

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 15, 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.; Town Attorney Mark Fenyk; Assistant Town Engineer Todd Long; Community and Economic Development Director Ken Heath; Police Lieutenant Rex Anders; Purchasing Agent Billy Hamm; Town Clerk Director of Finance Cindy Stanley.

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

VISITORS: Jeff Spickard, Charles Wassum, III, Helen Vernon, Emma Johnson, Herbert Johnson, Ron Null, Michael Robinson, Jeff Cassell, Scot Farthing, James Meachum, James McNeil 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 August 1, 2011 were approved as written. Dr. Gates, Messrs Barker, Owens, Weaver, Ms. Spencer, Mrs. Jennings and Mrs. Hale voted affirmatively.

RESOLUTION – SPIRIT OF '45 DAY: Upon motion of Mr. Owens, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, the Resolution was adopted.

Mayor Helms presented the Resolution declaring August 14, 2011 Spirit of '45 Day, to Mrs. Vernon, Mr. Johnson and other veterans. Mr. Johnson thanked Council.

PUBLIC HEARING PROPOSAL TO MAKE ALL OR PART OF COURT STREET ONE WAY WITH TRAFFIC FLOW WEST TO EAST: Mr. Clark reported this is being done in conjunction with the new parking garage. A correction is noted the portion that is being considered for one way traffic is from North Church Street to Broad Street. Mayor Helms opened the Public Hearing. James McNeil spoke in favor of the proposal with the correction noted. Mayor Helms closed the Public Hearing.

STREET COMMITTEE ON SCHOOL BOARD/STAGE STREET SITUATION: Mr. Weaver reviewed a proposal for this project following this week's meeting with the School Board. The School Board will pay for moving three AEP power poles with lights to allow for widening Stage Street. The Town of Marion will acquire necessary right of way for the existing street. The School Board will pay for widening the street to 24 feet. The Town of Marion will pay for capping the road with asphalt overlay. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, it is recommended this be setup for a two part Public Hearing, to extend Stage Street and to close Highland Drive upon completion.

COUNCIL DETERMINATION ON COURT STREET: Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, Court Street will be made one-way traffic from North Church Street to Broad Street, with traffic flow West to East. The Town will coordinate with Smyth County as to the effective date.

APPROVAL OF AGREEMENT BETWEEN TOWN AND SMYTH COUNTY COMMUNITY HOSPITAL ON WATER MILL ROAD WATER LINE: Scot Farthing, Dr. Wassum's representative, reviewed the documents presented to Dr. Wassum and his determination is that no waterline easement exists. Mr. Fenyk's determination is a clear right of way was given to the Town of Marion for water and sewer lines in the Deeds of Dedication. Mr. Farthing requests a response.

Mr. Fenyk stated the agreement is for the hospital to pay all associated costs for installation of water lines including advertising, contingency fees, inspection fees and administrative fees. Upon motion of Dr. Gates, seconded by Mrs. Hale and vote of 6 AYES, 0 NOES and 1 ABSTENTION (Mrs. Jennings), the Town of Marion will enter into this agreement with Smyth County Community Hospital as agreement states.

ACCOUNTS: Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 7 AYES and 0 NOES, the accounts were approved for payment in the amount of \$909,523.82. Messrs Barker, Weaver, Owens, Dr. Gates, Mrs. Jennings, Mrs. Hale 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, Owens, Weaver, Dr. Gates, Mrs. Jennings, Mrs. Hale and Ms. Spencer voted affirmatively.

DRAWDOWN REQUEST NUMBER 1 ON PHASE 1 SEWER TREATMENT PLANT IMPROVEMENTS: Mr. Spickard noted that there is progress with the project and contractor has paid his bonds. There is a small delay due to acquiring some equipment. The contractor has asked for a 90 day extension, the time frame is probably going to be exceeded. Discussion ensued. Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, pay request number 1 was accepted for \$9,329. Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, the request for an extension was referred to the sanitation committee.

BID RESULTS ON STREETSCAPE BIDS: Mr. Heath presented the bid results with the apparent low bidder being Ken Construction Company Inc. at \$302,527. Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, the bid was awarded to Ken Construction Company, Inc. in the amount of 302,527, pending VDOT's approval.

Mr. Heath presented the Project Big Surprise. There are two buildings downtown owned by non-profit agencies needing façade updates. Mr. Heath presented a proposal that incorporated a \$2,500 grant from Virginia Main Street, \$3,000 from Marion Downtown Façade Grant funds, and the balance of the 2009 CDBG Blight Abatement "Old Schoolhouse" project. The CDBG balance of \$3,629.86 was provided after all expenditures for the project, and Mr. Heath requested Council permission to allocate those CDBG funds for additional blight abatement in the target project area on the façade of Cornett Jewelers, the final property on the targeted block. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 7 AYES and 0 NOES, Council allocated \$3,629.86 into this project to restore three facades, contingent upon all agreements.

EQUIPMENT COMMITTEE ON DUMP TRUCK BIDS: Upon motion of Mrs. Hale, seconded by Dr. Gates and vote of 7 AYES and 0 NOES, the bid from Goodpasture Motor Company in the amount of \$85,100 was accepted.

FINANCE COMMITTEE ON EMS COUNCIL REQUEST: Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, this item was continued.

Mr. Barker thanked VFW and the Mayor for the efforts put into the WWII Celebration yesterday.

Mr. Weaver thanked the IT Department for the work on fiber optics project.

Mrs. Jennings thanked Mr. Clark for working on employee goals. She also thanked staff for the picture of the house on Sprinkle Avenue in the packet. Mrs. Jennings addressed the issue of possible speeders at River Bend Park and the possible need for a crosswalk. Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, Mr. Hicks is to contact VDOT to do a traffic study for this area.

Mr. Owens agreed with Mr. Barker in regards to WWII Celebration yesterday being a very nice service and the veterans are very deserving.

Mayor Helms received lots of compliments on the WWII Program. Emory and Henry College sent a thank you letter for our support of the Physical Therapy Program. Back of the Dragon will be at the high school stadium Saturday.

The next scheduled Council Meeting will be September 6, 2011 due to the Labor Day Holiday.

The Town and Country BBQ will be this Thursday evening. The Town Employee picnic was Friday and employees and retirees enjoyed this event. Patriots Day Program will be September 11, 2011. The quarterback club has contacted the Mayor to see if anyone is interested in making any contributions for feeding the football team before each game.

Todd Long is sending a certified letter to the Sprinkle Avenue address each week.

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 Mr. Weaver 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.

DISCUSSION OF DEVELOPMENT OF LAND OFF EXIT 44: Upon motion of Dr. Gates, seconded by Mr. Weaver and vote of 7 AYES and 0 NOES, Mr. Clark is to draft a letter to the property owner concerning possible boundary adjustments and the matter in which we proceed with request.

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

Mayor

Clerk