

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 August 20, 2018 at 5:30 p.m.

PRESENT: Mayor David Helms, Vice-Mayor Dr. Jim Gates, Tricia Spencer, Jim Barker, Bill Weaver, Larry Carter and Avery Cornett (arrived late) Council Members; Town Manager Bill Rush; Town Clerk Cindy Stanley; Town Attorney Mark Fenyk; Smyth County News Representative Stephanie Porter-Nichols; Police Chief John Clair; Assistant Town Manager/Town Engineer Cecil Hicks; Economic Development Director Ken Heath and Purchasing Agent/Fire Chief Billy Hamm.

ABSENT: Suzanne Jennings.

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

VISITORS: Jeff Spickard, Kathy Smith, Katie Smith, Charles Hayden, Joe & Margie Naff, CB Gwynn, and Rex Anders.

MINUTES: Upon motion of Mr. Carter, seconded by Mr. Weaver and a vote of 5 AYES and 0 NOES, the minutes of the meeting held August 6, 2018 were approved as written. Messrs Barker, Dr. Gates, Spencer, Weaver and Carter voted affirmatively.

AGENDA: Upon motion of Mr. Weaver, seconded by Dr. Gates and a vote of 5 AYES and 0 NOES, the agenda was approved as distributed.

PUBLIC PRESENTATIONS: Joe Naff, 148 Countryside Drive, noted he was here to speak about two aspects of the Harwood Building, the 18 meter bases installed on his property and the RFP (the original Request for Proposals for the adaptive reuse). Mr. Naff first noted he is not trying to hamper growth as he is invested in Marion and his wife is a third generation property owner. There were 18 meter bases installed December 13-14, 2017 encroaching on his property. There was a police report filed on December 14, 2017 to remove construction workers from Mr. Naff's property. He was disappointed council did not reach out to him to have an amicable solution. He asked that the meter bases be removed or he would file an injunction, which he did. He asked how much the town had spent on legal fees on this matter. The meter bases were removed around the second or third week in April 2018. Mr. Rush told him he would provide the requested information. The second issue he discussed was the RFP. At the time this was advertised, Mr. Naff considered submitting a proposal; however, he was not comfortable with some of the guidelines such as the letters of intent. (Mr. Cornett arrived). The RFP stated the closing and transfer of the property would occur within 30 days of the issuance of the Certificate of Occupancy. The Certificate of Occupancy was obtained August 10, 2018 and the closing was July 25, 2018. His current issue with the RFP is that it states all proposals must address off street parking. Mr. Naff asked for an explanation as to why the closing happened on July 25, 2018. Mr. Rush addressed his question noting the progress accelerated near the end of the project. Mr. Naff stated "We will not tolerate parking or encroachment on our property and we will enforce," Mr. Naff reviewed text messages between himself and Mr. Rush from Friday, September 8, 2017 beginning at 1:12 pm regarding removal of cars from his Factory Connection property, which was accomplished by Chief Anders. He later discovered Mr. Rush was in Hawaii at the time.

Mr. Weaver was appreciative of Mr. Naff's contributions to the Town of Marion and apologized for the misunderstandings.

Mr. Carter reviewed the annual contract with the District III Board for continued use of the Senior Center building noting the new rate was \$70 per month. Upon motion of Mr. Carter, seconded by Mr. Weaver and a vote of 5 AYES, 0 NOES and 1 ABSTAINMENT (Mr. Carter), the new contract with District III Board for use of the Senior Center Building was accepted and Mr. Rush was to sign the contract on behalf of the town.

Mr. Cornett apologized for his tardiness and noted he hoped to be able to mend bridges with Mr. Naff.

Mayor Helms spoke about the parking downtown noting the parking garage is being utilized as well as the farmers market parking lot. He also thanked Mr. Naff for his contributions. Mayor Helms reminded

staff and council of the VML Conference September 30-October 2, 2018 in Hampton, VA. The Town and County BBQ will be September 18, 2018 at 6:00 pm at the W-L Hanger in Chilhowie. The employee picnic will be Friday, August 24, 2018 at noon at RiverBend Park. The next council meeting will be moved to Tuesday, September 4, 2018 due to the holiday.

