

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 February 16, 2010 at 7:00 p.m.

PRESENT: Mayor David P. Helms; Dr. James Gates, Jane Hale, Mel Leaman, Eugene Hendrick, and Bill Weaver, Council Members; Town Engineer/Assistant Town Manager Cecil Hicks; Police Chief Michael Roberts; Police Lieutenant Rex Anders; Town Attorney Mark Fenyk; Community & Economic Development Manager Ken Heath; Purchasing Director Billy Hamm; Town Clerk/Director of Finance Susan Clark.

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

VISITORS: Billy Buchanan, Bill Huber, David Fields, Deputy Clerk/Deputy Director of Finance Cindy Stanley

MINUTES: Upon motion of Mr. Weaver, seconded by Mr. Hendrick and vote of 5 AYES and 0 NOES, the minutes of the meeting held February 1, 2010 were approved as written. Messrs Weaver, Hendrick, Leaman, Mrs. Hale and Dr. Gates voted affirmatively.

RESOLUTION-CONGRATULATIONS FOR DIXIE O. SHEETS ON THE OCCASION OF HER RETIREMENT: Upon motion of Mr. Weaver, seconded by Mr. Hendrick, and vote of 5 AYES and 0 NOES, the following Resolution was adopted:

RESOLUTION OF RECOGNITION ON THE OCCASION
OF THE RETIREMENT OF DIXIE O. SHEETS

WHEREAS, Dixie O. Sheets began full time employment with the Town of Marion in the Treasurers Office on November 10, 1972 and has been continuously employed by the Town of Marion; and

WHEREAS, Dixie O. Sheets began her career with the Town manually processing the payroll, accounts payable, calculating water usage and hand typing water bills for approximately 2,800 customers. She has seen the transition to modern computerization make billing and processing easier for her employees; and

WHEREAS, Dixie O. Sheets has seen many changes during her tenure including new facilities for the Sewer Treatment Plant, Recreation Department and Fire Department and a new Town Pool and Senior Citizens Center and also improvements to the Town Hall, Water Treatment Plant and Downtown Marion Revitalized; and

WHEREAS, Dixie O. Sheets has been known for her friendly manner, knowledge of Town procedures, helpfulness and excellent letter writing skills; and

WHEREAS, Dixie O. Sheets ends her career as the Town Clerk/Director of Finance supervising 5 full time and 2 part time employees; and

WHEREAS, Dixie O. Sheets has elected to retire on February 1, 2010, after 37 years of employment with the Town of Marion. She will be missed by the citizens of Marion, which she served diligently, and her friends and co-workers.

NOW THEREFORE BE IT RESOLVED, BY THE Mayor and Council of the Town of Marion, that Dixie O. Sheets be commended for her years of service to the Town of Marion and the citizens of Marion and Smyth County.

BE IT FURTHER RESOLVED, that this Council extend to Dixie O. Sheets best wishes for good health, long life and prosperity and peace.

RESOLVED, this 16th day of February, 2010

David P. Helms, Mayor

Susan H. Clark, Town Clerk

DEPUTY TOWN CLERK/DEPUTY DIRECTOR OF FINANCE: Mrs. Clark introduced Ms. Cindy Stanley as the new Deputy Clerk/Deputy Director of Finance. Ms. Stanley makes the transition from the Purchasing Department. Mayor Helms congratulated Ms. Stanley on her new position.

UPDATE ON OLD PRATER LANE RAILROAD CROSSING-TOWN ENGINEER: Mr. Hicks stated that the low bidder was W-L Construction. W-L is preparing the cost breakdown for the project. This project should be funded 100% by the State. The Town will not be responsible for any funding.

POLICE POSITION VACANCY-CHIEF ROBERTS: Chief Roberts informed Council that 35 applications were received by the deadline. Four applicants are certified. Interviews will begin Tuesday, February 23, 2010.

WATER ACCOUNTABILITY REPORT/JANUARY-TOWN ENGINEER: Mr. Hicks stated that the accountability average is around 60%. The Smyth County Court House has a water leak and the usage has risen from 18,930 in December to 128,470 in January. The County is aware of this leak.

SONG OF THE MOUNTAINS MUSEUM-BILLY BUCHANAN: Mr. Buchanan reported that the progress was good through the demolition, but it has taken a while to get a building permit. The Appalachian Cultural Museum Association (ACMA) was to help defray the cost of the project due to closure at the Bristol Mall, but they are staying at the Mall and Marion will be a satellite museum. The Town has already given money to the ACMA and Mr. Buchanan is working to bring those funds back to Marion to be used locally. The funds would be transferred from the ACMA account to a non-profit account locally, Appalachian School of Music and Art-Joe Ellis. A letter is to be written requesting that the funds be returned to the local account. Dr. Gates stated that a local non-profit account would be the best use for the funds. Dr. Gates moved that funds be transferred from the ACMA to the local account, Appalachian School of Music and Art.

