

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 July 5, 2011 at 5:30 p.m.

PRESENT: Mayor David Helms; Jane Hale, Tricia Spencer, Suzanne Jennings, Dr. James Gates, Jim Owens, Bill Weaver and Jim Barker, Council Members; Town Attorney Mark Fenyk; Assistant Town Manager/Town Engineer Cecil Hicks; Community and Economic Development Director Ken Heath; Police Chief Mike Roberts; Police Officer Steve Hagy; Town Clerk/Director of Finance Cindy Stanley.

INVOCATION/PLEDGE TO THE FLAG: Mr. Heath rendered the invocation. Mayor Helms led the Pledge to the Flag.

VISITORS: Jeff Spickard, Charles Wassum, III, Frank Detweiler, Frances Detweiler, Dan Kegley, Ron Bales, Dennis Parnell, Dickie Jennings, and Fallon Hale.

MINUTES: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the minutes of the meeting held June 20, 2011 were approved as written. Dr. Gates, Messrs Barker, Owens, Weaver, Ms. Spencer, Mrs. Jennings and Mrs. Hale voted affirmatively.

MINUTES: Upon motion of Mrs. Jennings, seconded by Mrs. Hale and a vote of 4 AYES, 0 NOES and 3 ABSTENTIONS, (Mr. Barker, Ms. Spencer and Dr. Gates) the minutes of the meeting held June 30, 2011 were approved as written. Messrs Owens, Weaver, Mrs. Jennings and Mrs. Hale voted affirmatively.

REPORT ON FARMER'S MARKET: Mr. Heath informed Council that there will be a minor reconfiguration on the curbing for the Farmer's Market, which will be safer and more attractive. Mr. Heath is inquiring, and believes this will be covered by the grant funds. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 7 AYES and 0 NOES, this item was approved, pending grant approval.

REPORT ON STREETScape II PROJECT AND BUDGET OVERAGE: Mr. Heath advised Council that the bids came in at \$76,000 over budget for this project. There are three options 1) apply for additional funds, 2) we fund the difference, 3) we drop the project. Mr. Heath made a recommendation to rebid the project in segments. Upon motion of Mrs. Jennings, seconded by Dr. Gates, Mr. Heath is directed to rebid this project with an alternate deduct for the alley way, request the architect review the plans again and submit cost of additional charge for rebid, apply this fall again for the funding to complete the alleyway. Discussion ensued. Mrs. Jennings rescinded her motion. Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, Mr. Heath will rebid the project and report back to Council.

REPORT ON BIDS ON HIGH LEVEL TANK AND FINANCIAL IMPLICATIONS: Mr. Spickard advised the bids were received on June 30, 2011. Two bids were received. Southern Corrosion bid \$52,958 and New Kent Coatings bid \$82,757, both being base bid amounts. The bid is good for thirty days from June 30, 2011. Discussion ensued. Upon motion of Dr. Gates, seconded by Mr. Owens and vote of 7 AYES and 0 NOES, this item was referred to the water and finance committees.

REAPPOINTMENT TO DISTRICT III BOARD: Mrs. Hale stated she is willing to serve another term on this board. Upon motion of Mrs. Jennings, seconded by Mr. Owens and vote of 6 AYES, 0 NOES and 1 ABSTENTION (Mrs. Hale), Mrs. Hale was reappointed to the District III Board. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 6 AYES, 0 NOES and 1 ABSTENTION (Mr. Barker), Mr. Barker was elected as the alternate.

NOTICE OF OPENING AT THE POLICE DEPARTMENT: Chief Roberts noted that only one applicant was certified. Chief Roberts will administer the written test on July 14, interviews will be conducted on July 18, and the Academy starts on August 8, 2011.

REGISTRATION TO VML CONFERENCE AND HOTEL: Mayor Helms instructed any Council Member interested in attending to notify Linda Pennington.

