

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 19, 2010 at 7:00 p.m.

PRESENT: Mayor David P. Helms; Jane Hale, Jim Owens, Mel Leaman, Suzanne Jennings, Bill Weaver, and Jim Barker, Council Members; Town Attorney Mark Fenyk; Town Manager John E. B. Clark, Jr.; Police Chief Michael Roberts; Police Sergeant Wes Thomas; Assistant to the Town Engineer Todd Long; Purchasing Agent Billy Hamm; Community & Economic Development Director Ken Heath; Town Clerk/Director of Finance Susan Clark.

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

VISITORS: Ron Thomason, Samantha Archer, Dawn Archer, Salwa Humsi, Lindy White, Grant Harden, Herbert Haulsee, Emma Haulsee, Anne Burton, Libby Mitchell, Robert Harris, Kris Gandhi

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

Mr. Robert Harris expressed his thanks and gratitude to the Marion Police Department in the recent use of the AD Device in their efforts to assist his grandfather during a recent 911 call. He also commended the Marion Fire Department and Marion Life Saving Crew on their responses and dedication to the citizens.

PUBLIC HEARING-REQUEST TO VACATE STREET BETWEEN 504 GORDON AVENUE AND 434 GORDON AVENUE: Mayor Helms opened the Public Hearing. Mr. Ron Thomason, President Holston Hills Country Club, expressed the Club's concerns in relinquishing the right of way to the club and asked that the property not be vacated. Ms. Anne Burton stated that the Right of Way is at Ms. Libby Mitchell's driveway and she would like to erect a carport and the Right of Way does not allow her to use her property as she would like. Mayor Helms closed the Public Hearing.

Mrs. Jennings questioned if the Country Club needed to use the Right of Way, could the structure be removed then? Mr. Fenyk stated that the Right of Way cannot be blocked, all State laws must be followed and the State requires that streets are to be 50 feet wide. Mr. Barker is concerned that someday the Town may need the Right of Way and feels uncomfortable about vacating the property.

Upon motion of Mr. Leaman, seconded by Mr. Barker and vote of 4 AYES, 1 NOE (Hale) and 1 ABSTENTION (Jennings), the request to vacate a portion of Gordon Avenue was denied.

ADOPTION OF TOURISM BY-LAWS: Upon motion of Mr. Barker, seconded by Mr. Weaver and vote of 6 AYES and 0 NOES, the Town of Marion Adopted the Tourism By-Laws. Mr. Ron Thomason on behalf of the Tourism Association, thanked the Town for the budget appropriation and the support for the Tourism Center.

APPOINTMENT TO W W SCOTT SENIOR CITIZENS CENTER ADVISORY BOARD: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 6 AYES and 0 NOES, this item was continued. Upon further discussion, Mrs. Jennings and Mr. Weaver rescinded their motions. Upon motion of Mr. Weaver, seconded by Mr. Leaman and vote of 5 AYES, 0 NOES and 1 ABSTENTION (Jennings), Mrs. Jennings was appointed as Council representative on the W W Scott Senior Citizens Advisory Board.

VIRGINIA MUNICIPAL LEAGUE INSURANCE PROGRAMS POTENTIAL SETTLEMENT ON EAST CHILHOWIE STREET BRIDGE: Mr. Clark explained that VML Insurance will pay up to \$100,000 toward the East Chilhowie Street Bridge repairs with an additional cost to the current insurance policy in the amount of \$6204. Mr. Clark added that the bids for the construction are due August 12, 2010. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and a vote of 6 AYES and 0 NOES, Council approved paying the additional premium in the amount of \$6,204 to the VML Insurance policy.

COMMUNITY ARTS INITIATIVE: Mr. Heath informed Council that the Public Meeting held on Thursday, July 8th was not well attended. Mr. Heath will report to Council after the next Marion Downtown meeting.

OLD SCHOOLHOUSE BUILDING SURPLUS PROPERTY PUBLIC HEARING AND REQUEST FOR BID/PROPOSALS: Mr. Heath stated that the Town has advertised to receive bids/proposals for the 1908 Schoolhouse and that bids must include a business plan for the development and implementation of the Appalachian School of Music which Council has determined to be the best possible use for the building.

