

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 November 1, 2010 at 7:00 p.m.

PRESENT: Mayor David Helms; Jane Hale, Jim Owens, Dr. James Gates, Suzanne Jennings, Bill Weaver and Jim Barker, Council Members; Town Attorney Mark Fenyk; Town Manager John E. B. Clark, Jr.; Assistant Town Manager/Town Engineer Cecil Hicks; Community and Economic Development Director Ken Heath; Police Lieutenant Rex Anders; Town Clerk/Director of Finance Susan Clark.

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

VISITORS: Jeff Spickard, Jim Bonham

MINUTES: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES, 0 NOES, the minutes of the meeting held October 25, 2010 were approved as written. Messrs Owens, Barker, Weaver, Dr. Gates, Mrs. Hale and Mrs. Jennings voted affirmatively.

FARMERS MARKET GRANT: Mr. Heath reported that the \$150,000 Tobacco Grant has been approved and he would ask Council to approve to pay the bills as they are received as long as the grant money is available. Upon motion of Dr. Gates, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, Council approved for Mr. Heath to submit bills for payment as they are received.

RESOLUTION-MEMORIAL TO MEL LEAMAN: Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, this item was continued.

RIVERVIEW PUMP STATION UPDATE AND PAY REQUEST APPROVAL: Jeff Spickard with The Lane Group, reported that he recommends approval of Pay Request 1 in the amount of \$46,520. The Contractor amount is \$43,320 with a remaining balance of \$2,280 and engineering fees are \$3,200 with a balance of \$800 remaining. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, Council approved Pay Request 1.

CHAMBER OF COMMERCE ANNUAL DINNER: Mayor Helms stated that he would like for all Council to try to attend the dinner and to let Mrs. Clark know by 14th.

REQUEST TO PAVE HOLSTON HILLS LANE-MIKE AND TERESA SNAVELY: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, this item was referred to the Street Committee.

BOND COUNSEL CONTRACT ON SEWER TREATMENT PLANT LOAN-RURAL DEVELOPMENT: Mr. Fenyk explained that the Bond Counsel is a recognized expert whose primary responsibility is to render an objective legal opinion to the Town with respect to the authorization and issuance of the bond. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, Council approves retaining the firm of Spilman, Thomas and Battle as Bond Counsel for the Sewer Treatment Plant Improvements Loan in the amount of \$606,000. Counsel's fees will not exceed \$7,500.

PROPOSED RESOLUTION EXPRESSING DISDAIN FOR THE LACK OF NEWS AND SPORTS ON CABLE TV: Mr. Clark stated that he had written a resolution expressing disdain to WJHL and Comcast Cable regarding the coverage of Virginia news and sporting events. He explained that Virginia news and sports are a central element to the area citizens. Upon motion of Mrs. Hale, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the Town Manager was granted permission by Council to send a copy of the resolution to area Town's and Counties with additions that weather alert and General Assembly Actions are not available any longer.

SEWER TREATMENT PLANT PHASE 1 UPGRADE: Mr. Clark advised Council that the Sanitation Committee, along with Mayor Helms, Mr. Hicks, Doug Teaster, Donnie Coley and himself, had met and interviewed two firms, The Lane Group and Thompson and Litton, with The Lane Group scoring highest. Upon motion of Mrs. Hale, seconded by Mr. Owens and vote of 6 AYES and 0 NOES, the project will be assigned to The Lane Group.

SIGNALIZATION PROJECT AND PROPERTY ACQUISITION: Dr. Gates stated that there are some issues that must be resolved before the project can begin at the three intersections that are slated to be substantially reconstructed. The Town will ask the owners to donate the property needed for the signal upgrade or each property owner will be offered the same cost per square foot of the land value. Mr. Weaver added that the project could begin with the upgrade to other nine signals first and once the issues are resolved with the signals that need to be replaced. Upon motion of Mrs. Hale, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, staff is to contact VDOT to proceed with the project with the Town Manager having authority to offer land owners a fair price.

BAUGHMAN AVENUE BRIDGE PROPERTY: Dr. Gates moved that staff present proceed with presenting an offer to the property owners based on the percentage of the property to be purchased. Mrs. Jennings seconded the motion and the motion carried with a vote of 6 AYES and 0 NOES.

STREET LIGHT COMMITTEE: Street light on the corner of Catron and Graybeal Streets. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, this item was continued.

SANITATION COMMITTEE: Garbage collections on Anderson Avenue and surrounding streets. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, this item was continued.

WASSONA PARK RESTORATION PROJECT: Mr. Barker stated that Joe Beaty, with the Marion Tree Commission composed a letter to send to the Wassona Park residents advising them of the Marion Tree Commissions plans to plant new trees in the circle. Mr. Beaty asks Council's permission to distribute the letters. Upon motion of Mrs. Hale, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, Council approved the Tree Commission distributing the letters.

MARION TREE COMMISSION APPOINTMENT: Mr. Barker stated that the Commission recommends appointing Phillip McCrosky to the Commission. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, Mr. McCrosky was appointed to the Marion Tree Commission.

SCCH CLOSURE OF OBSTETRICS UNIT: Mrs. Jennings stated that several citizens thanked Town Council for inviting the CEO and SCCH Board to Council for discussion of the closure and for allowing those wanting to express their opinions to speak.

EMORY & HENRY COLLEGE OF PHYSICAL THERAPY: Mayor Helms informed Council that Emory & Henry College announced that they will open a College of Physical Therapy to be located in Marion.

FARMERS MARKET HALLOWEEN EVENT: Mr. Heath stated that the events at the Farmers Market at the Trunk or Treat event was a success.

POLICE ACADEMY GRADUATE: Lieutenant Anders informed Council that Officer Josh Taylor will graduate from the Police Academy on November 5, 2010.

CO-GENERATION PROJECT-THOMPSON & LITTON: Mr. Jim Bonham explained that the project consists of taking methane from the digester to produce electricity and reduce the STP electric bills.

CHRISTMAS PARADE: Mr. Heath stated that the annual Christmas Parade will be held Sunday, November 21, 2010 at 3pm and the Christmas Market will be November 19-21, 2010.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-1 & A-3) and upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, Town Council entered into Closed Session for the purpose of discussing police personnel matters, Town Council appointment and property acquisition. Mrs. Jennings moved that Town Council return to Open Session and identified it be known that only those matters legally exempted from Open Session and identified in the motion were discussed during Closed Session. The motion was seconded by Mrs. Hale and carried by a vote of 6 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Owens, Weaver, Barker, Dr. Gates, Mrs. Jennings and Mrs. Hale voted affirmatively.

PROCEDURE TO FILL UNEXPIRED TERM OF COUNCIL LEAMAN: Upon motion of Dr. Gates, seconded by Mrs. Hale and vote of 6 AYES and 0 NOES, Council asked Mr. Fenyk to petition the Smyth County Circuit

Court informing them that the Town plans to have a special election to fill the unexpired term of Mr. Leaman. The Town Manager will contact the Smyth County Registrars Officer to determine the details involved with a special election and interim appointment before the election.

PEARL/BUCHANAN STREET PROJECT PROPERTY ACQUISITION: Mr. Clark explained that there are two parcels of property that the Town is interested in purchasing. Upon motion of Mrs. Hale, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, staff will proceed with offering the owners tax assessed value for the parcels.

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

Mayor

Clerk