

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 May 16, 2011 at 5:30 p.m.

PRESENT: Mayor David Helms; Jane Hale, 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 Billy Hamm; Community and Economic Development Director Ken Heath; Police Chief Mike Roberts; Police Sergeant Rusty Hamm; Town Clerk/Director of Finance Susan Clark; Deputy Town Clerk/Deputy Director of Finance Cindy Stanley.

INVOCATION/PLEDGE TO THE FLAG: Reverend Jim Bangle rendered the invocation. Marion Police Officer Kevin Testerman led the Pledge to the Flag.

VISITORS: Jeff Spickard, Sara Kegley, Jaime Davis, Mike Dean, Kristy Dean, Hugh Slagle, Dave Archer, Ervin Johnson, Darlene Johnson, Kimberly Williams, Paul Williams, Pam Williams, Reverend Jim Bangle, Ann Chambers, Paul Chambers, Scott Freeman, Billy Dungan, Charles Wassum, III, Michael Robinson, Jeff Cassell, Scott Bowen, John Neal, Brad Haga, Tony Powers, James Patterson, Fairfax Patterson, Sandip Pate, Marion Police Department Staff.

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the minutes of the meeting held May 2, 2011 were approved as written. Messrs Barker, Weaver, Owens, Ms. Spencer, Mrs. Jennings and Mrs. Hale voted affirmatively.

NATIONAL POLICE OFFICERS MEMORIAL DAY: Chief Roberts reported that six (6) officers had died in the line of duty this year, with a total of one hundred fifty-eight (158) in the United States. National Police Officers Memorial Day was May 15<sup>th</sup>. Mayor Helms read the Proclamation for National Police Week 2011. Upon motion of Mr. Weaver, seconded by Mr. Barker and vote of 6 AYES and 0 NOES, the Proclamation was adopted. Mayor Helms added that he appreciates all that the Marion Police Department does for the Town and surrounding communities.

RESOLUTION CONGRATULATING HUNGRY MOTHER STATE PARK ON ITS 75<sup>TH</sup> ANNIVERSARY: Scott Bowen, Hungry Mother State Park Manager stated that June 18, 2011 is the 75<sup>th</sup> Anniversary of the Park. There will be a week long celebration at the park and the events will be kicked off at the Marion Downtown Farmers Market on the 18<sup>th</sup>. He added that there will be a televised documentary on Public Television to be aired on June 11, 2011 featuring all Virginia State Parks. Mayor Helms read the Resolution. Upon motion of Mr. Barker, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, Council approved the Resolution. Mr. Bowen added that Governor McDonnell will be in attendance for the celebration.

PUBLIC HEARING-SPECIAL USE REQUEST TO OPERATE A BUSINESS AT 608 CATRON STREET-PAUL AND PAM WILLIAMS: Mr. Hicks explained that the William's would like to operate their contracting business from their home and store their equipment in a garage they intend to construct. Mayor Helms opened the public hearing. Mr. Williams explained that the garage will comply with the neighborhood aesthetics and there will be no drive up business on the property, all business will be operated by phone, computer or off sight. There was no public opposition. Mayor Helms closed the public hearing.

Mr. Hicks stated that staff recommendation is for approval because this is a good example of a home business which has no detrimental effect to the neighborhood. There is no constant traffic and there are no adverse effects to the surrounding community. The staff further recommends the following conditions be included:

1. That all Town ordinances, State and Federal laws be observed in general, and that the Town regulations concerning land use, signs, storm water management and on-site parking be observed in particular.
2. That any changes in ownership of the property, residency of the applicant, or material change in the nature of the business would invalidate the special use permit.
3. That all work performed at home be confined to the interior of the residential structure and that all construction equipment be confined to the new proposed garage on site.
4. That no on-site advertising be allowed.
5. That the business continues to meet the definition of Home Occupation (Section 20.51) in the Town's Zoning Ordinance.
6. All of the business will be confined to the interior of the home and there will be no "drive-up" business.
7. That Mr. Williams be required to obtain a Town of Marion business license.

Upon motion of Mr. Barker, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, Council approved the special use permit with staff recommendations.

PROPOSED RE-ALIGNMENT OF STAGE STREET-PUBLIC INFORMATION MEETING: Dr. Michael Robinson, Smyth County School Superintendent, informed Council and the public that there are several problems with traffic congestion and parking at the Marion Primary School. Mr. John Neal, Engineer, explained the proposed re-alignment. This will separate the parent drop off and pick up from the buses and add additional parking for staff and visitors. Dr. Robinson added that the estimated completion is fall of 2013. Dave Archer stated that he is a property owner on Stage Street and this will be a great impact on him and his family as his home is located in a quiet area with very little traffic. Mr. Hugh Slagle owns property on Highland Drive and is concerned about the traffic and the elevation of the road and maintenance. Mr. Paul Chambers owns property on Stage Street and is concerned if he would lose any of his yard if the street is widened. Mr. Neal explained that the intention is to keep traffic from the school in order to keep the children safe. All efforts will be taken to address the concerns of the property owners and do what is best for all involved.

Discussion ensued.

Mrs. Jennings stated that there should be a positive way to work together to address all concerns. Nothing in the community is more important than the school system. Upon motion of Mr. Weaver,

seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, this item was referred to the Street Committee.

PAVING ACCEPTANCE OF LOW BID: Mr. Hicks informed Council that there was only one bid from W-L Construction in the amount of \$212,919.15. This amount is approximately \$20,000 over budget. The cost of paving has increased substantially over the past few years. Upon motion of Mr. Weaver, seconded by Mr. Owens and vote of 6 AYES and 0 NOES, the paving bid was approved.

