

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 July 6, 2010 at 7:00 p.m.

PRESENT: Mayor David P. Helms; Jane Hale, Jim Owens, James Gates. Mel Leaman, Suzanne Jennings, Bill Weaver, and Jim Barker, 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 Sergeant Steve Widner; Community & Economic Development Director Ken Heath; Town Clerk/Director of Finance Susan Clark.

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

VISITORS: John Saunders, El Saunders, Henry Brant, Dennis Jennings, Ben Reedy, Keith Finney, Joe Ellis, Brittany Hughes, Bill Huber

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 5 AYES, 0 NOES and 2 ABSTENTIONS (Barker, Owens) the minutes of the meeting held June 21, 2010 were approved as written. Messrs Weaver, Mr. Leaman, Dr. Gates, Mrs. Hale and Mrs. Jennings voted affirmatively.

MINUTES: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 4 AYES, 0 NOES and 3 ABSTENTIONS (Gates, Barker, Owens), the minutes of a special called meeting held June 30, 2010 to close fiscal year matters were approved as written. Messrs Weaver, Leaman, Mrs. Jennings and Mrs. Hale voted affirmatively.

APPOINTMENT OF TOWN OFFICIALS: Mayor Helms stated that four (4) Town Officials are slated to be appointed. He asked citizens in attendance for any comments on these positions to be considered for appointment. There were no comments.

APPOINTMENT OF TOWN MANAGER: Upon motion of Mrs. Jennings, seconded by Dr. Gates and vote of 7 AYES and 0 NOES, John E. B. Clark, Jr., was appointed as Town Manager. Messrs Barker, Weaver, Owens, Leaman, Dr. Gates, Mrs. Hale and Mrs. Jennings voted affirmatively.

APPOINTMENT OF TOWN CLERK/DIRECTOR OF FINANCE: Upon motion of Mr. Weaver, seconded by Mrs. Hale and vote of 7 AYES and 0 NOES, Susan H. Clark was appointed as Town Clerk/Director of Finance. Messrs Barker, Weaver, Owens, Leaman, Dr. Gates, Mrs. Hale and Mrs. Jennings voted affirmatively.

APPOINTMENT OF POLICE CHIEF: Upon motion of Mr. Weaver, seconded by Mrs. Hale and vote of 7 AYES and 0 NOES, Michael Roberts was appointed as Police Chief. Messrs Barker, Weaver, Owens, Leaman, Dr. Gates, Mrs. Hale and Mrs. Jennings voted affirmatively.

APPOINTMENT OF ASSISTANT TOWN MANAGER/TOWN ENGINEER: Upon motion of Dr. Gates, seconded by Mrs. Hale and vote of 7 AYES and 0 NOES, Cecil Hicks was appointed as Assistant Town Manager/Town Engineer. Messrs Barker, Weaver, Owens, Leaman, Dr. Gates, Mrs. Hale and Mrs. Jennings voted affirmatively.

APPOINTMENT OF VICE-MAYOR: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES, 0 NOES and 1 Abstention(Gates), Dr. Gates was appointed as Vice- Mayor. Messrs Barker, Weaver, Owens, Leaman, Dr. Gates, Mrs. Hale and Mrs. Jennings voted affirmatively.

APPOINTMENT TO MARION PLANNING COMMISSION: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, this item was continued.

TOWN OF MARION COUNCIL COMMITTEE AND BOARD APPOINTMENTS: Mayor Helms informed Council Members that these appointments are for two (2) consecutive years with the exception of the Lincoln Theatre Board, Downtown Housing Board and the Mt. Rogers Planning District Commission Board which are one (1) year appointments. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, the Town of Marion Committee appointments were approved.

RESOLUTION IN HONOR OF SLEMP BRANT SAUNDERS & ASSOCIATES, INC. ON THEIR 100TH ANNIVERSARY: Mayor Helms read and presented the Resolution to Mr. Henry Brant, Mr. John Saunders,

Mr. Dennis Jennings and Mr. Ben Reedy. Upon motion of Mr. Barker, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, the resolution was approved.

SCHOOLHOUSE PROJECT UPDATE: Mr. Joe Ellis spoke to Council Members concerning the Schoolhouse Project. Mr. Ellis stated that the Town's CDBG-R Grant Project for reducing blight was nearing completion, and he is still interested in acquiring the property through 501(c) 3 non-profit organization for the proposed Appalachian School of Music. Mr. Ellis is willing to undertake the project to finish the interior of the building, but needs ownership of the property to apply for grants and to start work toward applying for historic tax credits. Mr. Heath stated that the schoolhouse property must be declared as surplus by the Town through a public hearing, and reminded Council that the Appalachian School of Music is the "best and highest use" for the property. Mr. Heath further stated that the timetable is critical, since the fall grant cycle will begin soon. Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, Council recommends advertising the 1908 Schoolhouse property as surplus and requesting proposals for the Appalachian School of Music to expedite the disposition of this property.