Discussion ensued. Dr. Gates rescinded his motion.

Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 5 AYES and 0 NOES, Council is not opposed to any funds previously paid to ACMA being transferred to the Appalachian School of Music and Art account so that the funds can be used locally for the Song of the Mountains Museum.

STREETSCAPE UPDATE-BILL HUBER: Mr. Huber stated that the public has been solicited by an open meeting concerning the streetscape proposed improvements. The improvements would be from the corner of Broad Street and Lee Street to Broad Street and Main Street and from Main Street to the bottom of the hill at East Main Street. The proposed design is to add green spaces and vegetation to the overall design at street intersections. The corner of Broad Street and Main Street would have an ornamental traditional clock on a pole 12-14 feet high. The design of the sidewalk would be the same as on Main Street.

The design includes a loading dock at the stage entrance to the Lincoln Theatre, with an ornamental railing on the Main Street side of the dock. A proposed green space is included at the corner of E. Main Street and Pendleton Street. There is currently a drainage problem in the area and the green spaces should eliminate the problem. The cost estimate has the project well within the budget. This project is funded with T-21 funds. VDOT must approve the preliminary design at 50% review in order to bid the project.

Dr. Gates added that the adjacent property owners that were not in attendance at the meeting, be sent a copy of the design for their review. Upon motion of Dr. Gates, seconded by Mr. Leaman and vote of 5 AYES and 0 NOES, Council voted to proceed with the project as long as the Town is in compliance for the 50% review so that T-21 funds can be approved for release for this project.

ACCOUNTS: Upon motion of Mr. Weaver, seconded by Mr. Leaman and vote of 5 AYES and 0 NOES, the accounts were approved for payment in the amount of \$930,692.39.

INVESTMENTS: There were no funds invested.

2010 CENSUS: Mr. Heath reported that March 7-13, 2010 is Census Awareness Week. The census is important to the Town because it will help to determine state and federal funding for Marion. Mr. Heath read a draft of the Census Awareness Week Resolution. Upon motion of Mr. Weaver, seconded by Mrs. Hale and vote of 5 AYES and 0 NOES, the following Resolution was adopted:

RESOLUTION OF DECLARATION OF CENSUS

AWARENESS WEEK IN SMYTH COUNTY

WHEREAS, an accurate census count is vital to Smyth County and its residents' well-being by helping determine where to locate schools, day care centers, roads and public transportation, medical facilities, commercial developments, and other facilities;

WHEREAS, more than \$400 billion per year in federal and state funding is allocated to states and communities based, in part, on census data;

WHEREAS, census data help determine how many seats each state will have in the U. S. House of Representatives and often is used for the redistricting of state legislatures, local governing bodies, and voting districts;

WHEREAS, the 2010 Census creates jobs that stimulate economic growth and increase employment;

WHEREAS, the information collected by the census is confidential and protected by law;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of Marion, Virginia, that we proclaim the week of March 7-13, 2010 to be Census Awareness Week and we, the Town Council of Marion, Virginia, are committed to partnering with the U. S. Census Bureau to help ensure a full and accurate count in 2010.

As a 2010 Census partner, we will:

1. Support the goals and ideals for the 2010 Census and disseminate 2010 Census information to encourage those in our community to participate.
2. Encourage people in our community to place an emphasis on the 2010 Census and participate in events and initiatives that will raise overall awareness and ensure full and accurate census.
3. Support census takers as they help our community complete an accurate count.
4. Create or seek opportunities to collaborate with other like-minded groups in our community by participating in the Smyth County Complete Count Committee.

Signed this 16th day of February, in the year 2010.

David P. Helms, Mayor

Susan H. Clark, Town Clerk

PERSONNEL MANUAL-NEW DRUG TESTING POLICY AND CORRECTION OF ANNUAL LEAVE IN CALCULATION OF OVERTIME-ATTORNEY FENYK: Mr. Fenyk stated that the Personnel Committee met and edited the current Personnel Manual, Section 1.06-C-Positive Tests. Specimens collected from employees are divided into two parts. One part is then tested by the Agency contracted by the Town for the presence of any controlled substance and/or alcohol. The second part of the sample is kept by the Agency contracted by the Town, in the event the Employee tests positive and requests a retest. The retest will be at the expense of the Employee, and all associated costs are required to be paid in advance of the retest. Specimens of an Employee, who tests positive on a drug test, shall be retested using the Mass

Spectrometry Method by the Agency contracted by the Town or a lab approved by the Commonwealth of Virginia. Said retest must be requested in writing by the Employee and delivered to the Town Manager within five (5) days of the initial positive drug test by the Agency contracted by the Town, along with certified funds for all associated costs of the retest. The Employee will be given the opportunity to explain any circumstances surrounding a positive test, such as presenting a valid prescription existing at the time of the initial test. Employees who are determined to be using or under the influence of alcohol, or any controlled substance without a valid prescription on the job, may be required to successfully complete a rehabilitation program as a condition of continued employment.

