saturday evening and was also well attended. Song of the Mountains was a sellout. Mayor Helms asked Chief Roberts to address the situation with the Resource Officers at the schools. Chief Roberts noted the County agreed several years ago to fund the Resource Officers. Upon motion of Mrs. Jennings, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the Resource Officers Program will be revisited with the County. Mayor Helms thanked Council and Staff for a good year in 2012.

Ms. Stanley noted she now has enough points to apply for the Certified Municipal Clerk Designation.

Mr. Heath noted Award of a \$25,000 Grant for feasibility study for the Old Harwood Building. Mr. Heath has been contacted by Virginia Intermont College looking for spaces for classes for 2013. They would like to use our Council Chambers for classes beginning June 2013. There was no objection by Council. There will be a candlelight ceremony here Thursday at 6pm for the victims of the Sandy Hook shooting.

Mr. Clark noted Council's Resolution for the CPV project. Mr. Clark noted the Draper Aden Water and Wastewater Rate Study is on page 83. Mr. Clark thanked Staff and Council for their hard work this year on all projects.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-1)(A-3)(A-6)(A-7) upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 7 AYES and 0 NOES, Town Council entered into Closed Session for the purpose of consultation with legal counsel, discussion or consideration of public funds, discussion or consideration of the acquisition of real property 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. Weaver and carried by a 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 of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, Mr. Clark will negotiate and additional \$3,500 to continue the sludge land application contract with Mr. Waddle.

Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, no action will be taken on the Potential Settlement of Purchase of Municipal Derivatives, as no action allows the Town to remain in the class action suit and receive any money due to the Town.

Upon motion of Dr. Gates, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES, Mr. Clark is to obtain more information on potential adjustments to receive liquor by the drink license and we would like to ascertain the County's intention.

Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, Mr. Heath is to draft a letter in opposition of the proposed Legislation as Council feels this is a way of getting around the citizens and we were not contacted, however Council is in favor of joint ventures.

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

---

Mayor

---

Clerk