SPECIAL USE PERMIT/PUBLIC HEARING KRIS GANDHI, 540 S MAIN STREET (OLD HULL BUILDING): Mr. Leaman stated that Mr. Gandhi would like the property rezoned to accommodate a mixed use. He would like to use the front of the building for office space and the back of the building for apartments. Mr. Leaman further stated that Planning Commission had met and decided that it would be best to grant a Special Use Permit for this request instead of rezoning the property. Upon motion of Mr. Leaman, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, a Public Hearing is set for September 7, 2010.

ACCOUNTS: Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, the accounts were approved for payment in the amount of \$280,400.91.

INVESTMENTS: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, the Investment Report was approved.

SMYTH COUNTY HOSPITAL HEALTH TRUST: Mrs. Lindy White, Smyth County Community Hospital, explained the HealthTrust. Health Trust Foundation is working with the Community to help uninsured community members and help re-attach patients with their own healthcare. Financial cost of healthcare has become unacceptable and unaffordable to many people in our community. The development of the Smyth County Hospital Health Trust will help community members that cannot afford healthcare. Mrs. White is asking Council to become a partner by supporting health screenings, volunteering, distributing information and possibly financial support. All of the money raised and donated to the fund will remain local. This project will help to bring the community together.

WIRELESS EQUIPMENT UPDATE: Mr. Todd Long explained that, due to the recent storms, all replacement parts to the computer system have been used and there are no other replacement parts. It is very important that the Town remain current with technology and upgrade the Town units. Fiber optics would be the best option. Upon motion of Mrs. Weaver, seconded by Mr. Leaman and vote of 6 AYES and 0 NOES, this item was referred to the Technology Committee.

SEWER TREATMENT PLANT UPGRADE AND REQUEST FOR SANITATION COMMITTEE MEETING: Mr. Clark informed Council that Smyth County used stimulus funds to purchase pumps for the Sewer Treatment Plant. It will cost approximately \$30,000 to install the pumps. Since funding has been delayed on the UV Lights, bio-tower and lab roof project and because only two of the three influent pumps are operating, it may be in the best interest of the Town to installing the new pumps now. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, this item was referred to the Sanitation Committee.

PROGRAM SUPPORT TECHNICIAN/PURCHASING DEPARTMENT-REQUEST FOR PERSONNEL COMMITTEE MEETING: Upon motion of Mrs. Jennings, seconded by Mr. Leaman and vote of 6 AYES and 0 NOES, this item was referred to the Personnel Committee.

REQUEST TO BID BOUNDARY WEST OF SEWER TREATMENT PLANT PROPERTY: Mr. Clark stated that the current agreement for leasing town property for grazing rights will expired September 1. Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, Council approved advertising for sealed bids for grazing rights on a tract of land west of the sewer treatment plant, lease will be for 5 years.

WATER COMMITTEE-REQUEST FROM HOPE SHERIE, 142 CAMPBELL AVENUE FOR ADDITIONAL WATER BILL ADJUSTMENT: Mr. Barker explained that the water committee had met and the Town has already made several adjustments to the water bill. Upon motion of Mr. Barker, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, the request for additional adjustment was denied and bill must be paid in full before water service is reconnected.

ABC STORE PRIVATE USE: Mr. Leaman stated that he had spoken to Delegate Carrico about the issue of private citizens taking over ABC Stores. Delegate Carrico will meet with the Town Legislative and Finance Committee to discuss this issue.

VML NEW MEMBER CONFERENCE: Mr. Barker stated that he and Mr. Owens enjoyed the Conference and heard several positive comments about Marion.

STREET MARKINGS: Mr. Barker and Mr. Weaver commended the Public Works crew on a job well done. Several citizens had positive comments for the crew.

TOWN CLERK LETTER OF COMMENDATION: Mayor Helms stated that he had received a letter from two citizens commending Mrs. Clark on her assistance to town citizens.

DOWNTOWN CHILI COOK-OFF: Mayor Helms stated that the Chili-Cook-off was a big success. He thanked the staff and council members who helped with the event.

DOWNTOWN BUSINESS APPRECIATION COOK-OUT: Mr. Heath explained that the Cook-out will be Thursday, August 5, 2010 from 5:30 p.m. to 8:00 p.m. at the Farmers Market. Hotdogs, chips and drinks will be free to the attendees.

TOWN EMPLOYEE COOK-OUT: The annual employee/retiree cook-out will be Friday, August 6, 2010 at noon at the Riverbend Park.

NEWLY HIRED POLICE OFFICER: Chief Roberts informed Council that Joshua Taylor will begin employment with the Marion Police Department, July 26, 2010.

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

Mayor

Clerk