

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 August 1, 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 Manager John E. B. Clark, Jr.; Mark Fenyk/Town Attorney; Assistant Town Manager/Town Engineer Cecil Hicks; Community and Economic Development Director Ken Heath; Police Chief Mike Roberts; Police Lieutenant Rex Anders; Town Clerk/Director of Finance Cindy Stanley.

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

VISITORS: Jeff Spickard, Charles Wassum, III, David Thomas, Dan Surface, and Dan Kegley.

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 July 18, 2011 were approved as written. Dr. Gates, Messrs Barker, Owens, Weaver, Ms. Spencer, Mrs. Jennings and Mrs. Hale voted affirmatively.

UPDATE ON PEARL/BUCHANAN PROJECT: Chris Gilley from Mount Rogers Planning District Commission is overseeing the CDBG Pearl/Buchanan Project. She reported the project to be at 50% completion on budget and 50% on construction. She advised there are still two properties available for purchase. The Town of Marion's obligation to the Project is \$36,000; to date the Town of Marion has spent \$1,100.

OLD MILL PROPERTY BIDS: Mr. Clark reported that this property was advertised with the same description as when it was bid in 2007. There was one proposal received on the property, from Dr. Wassum, on July 22, 2011. Mr. Fenyk advised the proposal submitted was not sufficient to be considered as an official bid. Mr. Fenyk also advised the property must be posted with no trespassing signs to cover liability issues. The property is covered by Virginia Municipal League with liability insurance. Discussion ensued. Upon motion of Mrs. Hale, Seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, the Old Mill Property is to be re-bid with \$200 being the minimum yearly bid.

PROPOSAL TO MAKE COURT STREET ONE-WAY: This item is set for Public Hearing on August 15, 2011.

REQUEST FROM SWVA EMS COUNCIL: This request in the amount of \$1,000 was received last Thursday, July 28, 2011, after the Budget was adopted. Upon motion of Mrs. Jennings, seconded by Mr. Owens, and vote of 7 AYES and 0 NOES this item was referred to the Finance Committee.

BUILDING AND GROUNDS COMMITTEE RECREATION DEPARTMENT ROOF: Upon motion of Mr. Weaver, seconded by Dr. Gates and vote of 7 AYES and 0 NOES, the Committee recommends this item be budgeted next year.

BUILDING AND GROUNDS COMMITTEE SNO-CONE SHACK: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, it is recommended this item be bid out as a franchise for one pool season, with restrictions to make it safe in regards to traffic, and the bidder be responsible for all electric, water and health department permits and town business license.

Mr. Weaver advised the Street Committee had discussed Stage Street again and this discussion has brought up more questions, so this item has been tabled until further developments.

Mrs. Jennings noted the Sprinkle Avenue house needs to be addressed again. Mr. Clark indicated the Assistant Engineer Todd Long will be sending a certified letter weekly to try to get this resolved.

Mayor Helms stated the Grand Opening of Heartwood was well attended. The CDBG representatives from the Richmond office were complimentary on the Pearl/Buchanan Project. Mayor Helms presented Emory & Henry College with the donation from the Town of Marion for their Physical Therapy Program and stated that a Director has been hired. The Song of the Mountains Program will become affiliated with the Crooked Road Program. We are working on a program for WWII Veterans for August 14, 2011. The Town and Country Barbeque, a Chamber of Commerce Function, will be held August 18, 2011 at 6:30pm.

Mr. Heath advised the Streetscape bids are due at 2pm tomorrow.

Mr. Hicks advised that Mr. Ben Reedy is willing to serve on the Marion Planning Commission for the replacement of Ms. Shirley Spencer. Upon motion of Mr. Barker, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, Mr. Ben Reedy was appointed to the Marion Planning Commission. He also stated the Annual Town Employee Lunch will be Friday, August the 12<sup>th</sup> at noon at River Bend Park.

Mr. Clark stated that the Dump Truck Bids are due on August 10, 2011 at 2pm.

Mr. Weaver inquired about the Digester bids. Mr. Clark advised the bids are due August 2, 2011. Mr. Spickard with Thompson & Litton stated the Notice to Proceed was issued today.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-3) and (A-7) upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 7 AYES and 0 NOES, Town Council entered into Closed Session for the purpose of discussing the acquisition of real property for a public purpose and for the purpose of consulting with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation. 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 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.

POSSIBLE PURCHASE OF LOT IN CONJUNCTION WITH PEARL/BUCHANAN CDBG PROJECT: Upon motion of Dr. Gates, seconded by Ms. Spencer and vote of 7 AYES and 0 NOES, The Town of Marion is to enter into negotiations for the purchase of property on Pearl Avenue as previously discussed.

DOWNTOWN HOUSING CDBG PROJECT: Upon motion of Dr. Gates, seconded by Mr. Owens and vote of 7 AYES and 0 NOES, Council authorizes Mr. Heath to move forward with this item as presented.

POSSIBLE PURCHASE OF LAND: Upon motion of Dr. Gates, seconded by Mr. Owens and vote of 7 AYES and 0 NOES, Mr. Heath, Mrs. Jennings, Mr. Barker, and Dr. Gates will continue to gather information on this agenda item and bring a proposal back to Council at the next meeting.

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

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Mayor

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Clerk