

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 June 21, 2010 at 7:00 p.m.

PRESENT: Mayor David P. Helms; Jane Hale, Mel Leaman, Buford Cregger, Suzanne Jennings, Eugene Hendrick, Dr James Gates, 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; 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, Council member Elect Jim Owens, Kris Gandhi

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 7 AYES and 0 NOES, the minutes of the meeting held June 7, 2010 were approved as written. Messrs Weaver, Hendrick, Cregger, Leaman, Dr. Gates, Mrs. Hale and Mrs. Jennings voted affirmatively.

PUBLIC HEARING-NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE: Mr. Clark read and explained the proposal. The proposal will be adopted with the budget at the June 30<sup>th</sup> Council meeting. Mayor Helms closed the Public hearing.

TOURISM BY-LAWS: Upon motion of Mrs. Jennings, seconded by Dr. Gates and vote of 7 AYES and 0 NOES a Public Hearing to adopt the Tourism By-laws is set for July 19, 2010.

VDOT PROJECT UPDATE: Mr. Hicks explained that the four scheduled projects total approximately 4.7 million dollars. VDOT representatives will be present at a July council meeting to update Council on the projects. There are four projects. 1) Town Wide Signalization- scheduled completion is December 2011, 2) Baughman Avenue Bridge-scheduled completion December, 2012, 3) Chatham Hill Road Bridge-Scheduled completion May, 2014, 4) South Church Street Drainage-No completion date scheduled due to funding.

ACCOUNTS: Upon motion of Mrs. Jennings, seconded by Mrs. Hale and a vote of 7 AYES and 0 NOES, the accounts were approved in the amount of \$919,942.92.

INVESTMENTS: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, the investments were approved.

W W SCOTT SENIOR CITIZENS BY-LAWS: Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 7 AYES and 0 NOES, this item was referred to the Ordinance Committee.

DISTRICT III BOARD OF COMMISSIONERS APPOINTMENT: Mrs. Hale stated that she would be glad to serve another term. Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 6 AYES and 1 Abstention(Hale), Council approved reappointment of Mrs. Hale to the District III Board of Commissioners.

TOWN OF MARION PLANNING COMMISSION MEMBER APPOINTMENT: Mr. Jim Barker resigned from the Planning Commission effective July 1, 2010 as two Council members cannot serve on the Planning Commission and Mr. Leaman is currently the Council representative. Upon motion of Mrs. Jennings, seconded by Mr. Leaman and vote of 7 AYES and 0 NOES, this item was continued to find an appropriate replacement.

PAYDAY LENDING IN THE COMMONWEALTH OF VIRGINIA: Mr. Clark stated that the City of Staunton had sent a copy of a Resolution that had been adopted in May by the City and it is included in the Council packet. Upon motion of Mrs. Jennings, seconded by Mr. Leaman and vote of 7 AYES and 0 NOES, this item was referred to the Ordinance Committee.

REQUEST FOR REZONING OF PROPERTY AT 540 S MAIN STREET-KRIS GANDHI: Dr. Gandhi is requesting that the property be rezoned to a mixed use. He would like to use the front of the building as office space and the back as apartments. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, this request was referred to the Marion Planning Commission.

HOLSTON HILLS COUNTRY CLUB WATER ADJUSTMENT REQUEST: Dr. Gates stated that Holston Hills Country Club had requested an additional adjustment for water usage due to pool fill up. Town staff has adjusted the sewer. The recommendation of the Water Committee is to adjust sewer only and no additional adjustment to water. Upon motion of Mr. Cregger, seconded by Dr. Gates and vote of 7 AYES and 0 NOES, the request from Holton Hills Country Club was denied.

AUTOMOTIVE CONNECTION, STEVE HILL-REQUEST FOR REDUCED WATER RATE: Dr. Gates stated that the Water Committee recommends to deny the request for a reduced water rate for Mr. Hills car wash. Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, the request from Steve Hill, Automotive Connection, was denied.

