

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 November 7, 2011 at 5:30 p.m.

PRESENT: Mayor David Helms; Jane Hale, Tricia Spencer, Suzanne Jennings, Jim Owens, Bill Weaver, Jim Barker and Dr. Gates 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; Town Clerk/Director of Finance Cindy Stanley. Marion Planning Commission Members present were Vice Chairman Bob Ramsey, Alice Freeman, Dan Surface, Jim Barker and Ben Reedy (arriving late).

INVOCATION/PLEDGE TO THE FLAG: Reverend Mazingo rendered the invocation. Veterans Dr. Gates and Jim Owens led the Pledge to the Flag.

VISITORS: Erwin Rowland, Nancy Bales, Peggy McKinnon, Connie Dalton, Ashleigh Clark, Bessie Tilson, Harold Slemple, Ruth Cox, James Kelly, Julie Kelly, Evelyn Widener, Cindy Newman, Danny Newman, Jo Viars, Ann Martin, Patty Mazingo, Neville Mazingo, Martha Copenhaver, Betty Campbell, Maria Williams, Mary Lou Waak, Carol Henderson, Jeff Richardson, Billy Dungan, Debra Gollehon, Diana Price, Ralph Price, Heather Barnes, Derrick Barnes, Aaron Powers, Tom Austin, Jeff Spickard, Brian Tew, Charles Wassum and Anna Wassum.

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 October 17, 2011 were approved as written. Messrs Barker, Owens, Weaver, Dr. Gates, Ms. Spencer, Mrs. Jennings and Mrs. Hale voted affirmatively.

Mayor Helms welcomed the citizens and thanked the veterans.

JOINT PUBLIC HEARING WITH PLANNING COMMISSION ON PROPOSED REZONING OF 1122 CULBERT DRIVE FROM R1 RESIDENTIAL TO MA MEDICAL ARTS: Mayor Helms turned the Joint Public Hearing over to Planning Commission Vice Chairman Ramsey. Vice Chairman Ramsey noted with five members present the Commission has a quorum. Mr. Ramsey asked Mr. Hicks to review the request. Ben Reedy arrived. Vice Chairman Ramsey opened the Public Hearing. Representatives from Mount Rogers Community Services Board, Jo Viars and Ruth Cox accepted questions from the public. Sixteen citizens spoke and most were against the rezoning. Vice Chairman Ramsey closed the Public Hearing.

RECOMMENDATION FROM PLANNING COMMISSION ON PROPOSED REZONING AND DETERMINATION BY COUNCIL: Upon motion of Mrs. Freeman, seconded by Mr. Surface and a vote of 3 AYES and 1 NO (Barker), recommendation to Council is not to approve the request at this time. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 6 AYES and 1 NO (Weaver), this item will be studied further until the next meeting.

RECOMMENDATION ON MOVING FORWARD ON BIO GAS DIGESTER PROJECT: Brian Tew from Thompson and Litton reviewed the project. Mr. Tew indicated the total project cost is now at \$1,260,285. There is an estimated yearly savings of \$78,203 in oil and electricity. The annual cost of the loan will be \$50,514.25 for a savings of \$27,688.75. Thompson and Litton have evaluated the bids and

feel Frizzell Construction is a capable contractor. Mr. Clark feels positive the Town can secure the extra money for the project at 0% interest. A Public Hearing will be set for December 5, 2011. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, Council accepts moving forward with this project contingent upon additional funding at 0% interest.

APPROVAL OF FINAL PAY REQUEST ON WATER MILL ROAD: The project is complete, tested and passed. This line will be the primary source of water for the new hospital. The final bill is \$49,740.26. Upon motion of Mrs. Hale, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, the final bill was approved for payment.

BID ON \$477,284 AS TOWN PORTION OF PARKING DECK: Upon motion of Mr. Owens, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, this item was continued.

LIST OF DELINQUENT BPOL AND MEALS TAX BUSINESSES: Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, Town Attorney will make recommendations at next meeting.

UPDATE/CONCERNS FROM VML ON FUTURE HIGHWAY MAINTENANCE: The Mayor reviewed the Governors recommendation to cut Highway Maintenance Funds by 20%. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, Mr. Heath is to send letters to Legislators and contact everyone necessary after the election to oppose the cuts.

REQUEST FROM SMYTH COUNTY COMMUNITY HOSPITAL ON NAMING STREET TO ACCESS NEW FACILITY: After consulting with the 911 coordinator, the hospital is requesting to name the street "Medical Park Drive". Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, a letter recommending this name shall be sent to Shannon Williams E-911 Coordinator for Smyth County.

REQUEST FOR SPECIAL USE PERMIT AT 1126 PRATER LANE FROM JIM KELLY FOR A HOME OCCUPATION TO SELL AMSOIL: Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, a Public Hearing will be set for December 5, 2011.

PUBLIC PRESENTATIONS: Billy Dungan as representative for the Smyth-Wythe Airport Commission gave an update on the Airport. The terminal building is not going to be complete by late December as originally scheduled. He is not sure on the completion date. They have met with land owners and sent letters about land acquisition for the approaches.

GOLF COMMITTEE: Golf Committee met Friday. Mr. Clark went through the agenda from the meeting. Dr. Gates noted the Williams Foundation will make a determination on Grants in November or December. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, with the Town Attorney stating everything is in order, we proceed with the lease with an effective date of Monday November 14, 2011. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 7 AYES and 0 NOES, Council gives the Mayor the authority to sign the lease. Mr. Owens stated a letter needs to be sent to present members of the golf course to let them know what is going on. Ms. Stanley gave some changes to Mrs. Jennings regarding the Loan Agreement. These changes came from the Auditors.

Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 6 AYES, 0 NOES and 1 ABSTENTION (Mrs. Jennings), Smyth County Foundation Loan Agreement shall be closed no later than February 28, 2011 or as soon as the title search is complete, with the changes from the auditor being 60 days instead of 45 days and cash basis accounting, also a change on page2 to add charitable purpose, also #4 of attachment A should be removed, if Foundation agrees to these change then we move forward. Upon motion of Dr. Gates, seconded by Mr. Barker and a vote of 7 AYES and 0 NOES, Mr. Clark is to engage with the surveyor, Gale Maiden, upon all documents being signed and at a total cost of \$9,350 and completion in 45 days. Mr. Clark is to work with the current staff on properly winterizing the facility.

STREET COMMITTEE ON WASSONA GATES: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, there will be another meeting set in regards to the columns at Wassona Park.

Mayor Helms noted Friday is Veterans Day. November the 17th is the Annual Chamber of Commerce Dinner.

Mr. Heath requested a closed session to discuss possible litigation.

Chief Roberts noted there will be a test alert Wednesday the 9th at 2pm.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (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 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 Mr. Weaver and carried by vote of 7 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Barker, Owens, Weaver, Dr. Gates, Mrs. Jennings, Mrs. Hale and Ms. Spencer voted affirmatively.

Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, Mr. Heath and Mr. Clark are to work on an arrangement for payment with Ms. Saufley.

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

Mayor

Clerk