

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 May 17, 2010 at 7:00 p.m.

PRESENT: Mayor David P. Helms; Jane Hale, Mel Leaman, Buford Cregger, Suzanne Jennings, Eugene Hendrick, and Bill Weaver, 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; Purchasing Agent Billy Hamm; Community & Economic Development Director Ken Heath; Town Clerk/Director of Finance Susan Clark.

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

VISITORS: Council Member Elect Jim Barker

MINUTES: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, the minutes of the meeting held May 3, 2010 were approved as written. Messrs Weaver, Hendrick, Cregger, Leaman, Mrs. Hale and Mrs. Jennings voted affirmatively.

SLUDGE APPLICATION LEASE AGREEMENT: Mr. Clark informed Council that he had sent Mr. Scott Waddle a proposed agreement for the Town of Marion using his property for sludge disposal. The agreement is for a one year period beginning June 1, 2010 and ending May 31, 2011. The Town will pay Mr. Waddle \$3,500 to secure this agreement. The agreement may be renewed at a term and payment agreeable to both parties.

PROPOSED 2010-2011 BUDGET ADVERTISEMENT SCHEDULE: Mr. Clark stated that the public hearing regarding the 2010-2011 Budget will be June 7, 2010 as well as the public hearing regarding increases in meals and lodging taxes and water & sewer rates. The public hearing for Real Estate increase due to reassessment will be advertised thirty days prior to the public hearing which will be held June 21, 2010.

ACCOUNTS: Upon motion of Mrs. Jennings, seconded by Mrs. Hale and a vote of 6 AYES and 0 NOES, the accounts were approved for payment in the amount of \$728,715.19. Messrs Hendrick, Leaman, Cregger, Weaver, Mrs. Jennings and Mrs. Hale voted affirmatively.

INVESTMENTS: Mrs. Jennings moved that the Investment Report be approved as presented. Mrs. Hale seconded the motion. Council approved the same unanimously. Messrs Hendrick, Leaman, Cregger, Weaver, Mrs. Jennings and Mrs. Hale voted affirmatively.

APPROVAL OF SOLICITATION OF ENGINEER FOR DEPARTMENT OF ENVIRONMENTAL GREEN RESERVE PROJECT: Mr. Clark explained that the Town is soliciting qualification statements and proposals from qualified engineering firms to provide all required engineering services for the Town's Wastewater Treatment Plant Cogeneration Project. The deadline to receive proposals is June 3, 2010. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, Council approved bidding the project.

NOTICE OF VIOLATION FROM HEALTH DEPARTMENT RESULTING FROM LEAK STUDY: Mr. Clark stated that he had received a letter from Health Department Office of Drinking Water advising that the waterworks appears to be in violation of the Commonwealth Regulations. According to Section 12 VAC 5-590-510E requires that all waterworks shall provide a minimum working pressure of 20 psi at all service connections. The area in question is Radio Hill Road. Mr. Hicks stated that a pump station can be erected in the Town's right-of-way close to the entrance of the Wellness Center. The cost associated with this station is approximately \$8,000 to \$15,000. Upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 6 AYES and 0 NOES, Council approved staff proceeding with the project.

INVITATION TO TOUR AIRPORT ON JUNE 3: Mayor Helms informed Council of an invitation received from the Smyth Wythe Airport Commission to attend a "Sponsor Tour" of the airport on June 3, 2010 from 3:00 P.M. to 4:00 P.M.

REQUEST FOR REZONING 238 W MAIN STREET-JOEY ATKINS: Mr. Clark stated that he had received a letter from Mr. Joey Atkins requesting to rezone the property located at 238 W. Main Street from R-2 to Commercial for use as a business office. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote

of 6 AYES and 0 NOES, this request was referred to Planning Commission. Planning Commission will meet June 14, 2010.

BLUE RIDGE JOB CORP REQUEST FOR CROSSWALK AT COURT AND SHEFFEY STREET: Mr. Leaman stated that the Street Committee had met and recommends constructing a crosswalk at the intersection of North Sheffey and West Court Street per the request of Gary Tickle, BRJC Center Director. Upon motion of Mr. Leaman, seconded by Mr. Hendrick and vote of 6 AYES and 0 NOES, staff was directed to proceed with recommendation.

GORDON AVENUE STREET CLOSING REQUEST: Upon motion of Mr. Leaman, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, this item was continued.

YOUTH GOVERNMENT DAY: Mayor Helms stated that Youth Government Day was May 12, 2010 and all went well.

BUDGET: Mayor Helms commended staff and the Budget Committee for their diligent work on the 2010-2011 Budget.

OLD PRATER LANE PROJECT AND INFORMATION MEETING: Mayor Helms informed Council that the information meeting held at the Recreation Department was well attended by the public.

DESTINATION IMAGINATION: Upon motion of Mr. Leaman, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, Council denied previous request for a donation.

SPECIAL TAX DISTRICT EXPANSION: Mr. Heath stated that from the surveys received, majority did not approve expanding the district.

MAIN STREET HANDICAP PARKING: Mr. Heath explained that several businesses had requested the Town erect handicapped parking spaces on Main Street. According to ADA Code, handicapped spaces cannot be erected on Main Street due to the width required for the spaces.

RESOLUTION IN SUPPORT OF THE PROPOSED DOWNTOWN COURTHOUSE RENOVATION PLAN: Upon motion of Mr. Cregger, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, this item was continued for Council review.

STRIPING: Mr. Hicks informed Council that town staff has started striping and it is going well.

CLOSED SESSION: Pursuant to Code of Virginia 1950, as amended, Section 2.2-3711(4) and section 2.2-3711(7) and upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 6 AYES and 0 NOES, Council entered into Closed Session to discuss business matters. Mrs. Jennings 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. The motion was seconded by Mrs. Hale and carried by vote of 6 AYES and 0 NOES. The Clerk polled the Council Members. Mrs. Jennings, Mrs. Hale, Messrs Weaver, Leaman, Cregger and Hendrick voted affirmatively.

OFFER FROM STATE FARM INSURANCE ON EAST CHILHOWIE STREET BRIDGE ACCIDENT: Mr. Clark stated that State Farm Insurance is prepared to pay \$100,000 as full and final settlement as long as the Town signs a release. Mr. Leaman moved that the Town accept the \$100,000 settlement and review the costs pertaining to repairing the bridge, Mrs. Jennings seconded the motion and by a vote of 2 AYES and 4 NOES (Cregger, Hale, Hendrick, Weaver), the motion was defeated. Upon motion of Mr. Cregger, seconded by Mr. Weaver and vote of 5 AYES and 1 NOE (Leaman), Council accepts the \$100,000 settlement and directs the Town Attorney to inquire to State Farm Insurance if the driver of the vehicle can be removed from the Release so the Town may pursue possible suit against the driver of the vehicle.

Upon motion, duly seconded and vote of 6 AYES and 0 NOES, the meeting was adjourned.

Mayor

Clerk