VRS PLAN 2: Mr. Clark presented a survey of surrounding Town and County proposals for new employees hired after July 1, 2010. Five surrounding Towns and 1 County will pay the 5% employee share, one Town will not and two are undetermined. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 3 AYES, 2 NOES(Gates, Weaver) and 2 ABSTENTIONS(Cregger, Hendrick), Council adopted the Resolution to pay the 5% employee share of retirement for new employees hired after July 1, 2010.

MURAL-PENDLETON STREET: Mr. Fenyk explained that the Town cannot donate to private entities, but can donate to the Marion Downtown for façade improvements in the downtown area. Mr. Heath added that the Mural can cost between \$4,000 and \$10,000. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 5 AYES, 1 NOE(Hendrick) and 1 ABSTENTION(Cregger) Ken Heath, Marion Downtown, was directed to schedule a public meeting to obtain input from the public on art and murals in the downtown area.

CROOKED ROAD VIDEO: Mr. Heath informed Council that the deadline to accept the video is August 15, 2010. The amount of \$3,500 will have to be included in the 2010-2011 Budget. Dr. Gates added that it would benefit the Town to have a video at Heartwood for tourism purposes. Upon motion of Dr. Gates, seconded by Mr. Weaver and vote of 5 AYES and 2 ABSTENTIONS (Cregger, Hendrick) Council approved budgeting \$3,500 for funding the Crooked Road Video.

75% GUARANTEED PAYMENT TO THE LINCOLN THEATRE, SMYTH-BLAND LIBRARY AND SMYTH-WYTHE AIRPORT: Dr. Gates explained that a letter should be sent to explain that budgets for The Lincoln Theatre, Smyth-Bland Library and Smyth-Wythe Airport should be planned around a 75% guarantee due to financial issues. If the Town is in financial straits then the 75% guarantee will be all that can be paid of the appropriation. The Town plans to give the appropriation at 100%, but budgets should be planned around the possibility that only 75% can be paid. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 5 AYES and 2 ABSTENTIONS (Cregger,Hendrick), the Town Manager will send letters of explanation.

SOCCER COACH OF THE YEAR: Mayor Helms congratulated Dr. Gates on attaining the Soccer Coach of the Year title.

JUNE 30, 2010 MEETING: Mayor Helms reminded Council that the F/Y 2010 close is Wednesday, June 30, 2010 at 5:15 p.m.

RESCHEDULE COUNCIL MEETING: Mayor Helms informed Council that due to the July 4<sup>th</sup> Holiday, the next regular Council Meeting will be July 6, 2010.

Mrs. Jennings stated that it was a pleasure to serve on Council with Mr. Cregger and Mr. Hendrick and welcomed Mr. Barker and Mr. Owens to Council.

Mr. Heath stated that his new assistant, Olivia Bailey has come on staff.

4<sup>TH</sup> OF JULY FIREWORKS: Mr. Heath stated that this year's fireworks display will be set at the Marion Senior High School Tennis Courts. Parking and sitting at the Primary School will not be allowed.

NORTH MAIN STREET/JOHNSON ROAD SIGNAL SYSTEM REPAIR: Mr. Hicks informed Council that the existing control box is not operational and cannot be repaired. Therefore, a new control box must be ordered and will be used for the upcoming intersection renovation.

LLEBG POLICE GRANT: Chief Roberts stated that he had received grant information and that the Town’s portion is \$1,110. Total amount is \$11,111. Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 5 AYES and 2 ABSTENTIONS (Cregger, Hendrick), the grant was accepted.

CLOSED SESSION: Pursuant to Code of Virginia 1950, as amended, Section 2.2-3711(3) and upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 7 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. Mr. Weaver seconded the motion. Council approved the motion by a vote of 7 AYES and 0 NOES, Mrs. Jennings, Mrs. Hale, Messrs Weaver, Leaman, Cregger, Hendrick and Dr. Gates voted affirmatively.

POSSIBLE PURCHASE OF PROPERTY LOCATED ON PEARL AVENUE: Upon motion of Dr. Gates, seconded by Mr. Weaver and vote of 7 AYES and 0 NOES, Mr. Fenyk will schedule a meeting with Charles Harrington, MRHA, to pursue spot blight as a remedy to the situation with the property on Pearl Avenue.

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

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Mayor

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Clerk