GOVERNOR'S ANNOUNCEMENT OF FUNDING OF CDBG PROJECT INCLUDING MARION: Mayor Helms informed Council we have been awarded a \$622,780 grant for Spruce/Matson Housing Rehab Project.

ADOPTION OF THE VIRGINIA CODE AS AMENDED JULY 1, 2011: Mr. Fenyk noted that the Town needs to adopt those changes. Upon motion of Mr. Barker, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, the Town adopted the Code of Virginia as amended July 1, 2011.

PUBLIC PRESENTATION: Mr. Detweiler spoke in reference to the Holston Hills Country Club. He suggests we do everything possible to keep it operational.

Mr. Wassum wants to see documents that give rights to the easement across Water Mill Road. Discussion ensued. Staff will present Mr. Wassum the documents requested this evening after the meeting.

Fallon Hale asked permission to use the Amphitheatre for her church for Riverfest again this year on October 8, 2011. She stated her church is willing to assist with finishing the project. Mr. Heath advised that it is the responsibility of the group using the facility to provide public restrooms. Upon motion of Mrs. Jennings, seconded by Mr. Weaver, and vote of 7 AYES and 0 NOES, this request was approved.

STREET AND FINANCE COMMITTEE ON WATER LINE FROM WATER TREATMENT PLANT: Upon motion of Dr. Gates, seconded by Mr. Owens and vote of 6 AYES, 0 NOES and 1 ABSTENTION (Mrs. Jennings), the request from Mountain States Health Alliance for the Town to fund \$218,000 for the water line was respectfully denied. Upon motion of Dr. Gates, seconded by Mr. Weaver and vote of 6 AYES, 0 NOES and 1 ABSTENTION (Mrs. Jennings), the Town staff will work with the hospital to figure a way to obtain necessary means to complete the water line at no cost to the Town and while keeping Mr. Wassum updated.

SANITATION COMMITTEE ON BRUSH PICKUP: Upon motion of Mrs. Hale, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, this item was continued.

Mrs. Hale stated right of way needs trimming again on Cherry Street.

Mrs. Jennings stated the need for trash receptacles at Baughman Avenue. She also stated her concern in regards to numerous fireworks by citizens on their own property.

Mrs. Jennings also noted public recognition for the garbage truck driver and assistants for going the extra mile to help citizens on Fairway Drive.

Mr. Weaver received lots of compliments on the Town's Fire Works Display.

Mayor Helms stated we may need some work to boost attendance next year for the Fire Works Display.

Heartwood will be open July 16-23, 2011. Senator Warner will be there for the Grand Opening on July 23, 2011.

Mr. Heath stated the Mountain Dew Heritage project is doing an oral history recording for anyone that would like to share their stories. This event will be at the Lincoln Theatre in September and anyone needing more information contact Mr. Heath. He also stated the Chili Cookoff will be July 15, 2011 on Main Street in Downtown Marion from 5pm until midnight.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-7) and (A-3) 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 consulting with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation and discussing the acquisition of real property for a public purpose. 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 7 AYES and 0 NOES. The Town Clerk polled the Council Members. Dr. Gates, Messrs Barker, Owens, Weaver, Mrs. Jennings, Mrs. Hale and Ms. Spencer voted affirmatively.

UPDATE ON REQUIRED PAYBACK ON 2001 DOWNTOWN HOUSING CDBG PROJECT: Upon motion of Dr. Gates, seconded by Mrs. Hale and vote of 7 AYES and 0 NOES, Mr. Heath is to talk with the effected property owners about their commitment with CDBG program, and to develop a proposal to present to Council at the next meeting.

POSSIBLE PURCHASE OF LARGE TRACT OF RECREATIONAL LAND BOTH IN AND OUT OF CORPORATE LIMITS: Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, Town staff is to work with Small Business Development on getting a business pro forma and Mr. Clark is to contact Virginia Tech to seek advice.

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

Mayor

Clerk