Mr. Fenyk reported the Quarry Land survey should be completed in the next two weeks. Mr. Fenyk noted council had previously approved the Quarry purchase last year and reviewed a Reaffirmation Resolution. Upon motion of Mr. Barker, seconded by Mr. Carter and a vote of 6 AYES and 0 NOES, the Reaffirmation of Intent to Purchase Property known as “Quarry Lands” Resolution was accepted.

The roll call vote was as follows:

Mr. Barker	AYE
Dr. Gates	AYE
Ms. Spencer	AYE
Mr. Weaver	AYE
Mr. Carter	AYE
Mr. Cornett	AYE

ACCOUNTS: Upon motion of Mr. Weaver, seconded by Mr. Barker and a vote of 6 AYES and 0 NOES, the accounts were approved for payment in the amount of \$1,473,231.12. Messrs Barker, Dr. Gates, Spencer, Weaver, Carter and Cornett voted affirmatively.

Mr. Rush reported on Public Works noting the fiber is still waiting for installation at the Scott Center. The striping of the streets will be completed over the next couple weeks. We currently have approximately 20 Community Service workers completing 2,000 hours of service.

Chief Clair reported the monetary value to the TDO/ECO activity is approximately \$5,000 year to date. There are 78 abandoned or irreparable structures according to Officer Yonts’ report. He has worked through the entire town logging these structures. The VA Code 15.2-1127 can allow for cities and some towns to require registration of vacant structures. Upon motion of Dr. Gates, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, Chief Clair is to gather information on other towns using this process before taking it to Legislative Committee. The department is actively pursuing the removal of non-operable vehicles. The list began with 75-80 vehicles and approximately 30 have already complied. Registered letters have been sent to the owners. To Comply with the DMV guidelines, antique vehicles must be operable. The Virginia State Police must be the agency to declare the vehicle operable or not, for the purposes of this process.

Chief Hamm reported the department received a 50-50 matching Forestry Grant this year for forest firefighting equipment. Upon motion of Mr. Barker, seconded by Mr. Weaver and a vote of 6 AYES and 0 NOES, the Forestry Grant was accepted with the town’s match of \$1,352. The call volume is almost at 200 calls per month. There is a new ambulance budgeted this fiscal year. In order to have a better application for next year for a grant to help purchase another ambulance, the department needs to buy this new one and sell the 2 requiring the most maintenance. A financing proposal was reviewed. Upon motion of Mr. Carter, seconded by Mr. Cornett and a vote of 6 AYES and 0 NOES, it was approved to proceed with the purchase of the budgeted ambulance and finance by using the Fire Truck Fund for a down payment of \$100,000 and a 4 year loan for the remainder.

Mr. Heath reminded everyone of Mayberry Day on Broad Street October 6, 2018. There will be a September 11 Memorial event at the Fire Station. Mr. Heath is gathering information and will make a recommendation on the vacant position in his department after there has been appropriate evaluation on how this position needs to be structured moving forward.

Mr. Hicks noted there will be a meeting August 28, 2018 at 10:00 am to determine how VDOT wants to correct the Streetscape Phase IV handicap ramp issue.

Mr. Rush reported VRA is reviewing Phase III and IV Water and Sewer for loan closings. The TDO/ECO Resolution is working through our region with 5 other agencies accepting. Disk Golf will be installed soon. The VML Executive Committee is accepting nominations. This is a 13 member board that governs

and guides VML. Mr. Rush already attends 2 of these events, so if selected it would not substantially interfere with his duties as Town Manager. Upon motion of Mr. Weaver, seconded by Ms. Spencer and a vote of 6 AYES and 0 NOES, Mr. Rush is to accept the VML Executive Committee Nomination if selected.

Upon motion, duly seconded and a vote of 6 AYES and 0 NOES, the meeting was adjourned at 7:15 pm.

Mayor

Clerk