

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 April 19, 2010 at 7:00 p.m.

PRESENT: Mayor David P. Helms; Jane Hale, Mel Leaman, Buford Cregger, Suzanne Jennings, Eugene Hendrick, Bill Weaver, and Dr. James Gates(arriving late) Council Members; Town Attorney Mark Fenyk; Town Manager John E. B. Clark, Jr.; Town Engineer/Assistant Town Manager Cecil Hicks; Police Chief Michael Roberts, Police Lieutenant Rex Anders; Community & Economic Development Director Ken Heath; Purchasing Agent Billy J. Hamm; Town Clerk/Director of Finance Susan Clark.

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

VISITORS: Jeff Spickard, William Thompson, Marlin Weaver, Ron Thomason, Diannah Pennington, Kelly Osborne, Sam Hambrick, Bill Pugh, John Morgan, Wanda Morgan, Tom Brown, Laura Brown

MINUTES: Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, the minutes of the meeting held April 5, 2010 were approved as written. Messrs Weaver, Hendrick, Cregger, Leaman, Mrs. Hale and Mrs. Jennings voted affirmatively.

AMPHITHEATER-RIVERBEND PARK: Mr. Bill Thompson informed Council that he has spoke with a representative from the 760th Engineering Division and the Company is interested in erecting the Amphitheater. The Division will need an Environmental Impact and Hold Harmless Agreement from the Town. Mr. Thompson will meet with the representative on May 5th or 6th.

SOUTH MAIN STREET WATER PROJECT-PAY REQUEST #4: Mr. Spickard explained that the Pay Request #4 is in the amount of \$21,741.76. He added that there should be one final request. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, Pay Request #4, in the amount of \$21,741.76 was approved.

DOWNTOWN DISTRICT PROPOSED EXPANSION: Mr. Heath explained that he has mailed letters to the property owners affected by the expansion. The deadline to respond is May 7, 2010.

TOURISM ASSOCIATION BY-LAW APPROVAL: The Mayor explained that the By-Laws were adjusted and ready for Council approval. Mr. Fenyk added that he would include the Town Code Sections before final approval by Council. Mrs. Jennings moved that the By-Laws be approved with the Town Attorney adding the Town Code Sections. Mr. Weaver seconded the motion. Mr. Fenyk reminded Council that a Public Hearing must be set to adopt the By-Laws. Mrs. Jennings and Mr. Weaver rescinded their motions. Discussion ensued. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 6 AYES and 0 NOES, a Public Hearing to adopt the Tourism Association By-Laws is set for May 17, 2010.

OLD PRATER LANE RAILROAD CROSSING: Mr. Hicks stated that he has received a letter from Norfolk and Southern to proceed with the project. The Town will not be responsible for funding. Upon motion of Mr. Hendrick, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, Council will issue an Order to Proceed and accept the original bid from W-L Construction in the amount of \$468,222.00 with a signed agreement from W-L stating that the original bid quote is still good.

STALEY STREET PARKING ISSUES: Mr. Hicks stated that he has been in contact with VDOT concerning the street parking issues. VDOT advised that the Town can restrict parking on the street, but this would set precedence for other street parking issues in the Town. Mr. Hicks added that the street is 31 feet wide and with one car parked, there is still 24 feet of street that can be driven on. Upon motion of Mr. Cregger, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, this item was tabled.

ACCOUNTS/INVESTMENTS: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, the accounts in the amount of \$846,295.56 were approved for payment.

REPORT ON TOURISM AUTHORITY: Mr. Ron Thomason, Executive Director, updated Council on the success of the Authority. Mr. Thomason stated that the Center's visitors are increasing each year, with 42 states represented and 32 foreign countries. He added that the investments that the Town's are making in the Center are paying off and he appreciates the participation from each Town and Smyth County. Mr. Kelly Osborne, Mr. John Morgan and Mrs. Diannah Pennington praised Mr. Thomason for

the wonderful work he is doing at the Authority. Mr. Thomason added that the Quarterly meetings help the Town's and County move forward together.