STREETSCAPE PROJECT UPDATE: Mr. Bill Huber provided a current update on several downtown projects. The \$1 million CDBG-R Blight Abatement Grant is well under way. Of that budget, \$250,000 was used to purchase the 1908 Schoolhouse from Smyth County, and the balance was allocated to restoring the exterior of the 1908 Schoolhouse, restoring several downtown facades and streetscape improvements to connect the 1908 Schoolhouse site to Main Street through the Iron Street alleyway.

The Schoolhouse and downtown facades are approximately 60% complete, according to Mr. Huber. The streetscape improvements are on hold until after the mid-July Downtown Festival. The completion of the second phase of the downtown streetscape, which will include the North Iron Street alleyway, the lower part of Main Street from Commerce to Pendleton Streets, and Broad Street is awaiting approval from VDOT. As part of that VDOT "SAFETYLU" GRANT, Mr. Huber has proposed placing a town clock at the intersection of Main and Broad Streets as an additional enhancement, and he believes this can be accomplished within the grant budget.

NOTICE OF GRANT AWARD FROM DEPARTMENT OF ENVIRONMENTAL QUALITY ON DIGESTER PROJECT AND AUTHORIZATION TO BEGIN NEGOTIATIONS WITH THOMPSON AND LITTON: Mr. Clark informed Council that he had received notification from the Department of Environmental Quality that the digester project will be funded at \$500,000. @ 0% interest for 20 years, 50% principal forgiveness. The only proposal was from Thompson and Litton.

AUTHORIZATION TO BID EAST CHILHOWIE STREET BRIDGE: Mr. Clark informed Council that the construction estimated cost is \$120,000. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, Council approved bidding the E. Chilhowie Street Bridge Project.

UPDATE ON OLD PRATER LANE RAILROAD PROJECT: Mr. Hicks explained that the contract with W & L was signed on June 23, 2010 in the amount of \$468,222. Starting date is July 6th and completion date is January 15, 2011, for a total of 165 days. Mr. Fenyk advised Council that action will need to be taken to close a portion of Prater Lane near the pool. Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, Mr. Hicks was instructed to contact W & L to coordinate closing a portion of Prater Lane taking into consideration the convenience of the residents.

UPDATE ON COMMUNITY MEETING ON PROPOSED PUBLIC ARTS PROJECT: Mr. Heath informed Council that the community meeting will be held, Thursday, July 8th at 7 pm for the public to discuss the future of public art in Marion's Historic Downtown District.

REPORT ON POLICE OFFICER VACANCY: Chief Roberts reported that 30 persons applied with 26 of the applicants taking the written test. The top 5 applicants will be interviewed Thursday, July 8th, 2010. The Academy begins July 28th, 2010.

REPORT ON CHILI COOK-OFF: Mr. Heath informed Council that the Downtown Chili Cook-off will be held July 16, 2010. The Downtown Car Show this year will be a Cruise-In. Phantom will be the musical performers. Saturday, July 17, 2010 there will be a Town-Wide Yard Sale and the Marion VFD will sponsor the Corn Hole Toss located on Broad Street.

ADOPTION OF CHANGES IN THE CODE OF VIRGINIA, AS AMENDED: Upon motion of Dr. Gates, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, Council adopted the changes in the Code of Virginia, as amended. Dr. Gates, Mr. Barker, Mr. Leaman, Mr. Owens, Mr. Weaver, Mrs. Hale and Mrs. Jennings voted affirmatively.

WATER ADJUSTMENT REQUEST-HOPE SHERIE: Upon motion of Mr. Leaman, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, this item was referred to the Water Committee.

W W SCOTT SENIOR CITIZENS CENTER ADVISORY BOARD BY-LAWS: Upon motion of Mrs. Jennings, seconded by Dr. Gates and vote of 7 AYES and 0 NOES, the W. W. Scott Senior Citizens Center Advisory Board By-Laws were adopted.

RESOLUTION ON PROPOSED PAYDAY LENDING IN THE COMMONWEALTH OF VIRGINIA: Upon motion of Mrs. Jennings, seconded by Mrs. Hale and a vote of 7 AYES and 0 NOES, Council adopted the Resolution on Proposed Payday Lending in the Commonwealth of Virginia.

LEGISLATIVE COMMITTEE: Mr. Leaman stated that he and Mrs. Jennings are on the Legislative Committee and they plan to be more active. Upon motion of Mr. Leaman, seconded by Mrs. Jennings and vote of 7 AYES and 0 NOES, the Committee will propose changes to the Legislation regarding allowing Council appointees that are filling vacancies to vote on financial issues.

FIREWORKS: The Mayor and several Council members have received positive comments on this year's fireworks display.

POLICE INTERN: Chief Roberts introduced Mr. Keith Finney to Council. Mr. Finney is a current student at Wytheville Community College and is the new intern at the Marion Police Department.

CLOSED SESSION: Pursuant to Code of Virginia 1950, as amended, Section 2.2-3711(a.1) 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 personnel matters relating to a potential settlement of a worker's compensation claim for a former police officer. 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, Barker, Owens and Dr. Gates voted affirmatively.

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

Mayor

Clerk