Should the Employee be required to enter a rehabilitation program as a condition of continued employment, the Employee shall not drive or operate any Town vehicles or machinery until such program has been successfully completed. If the Employee drives or operates any Town vehicle or machinery before successfully completing the rehabilitation program, the Employee shall be terminated. The Employee, being allowed to enter a rehabilitation program as a condition of continued employment, will be placed on probation for a term set by the Town Manager. Random drug screens will be set at intervals determined by the Town Manager.

If the Employee has a valid prescription, and the test results indicate the presence of the prescribed substance at a level above the amounts that would be indicated by the prescription, the Employee may be required to enter a rehabilitation program as described above. Abuse of prescribed medication will be treated by the Town in the same manner as if an Employee tests positive without a valid prescription. The Employee shall not drive or operate any Town vehicles or machinery until such rehabilitation program has been successfully completed. If the Employee drives or operates any Town vehicle or machinery before successfully completing the rehabilitation program the Employee will be terminated. The Employee, being allowed to enter a rehabilitation program as a condition of continued employment, will be placed on probation for a term set by the Town Manager. Random drug screens will be set at intervals determined by the Town Manager.

Should the Employee who tests positive be the Town Manager, then each of the references to "Town Manager" will be substituted with Town Mayor.

Upon motion of Mr. Weaver, seconded, by Mrs. Hale and vote of 5 AYES and 0 NOES, the proposed changes were approved.

Mr. Fenyk also added that Personnel Manual, Section 5.05-C, Use of Annual Leave, Section C was edited in paragraph two to state annual leave **shall** be counted as hours worked for the purpose of determining overtime pay. Upon motion of Mr. Weaver, seconded by Mrs. Hale and vote of 5 AYES and 0 NOES, the proposed change was approved.

ACCOUNTS: Dr. Gates questioned the bill to Boggs Municipal Services, Inc. on the accounts list, #53, in the amount of \$3,210.00, for repairs to raw water pumps at the Water Treatment Plant. Was this already repaired with the refurbishing of the Water Treatment Plant, less than two years ago? Mr. Hicks will discuss the bill with Donnie Coley and determine if it was already repaired. Upon motion of Dr. Gates, seconded by Mrs. Hale and vote of 5 AYES and 0 NOES, the bill to Boggs Municipal Services, Inc., in the amount of \$3,210.00, will be held until Mr. Hicks can make the determination.

VIRGINIA TOWN AND CITY MAGAZINE: Mayor Helms reported that the photo on the front of the magazine was taken by Mr. Hicks and the article written by Mr. Heath. This is very good advertising for the Town of Marion.

OLD SCHOOLHOUSE: Mr. Heath stated that the streetscape project at the old schoolhouse began 2-16-10.

WEDDING SHOWCASE: There will be a downtown wedding showcase on March 6, 2010.

NIXEL INTERNET SERVICES: Mr. Heath reported that this is a free email or text service that includes weather advisories, traffic information, water problems and other community announcements.

CRISIS INTERVENTION TEAM AWARD: Chief Roberts announced that Lieutenant Anders received the Crisis Invention Team Award for 2009 as well as the Marion Police Department. Mayor Helms congratulated Lieutenant Anders and Chief Roberts.

CLOSED SESSION: Pursuant to Code of Virginia 1950, as amended, Section 2.2-3711 (4) and upon motion, duly seconded, and vote of 5 AYES and 0 NOES, Council entered into Closed Session to discuss personnel matters. Mr. Hendrick moved that Town Council return to Open Session and that it be known that only those matters legally exempted from Open Session and identified in the motion were discussed during the Closed Session. Mr. Weaver seconded the motion. Council approved the motion by a vote of 5 AYES and 0 NOES. Mrs. Hale, Messrs Weaver, Leaman, Hendrick, and Dr. Gates voted affirmatively.

Upon motion, duly seconded and vote of 5 AYES and 0 NOES, the meeting was adjourned.

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Mayor	Clerk