SENIOR CITIZENS CENTER FLOOR DRAINAGE PROBLEMS: Mr. Clark stated that District III has contracted with Southwestern State Mental Health Institute to use their kitchen facilities until the repairs at the Senior Citizens Center are complete. The repairs should take approximately two (2) weeks.

PLANNING COMMISSION APPOINTMENT: Mayor Helms stated that Planning Commission has not yet given a recommendation to Council. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, this item was continued.

SIGNALIZATION PROJECT-PROPERTY ACQUISITION ON THREE INTERSECTIONS: Mr. Clark stated that a Street Committee meeting is scheduled for June 1<sup>st</sup> at 12:00 p.m. with VDOT.

ACCOUNTS: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 6 AYES and 0 NOES, the accounts were approved for payment in the amount of \$378,114.98. Messrs Barker, Weaver, Owens, Mrs. Hale, Mrs. Jennings and Ms. Spencer voted affirmatively.

INVESTMENTS: Mrs. Jennings moved that the Investment Report be approved as presented. Mrs. Hale seconded the motion. Council approved the same unanimously. Messrs Barker, Weaver, Owens, Mrs. Hale, Mrs. Jennings and Ms. Spencer voted affirmatively.

STREETSCAPE II PROJECT: Mr. Heath stated that there were two (2) bids. The low bid was received by Inland Construction in the amount of \$434,700. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, Council approved the low bid pending VDOT approval.

PARKING GARAGE VARIANCE-BOARD OF ZONING APPEALS: Smyth County has requested a variance of nineteen (19) feet to build the parking garage. Mr. Hicks stated that the Board of Zoning Appeals granted the request. The structure is to be built six (6) feet off of the property line.

SMYTH-WYTHE AIRPORT: Mr. Scott Freeman reported that several maintenance projects have been completed. The Airport has purchased a fuel truck in the amount of \$29,000. Several hanger repairs also need to be completed.

ALIGNMENT OF L W KELLY BRIDGE ON CHATHAM HILL ROAD-STREET COMMITTEE: Upon motion of Mr. Owens, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, this item was continued.

RADIO HILL ROAD PUMP STATION AND COUNTY WATER CONTRACT: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, this item was continued.

POLICE DEPARTMENT COMPUTER ISSUES: Mrs. Hale stated that she has concerns with the computer issues at the Police Department. Chief Roberts stated that issues are currently being resolved and the fiber optic line installation is almost complete.

CONSOLIDATION OF PHONE BILLS: Ms. Spencer stated that the local, long distance and internet should be combined. Staff will proceed with getting quotes.

TOWN UPLIFT COMMITTEE: Mrs. Jennings stated that the sidewalk marker should be moved in front of the Campbell home. Staff will converse with Mrs. Campbell as to where the marker should be placed. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, town staff will converse with Mrs. Campbell and move the marker to the designated place in front of the Campbell home.

TOWN HALL STEP REPAIRS: Mr. Barker stated that he is pleased to see the front steps repaired. Mr. Clark stated that town staff repaired the steps and did a very good job.

YOUTH GOVERNMENT DAY: Mayor Helms stated that Youth government Day went very well. The students were well dressed and very well mannered.

MARCH OF DIMES WALK: Mayor Helms stated the March of Dimes Walk raised over \$25,000.

MEMORIAL DAY PARADE: Mayor Helms informed council that the parade will be May 30, 2011. He added that over five hundred (500) flags will be placed at the Courthouse.

CROOKED ROAD SHOW: Mayor Helms stated that Joe Wilson will be at the Lincoln Theatre on Thursday, May 19, 2011.

SENIOR CITIZENS DAY: Mayor Helms stated that Senior Day is Friday, May 20, 2011 at 11:00 a.m. at the Riverbend Park.

APPALACHIAN POWER BREAKFAST: Mr. Fenyk stated that a breakfast will be held at the Higher Education Center on June 7, 2011 to discuss rate increases.

GLADE SPRING TORNADO: Mayor Helms informed Council that the Town sent a truck and a loader to Glade Spring to help in the clean up. Several employees volunteered also.

MARION DOWNTOWN BOARD OF DIRECTORS: Mr. Heath stated that the Board needs a formal appointment from the Town. Upon motion of Mrs. Jennings, seconded by Mr. Barker and vote of 6 AYES and 0 NOES, Town Council appointment Mayor Helms to the Board.

NIXLE: Mr. heath stated that Nixle is the only alert system the Town has. Nixle sends emergency messages via email and text messages. The first year cost is \$1,500 and is \$3,000 each year after.

STP DIGESTER PROJECT: Mr. Clark stated that the closing is in process. Public Hearing will be set upon Council approval. Upon motion of Mr. Weaver, seconded by Mrs. Jennings, and vote of 6 AYES and 0 NOES, this item was set for public hearing on June 6, 2011.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-1) and upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 6 AYES and 0 NOES, Town Council entered into Closed Session for the purpose of discussing personnel issues. Mrs. Jennings moved that Town Council returned 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 vote of 6 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Barker, Owens, Weaver, Mrs. Jennings, Mrs. Hale and Ms. Spencer voted affirmatively.

TOWN CLERK/DIRECTOR OF FINANCE POSITION: Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, Town council appointed Cindy Stanley as trainee in the position of Town Clerk/Director of Finance. Ms. Clark is to be hired as consultant for the Town Clerk/Director of Finance.

DEPUTY TOWN CLERK/DEPUTY DIRECTOR OF FINANCE: Upon motion of Mr. Owens, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, Town Manager Clark is given the authority to hire a Deputy Clerk/Deputy Director of Finance.

Upon motion, duly seconded and vote of 6 AYES and 0 NOES, the meeting was adjourned.

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Mayor

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Clerk