

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 October 6, 2011 at 5:30 p.m.

PRESENT: Mayor David Helms; Jane Hale, Tricia Spencer, Suzanne Jennings, 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; Police Chief Mike Roberts; Economic Development Director Ken Heath; Deputy Clerk Anita Catron; Town Clerk/Director of Finance Cindy Stanley.

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

VISITORS: David Thomas

MINUTES: Upon motion of Mrs. Jennings, seconded by Mrs. Hale and a vote of 6 AYES and 0 NOES, the minutes of the meeting held September 19, 2011 were approved as written. Messrs Barker, Owens, Weaver, Ms. Spencer, Mrs. Jennings and Mrs. Hale voted affirmatively.

SITUATION ON DIGESTER BIO-GAS PROJECT: The Sanitation and Finance Committee met last week on this situation. The possibilities of negotiating with the contractor and also re-bidding the project were discussed. Some progress was made during a meeting today with some deductions being taken out for equipment. Staff will make a recommendation at the next Council meeting on October 17, 2011. Thompson & Litton will be at the next Council meeting to discuss the project. The bid is good for 90 days.

SIGNALIZATION PROJECT AT NORHT MAIN, DABNEY AND WINDY ROAD: Mr. Clark noted the third and final easement agreement has been received. That project should be started in the near future. The second easement with Walgreens is expected soon.

RESULTS FROM COUNTY PARKING LOT BIDS: Mr. Heath reviewed the bids provided by Smyth County for the Parking Garage. The apparent low bidder at \$1,448,526 is Southend Construction, Inc.

REQUEST TO BID OUT ROOFS AT WATER TREATMENT PLANT AND HIGH LEVEL PUMP STATION PER 2011-2012 BUDGET: Mr. Clark stated a pre bid meeting will be held October 14, 2011. The bid opening is set for October 20, 2011 at 2pm. This is a budgeted item. This project will be paid for from the water fund. Upon motion of Mr. Weaver, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, permission was granted to move forward with this project.

REQUEST FROM MARION DOWNTOWN: Mr. Heath stated the request is from the German Club partnering with Marion Downtown to host the 3<sup>rd</sup> annual Christmas Market. In the past, the groups have offered a beer garden in the private lot behind the Grand Ballroom. The Marion Downtown Revitalization Association has requested to be able to do this event on the Town parking lot. Snow fence will be in place to comply with ABC laws. The Downtown Association has the capacity to handle this event. Upon motion of Mrs. Jennings, seconded by Ms. Spencer and a vote of 6 AYES and 0 NOES, this request was granted.

UPDATE ON NEW FLOOD PLAIN MAPS: Mr. Clark received a letter from FEMA in regards to the maps. We are a participating member of the program. All localities in one map is an improvement. There will need to be a Public Hearing with the maps available. The Model Ordinance will have to be Re-Adopted.

PUBLIC PRESENTATIONS: There were no public presentations.

Mrs. Hale shared some feedback from the public about the informational meeting regarding the Town purchasing the Golf Course.

Mr. Owens stated the VML Conference was a very informative event and we may need to update FOIA.

Mrs. Jennings noted the Sprinkle House is worse. She asked about the Department Goals. Mr. Clark informed everyone that he has received some very well thought out goals and objectives.

Mr. Weaver has not received any negative feedback on the Golf Course. He also thanked the Town for allowing him to attend the VML Conference. He encourages all staff to attend.

Mr. Barker indicated the tax records for the Golf Course states it is 271 total acres and \$1.3 million on the tax assessment for the clubhouse alone.

Mayor Helms stated that some of the VML participants had to be moved to different hotels. Legislative Day is February 8 and 9, 2011 in Richmond. The Visitor Center Group last week was an interesting and appreciative group and the breakfast at the Wellness Center was nice. Mayor Helms received an invitation from Fallon Hale for Riverfest 2011. Impact International thanks the Town for the use of the facilities on October 8, 2011 from 10 to 6 and everyone is invited. Mountain Dew Day was really nice. Kokey Wagner was inducted into the Smyth County Hall of Fame tonight.

Mr. Fenyk thanked the Town for allowing him to attend the VML Conference.

Mr. Heath informed Council the Halloween festivities are set for Saturday October 29, 2011. He thanked the Town for allowing him to attend VML Conference. Mr. Heath congratulated Mayor Helms for being elected as Vice-President of VML.

Mr. Hicks met last week with Southern Corrosion in regards to the High Level Tank Repairs. The Contractor indicated they do not think there is enough time to complete this project before bad weather. We may need to wait until spring. The prices will not change and the Contractor could start March 15, 2012. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, this project will be moved to the Spring of 2012.

Water Mill Road water line pay request number one in the amount of \$57,573.24 has been received. The Contractor is 70% completed and will be finished next week. Upon motion of Mr. Weaver, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, the first pay request in the amount of \$57,573.24 was approved for payment after the funds are received from the hospital.

Mr. Clark thanked Council for being able to attend the VML Conference.

Mayor Helms added land acquisition to closed session.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-3), (A-7) upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 6 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 consultation with legal counsel. 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 Mrs. Hale 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.

POSSIBLE PURCHASE OF LAND: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 6 AYES and 0 NOES, Mr. Clark is to write a letter to the Board of Supervisors requesting a boundary adjustment for the Golf Course with the contingency, the Town Purchase the Land, and get on the agenda for Tuesday night's meeting and attend the meeting or have a Town representative there.

Upon motion of Mrs. Jennings, seconded by Mr. Owens and vote of 5 AYES and 1 NO (Mrs. Hale), Mr. Clark is to work with Ed Stringer at the Bank of Marion to get in writing the foreclosure process on hold.

Mayor Helms shared information from VML about Eminent Domain Property. There is a Constitutional Amendment that may come up next session and if passed then it will go out for public referendum. This is coming up for General Assembly vote.

Mr. Weaver requested staff to get a quote for the survey on the Gold Course and how long it would take to complete it.

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