FEMA AWARD-SCBA FUNDING: Mr. Clark informed Council that he received notification that FEMA would fund \$5,700.00 for payment of the SCBA's. He added that the Town had borrowed \$89,785.00, to pay for the SCBA's. The 90 day note is now due. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, this item was referred to the Finance Committee.

COFFMAN STAIRS- MASS LAYOFF: Mayor Helms received a letter from Frank Partin, President of Coffman Stairs, informing him of a mass layoff that will begin on June 4, 2010.

PAVING BIDS: Mr. Hicks informed Council that 1 (one) bid was received from W-L Construction in the amount of \$149,539.23, with 14,356 yards of milling. Upon motion of Mr. Cregger, seconded by Mr. Hendrick and vote of 6 AYES and 0 NOES, the bid in the amount of \$149,539.23 was accepted. This amount does not include paving the tennis courts at the Riverbend Park.

EAST CHILHOWIE STREET BRIDGE: Mr. Clark advised Council that the driver's insurance policy will pay the maximum. The maximum is not enough to cover the costs of repairing the bridge. Restitution will have to be made with a lawsuit against the owner and driver of the vehicle.

DEFACED PROPERTY ISSUES: Sam Hambrick stated that he has lived in Marion for over thirty years and is very proud of the Town. He is concerned about the "eyesores" in the Town that deface property and cause the values of adjoining or adjacent properties to plummet. Mr. Cregger explained that Council is aware of the problems and is trying to find solutions.

FINANCE/BUDGET COMMITTEE: Mr. Leaman informed Council that the Finance Committee hopes to have a proposed budget within the next few weeks to present to Council. The Committee is meeting every Friday in order to expedite the process.

Dr. Gates arrived.

PATCHING HOLES ON IRON STREET: Mrs. Hale expressed her concerns about the holes on Iron Street. Mr. Hicks informed Council that the Town Public Works Department is beginning to patch various streets in Town and the holes should be patched within the next few weeks.

LINCOLN THEATRE: Mrs. Jennings stated that Duane Cregger had contacted her concerning the second half of the allocated funds being paid to the Lincoln. Mayor Helms informed Council that payment had been made in February and a \$15,000. payment had been made to the Song of the Mountains in April. The Town must meet the payroll before any allocated funds can be distributed.

TOWN AND COUNTY QUARTERLY MEETING: Mayor Helms reminded Council of the meeting to be held Wednesday, April 21, at 6:30 pm at the General Francis Marion Hotel.

STATE BUDGET CUTS EFFECTING TOWNS AND COUNTIES: Mayor Helms stated that he had recently attended a VML meeting and discussion was about the state budget and how the cuts affect the Towns and Counties. VML is orchestrating a plan for how the Towns and Counties in the State can keep the State Legislature apprised of the need that local governments have for state funding.

VML CONFERENCE: Mayor Helms informed Council that the VML Conference is October 3-7, 2010 in Hampton, Virginia. Please let the Town Clerk know as soon as possible if you plan to attend.

SMYTH-WYTHE AIRPORT TOUR: Mayor Helms stated that an airport tour will be conducted Friday, April 23rd at 3:00 PM.

LEASE AGREEMENT BETWEEN TOWN OF MARION AND VFW POST 4667: Mr. Fenyk informed Council that an agreement regarding the ball field and restrooms has expired. A new agreement was produced with a consideration of \$1.00 for use of the field and restrooms. The agreement will be for 5(five) years beginning March 14, 2010 and ending March 14, 2015. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and a vote of 7 AYES and 0 NOES, the agreement was accepted and authorization for the Mayor and Town Clerk to sign the agreement was approved.

STREETSCAPE PROJECT: Ken Heath stated that Drawdown Request #1 has been received in the amount of \$31,485.87. 80% will be reimbursed to the Town in amount of \$25,188.70. The payment will be made from the Town of Marion Downtown Housing Account and will be reimbursed to the same account. Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, Request #1, in the amount of \$31,485.87 was approved for payment.

TOWN OF MARION HEALTH FAIR: Mr. Heath informed Council that a Health Fair will be held in the Council Room on May 19, 2010.

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

Mayor

Clerk