

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 15, 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 Chief Mike Roberts; Police Lieutenant Rex Anders; Purchasing Agent Billy Hamm; Town Clerk/Director of Finance Susan Clark.

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

VISITORS: Ed Whitmore, Jeff Spickard, John Sparger, Police Officer Josh Taylor, Jane Leaman, Brian Leaman, Trevan Leaman, Andy Blevins, Kelly Blevins, Michelle Powers

MINUTES: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and vote of 6 AYES, 0 NOES, the minutes of the meeting held November 1, 2010 were approved as written. Messrs Owens, Barker, Weaver, Dr. Gates, Mrs. Hale and Mrs. Jennings voted affirmatively.

RESOLUTION IN MEMORY OF MEL LEAMAN: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the resolution was adopted. Mayor Helms read the Resolution and presented it to Mr. Leaman's family.

UPDATE ON VDOT SIGNALIZATION PROJECT: Mr. Clark informed Council that letters had been sent to the property owners at the intersection of Dabney Drive, North Main Street and Windy Drive concerning donating property for signalization upgrades. Mr. Hicks added that the VDOT design department is considering installing a new pole as suggested by town staff on the Frazier property at the Hardees intersection. The intersection at Walgreens may have a longer mast arm installed so not to disturb the Walgreens sign. VDOT will begin bulb replacement by the first week in December in 9 other signals.

UPDATE ON WINTER PROCEDURES REGARDING SNOW REMOVAL: Mr. Hicks explained that the Town will continue to plow certain County roads in exchange for salt storage on the VDOT property.

APPROVAL OF NEW PROPOSED LEASE FOR THE APPALACHIAN SPIRIT GALLERY: Mr. Clark explained that the new lease agreement will be from January 1, 2011 to December 31, 2016. The Gallery may sublease part or all of the building to another 501-C3 organization at the term of their choosing after approval by the Town Council. The lease may be extended for two (2) additional five (5) year periods upon agreement by both parties. If during the 15 year lease the lease is terminated by the Town, the Town will reimburse the Gallery for improvements made in the basement on a mutually agreed upon price at 1/15 increments. For example, if the lease is terminated within the first year, the Town will reimburse the Gallery 15/15th of the cost. The second year 14/15th of the cost and so on to the 15th year, when the Town will reimburse the Gallery 1/15th of the agreed upon cost. Mr. Fenyk stated that the lease should read 5 years, with 2 additional 5 year options. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and a vote of 6 AYES and 0 NOES, Council approved the Agreement with the changes noted.

INTRODUCTION OF NEW POLICE OFFICER: Chief Roberts introduced Officer Josh Taylor to Council. Officer Taylor graduated from the Police Academy on November 5, 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 \$462,507.47.

INVESTMENTS: upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, the investment report was approved.

UPDATE ON SPECIAL ELECTION: Mr. Fenyk stated that he had submitted the order to the Judge. The initial order was to have the election on March 22, 2011, but Mr. Fenyk submitted a second order to have the election on February 1, 2011. The town will advertise in the newspaper and post on the front door of the Municipal Building. The deadline for filing is December 17, 2010. Upon motion of Dr. Gates, seconded by Mr. Owens and a vote of 6 AYES and 0 NOES, contingent to the judge signing the order, a Special Election will be held on February 1, 2011 to fill the vacant seat.

REQUEST FROM FIRST FRUITS ON SEWER CHARGES: The Mayor appointed Mrs. Jennings to the Finance and Water Committee due to Dr. Gates' investment in First Fruits. Upon motion of Mr. Owens, seconded by Mrs. Jennings and a vote of 5 AYES, 0 NOES and 1 ABSTENTION (Gates), this item was referred to the Water and Finance Committee's.

WATER AND SEWER LINE REPAIRS-LOCUST STREET AREA: Mr. John Sparger informed Council of several water and sewer leaks in the area of Locust Street. The lines are very old. Mr. Sparger asked that Council put a water and sewer line upgrade in the Town's long range plan. Mr. Sparger also thanked Council for their tireless efforts on behalf of the Community.

