

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 September 6, 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 Manager/Town Engineer Cecil Hicks; Police Lieutenant Rex Anders; Fire Chief Rusty Hamm; Deputy Clerk Anita Catron; 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, Mr. & Mrs. Charles Wassum, III, Delegate William Carrico, Michael Robinson, Jeff Cassell, Dan Kegley, Andy Blevins, Kelly Blevins, Jane Leaman, John Tate, Chad Stevenson, Phil Stevenson, Robert Lincoln, Sam Russell, Ann Chambers, Paul Chambers, Mary Martin and Bill Huber.

MINUTES: Upon motion of Mr. Owens, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the minutes of the meeting held August 15, 2011 were approved as written. Dr. Gates, Messrs Barker, Owens, Weaver, Ms. Spencer, Mrs. Jennings and Mrs. Hale voted affirmatively.

RESOLUTION IN MEMORY OF MEL LEAMAN: Delegate Carrico, representing the House of Delegates and the Senate, read and presented this Resolution to the Family of Mel Leaman.

RESOLUTION ON NATIONAL FALLEN FIREFIGHTERS MEMORIAL SERVICE: Upon motion of Mrs. Jennings, seconded by Mr. Barker and vote of 7 AYES and 0 NOES, this Resolution was approved. Mayor Helms read the Resolution and presented the resolution to Fire Chief Rusty Hamm.

PUBLIC HEARING – CITIZEN INPUT ON CLOSING PORTION OF HIGHLAND DRIVE IN FRONT OF PRIMARY SCHOOL: Dr. Robinson reviewed the request. Mayor Helms opened the Public Hearing. Mr. Tate spoke about his concerns as an adjoining property owner. His concerns were traffic may only have one way in and out of the school property. Mr. Tate's other concern was this may cause an attractive nuisance on his property by being a through street it may cause vehicles to enter his property to Main Street. With no further public comments, Mayor Helms closed the Public Hearing. Mayor Helms asked for any Council discussion. Discussion Ensued. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES and 1 NOES (Ms. Spencer), Council proposes the road be built as closely as possible to the previous plans as presented by the School Board.

Mr. Clark addressed the issue of changing 911 addresses for the residents of these two streets. Scenario 1 would require eight address changes, scenario 2 would require seven address changes and scenario 3 would only involve one address change that being the primary school.

PUBLIC PRESENTATION – DR. WASSUM: Dr. Wassum made a public presentation concerning Water Mill Road and the water line for the new hospital. He addressed several concerns and questions regarding right of ways and easements on his property. Following his presentation, he submitted to Council members a list of concerns he would like to see addressed. Discussion Ensued. Upon motion of Mrs.

Jennings, seconded by Ms. Spencer and vote of 7 AYES and 0 NOES, item #8 on Mr. Wassum's request to Council was referred to the Buildings and Grounds Committee and the Street Committee jointly.

ACCEPTANCE OF BID ON OLD MILL PROPERTY LEASE: There was one bid received which was from Dr. Wassum in the amount of \$200 for a five year contract. Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, this item is to be rebid due to an error on the restrictions.

REPORT ON BID ON SEWER TREATMENT PLANT DIGESTER PROJECT: Mr. Clark noted the bids came in on August 31, 2011 and were higher than the engineer's estimate at \$1,076,000. Initially this project was to be a \$250,000 grant and a \$250,000 loan for a project total of \$500,000. The current estimate is \$900,000. Thompson and Litton will provide more information at the next Council meeting.

REQUEST FROM MT ZION TEMPLE TO CLOSE IRON STREET FROM CHERRY TO ORANGE ON SEPTEMBER 11TH FROM 10:00 TO 5:00: Lieutenant Anders stated this is a request each year from Ted Hayes on behalf of Mt. Zion. The road will be closed off by traffic cones. There is one correction to this item. The closure is to be from High Street to Orange Street. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, the request to close Iron Street from High to Orange on September 11th was approved.

NOTICE OF PUBLIC HEARING ON SEPTEMBER 19, 2011 ON REGIONAL WATER PLAN: Mr. Clark reviewed the reason for the public hearing. The Regional Water Plan funded by the General Assembly being a rather lengthy document, will be asked to be approved through a Resolution by Council. The Public Hearing will be held on the portion corresponding to the Marion area. Upon motion by Mr. Weaver, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, this item was set to Public Hearing on September 19, 2011.

UPDATE ON VIRGINIA REVITALIZATION FUND: Wayne C. Henderson School of Appalachian Music and Arts, representative, Mr. Huber reviewed the grant program. Mr. Huber stated the grant appears to be a good fit for the 1908 Schoolhouse. The opening for the grant application is September 9, 2011. There is a required match for this program; however, the renovations already completed to the building qualify toward the match. Ownership must be by the locality and there needs to be a long term lease agreement with the school. Mrs. Jennings requests a proper explanation be placed in the local newspaper. Upon motion of Dr. Gates, seconded by Mr. Weaver and vote of 7 AYES and 0 NOES the Resolution was approved.

REPORT ON LEAK STUDY ANALYSIS PERFORMED BY TOWN AUGUST 28TH - SEPTEMBER 1ST: Mr. Hicks reviewed the preliminary results from the study. The largest leaks have been determined and the largest one was fixed today. A full report will be available in the near future.

SEWER COMMITTEE ON EXTENSION ON SEWER TREATMENT PLANT PHASE 1 PROJECT: The contractor has asked for a 90 day extension. Upon motion of Mrs. Hale, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES an extension was granted for 45 days.

FIRE COMMITTEE ON FIRE CALL BILLING: Fire Chief Hamm explained the process of using a billing company to bill the insurance companies for fire calls. Upon motion of Dr. Gates, seconded by Mr. Owens and vote of 7 AYES and 0 NOES Mr. Hamm is to proceed with contracting the fire call billing through Fidelis Billing Company.

Dr. Gates noted the increase in water revenues from the report from water department.

Mr. Clark noted a grant for meter replacements has been received from Mount Rogers Planning District Commission.

Mrs. Jennings noted we may need a Freedom Of Information Act update. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 7 AYES and 0 NOES the ordinance committee will meet on setting a time limit for public presentations.

Mr. Barker received an email from Mr. Fallen in reference to shooting ordinance.

Mayor Helms noted there will be a VDOT informational meeting concerning Scratch Gravel Road Bridge replacement on I-81 at the Library on September 15, 2011. Mayor Helms attended Heartwood meeting on August 27, 2011. Patriots Day will be Sunday afternoon at the Court House.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (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 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 POSSIBLE LITIGATION: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES, 0 NOES and 1 ABSTENTION (Dr. Gates), the low bid was approved for \$98,868 from Valley Contractors for bids on Water Mill Road.

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

Mayor

Clerk