SEWER TREATMENT PLANT UPGRADE: Mr. Jeff Spickard representing the Lane Group, thanked Council for the opportunity to perform the engineering regarding the improvements to the Sewer Treatment Plant.

STREET LIGHT COMMITTEE-CORNER OF CATRON AND GRAYBEAL STREETS: Mrs. Jennings explained that the Committee recommends moving the light at the intersection of Wolfe and Catron to the corner of Catron and Graybeal. Upon motion of Mrs. Jennings, seconded by Mrs. Hale and a vote of 6 AYES and 0 NOES, Council approved the recommendation.

SANITATION COMMITTEE-ANDERSON AVENUE GARBAGE REQUEST: Mrs. Hale stated that the Committee recommends picking up the garbage for the seven (7) customers that opted in to the Town collecting their garbage. Only those seven (7) will have garbage collected by the Town. Upon motion of Mrs. Hale, seconded by Mrs. Jennings and vote of 6 AYES and 0 NOES, the recommendation of the Sanitation Committee was approved.

EQUIPMENT COMMITTEE-VEHICLE PURCHASES: Mr. Hamm, Purchasing Agent, stated that there are three (3) options in purchasing vehicles. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, this item was referred to the Equipment Committee to set up criteria based bid to be used for future bids and advertise to accept bids. The Mayor appointed Mr. Weaver to fill the vacancy on the Equipment Committee.

POLICE COMMITTEE ON WEAPONS PURCHASE: Chief Roberts informed Council that stimulus funds allowed the Police Department to purchase twenty (20) new fire arms. Full time sworn officers can purchase their service weapons at fair market value. The Town can receive \$175.00 per weapon. This includes the weapon and three (3) magazines. Upon motion of Dr. Gates, seconded by Mrs. Jennings and a vote of 6 AYES and 0 NOES, Council will allow the officers to purchase their old service weapons at fair market value (\$175.00) and officers will be responsible for the transfer fees.

CODE OF VIRGINIA PURCHASE OF HANDGUNS BY CERTAIN POLICE OFFICERS OR THEIR SURVIVORS: Chief Roberts suggests adopting sections A and C of the ordinance. Upon motion of Mrs. Jennings, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, this item was referred to the Ordinance Committee.

SENIOR CITIZENS ADVISORY BOARD: Mrs. Jennings reported that the Advisory Board met and elected Mark Ross as the Chairman and Susan Snead as the Secretary.

COMCAST: Mr. Weaver stated that a representative should attend a Council meeting to explain the new Comcast scheduling.

MOUNTAIN STATES HEALTH ALLIANCE: The Mayor stated that Ann Fleming offered to meet with Council quarterly to give updates on the progress of the new hospital.

SENIOR CITIZENS THANKSGIVING DINNER: The Mayor stated that the annual Thanksgiving dinner will be Wednesday, November 24 at 11:15 am.

CHRISTMAS PARADE: The annual Town of Marion Christmas Parade will be Sunday, November 21 at 3:00 pm.

CHRISTMAS PARADE FLOAT: Mr. Heath informed Council that the Chamber of Commerce would like to sponsor half of the float with the Town of Marion. The amount for half is \$350.00. Upon motion of Dr.

Gates, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, Council approved sharing the cost of the float with the Chamber of Commerce. Dr. Gates added that the Towns portion will be donated.

FIRE DEPARTMENT CHRISTMAS PARTY: The Fire Department Christmas Party will be Saturday, December 4, 2010.

TOWN OF MARION BROCHURE: Mr. Heath reported that the Brochures will be printed and in the next packet for approval.

POLICE OFFICER 2: Chief Roberts stated that new course should be added to the Police Officer 2 job description. Upon motion of Mr. Weaver, seconded by Dr. Gated and a vote of 6 AYES and 0 NOES, Council approved the Town Manager adding the new courses to the job description. The courses are REID, Inc. Advanced Interviewing and Interrogation Techniques and Mt. Rogers Mental Health Crisis Intervention Team.

BRIDGE INSPECTIONS: Mr. Hicks stated that Mattern & Craig presented a three (3) year contract for Town of Marion bridge inspections. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the three (3) year contract with Mattern & Craig for 2010-2012 was approved.

Mayor

Clerk