Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, November 11, 2021, at 7:00 p.m.**

Present: **Honorable Gary L. Heninger, Mayor presiding; Councilors Donna Blevins, Billy L. Clear, Brent Foster, Lewis W. Shortt, Jr., Julie Shortt and P.J. Wolfe.**

Absent: **None.**

Also Present: **Mr. John E.B. Clark, Jr., Town Manager; Mrs. Marlene Henderson, MMC, Clerk-Treasurer; Messrs. Paul Cassell, Town Attorney; Andrew Moss, Police Chief; David Haynes, Fire/EMS Chief; Randy Sturgill, Building Official and Jeff Smarr, Recreation/Special Events Coordinator.**

The meeting was held in the Council Chambers. Social Distancing due to the COVID-19 pandemic was observed.

Mayor Heninger called the meeting to order. Mr. Randy Sturgill gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by P.J. Wolfe, second by Donna Blevins Council adopts the regular October 14, 2021, and continued October 28, 2021 meeting minutes. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Citizen Time:

No one wished to speak.

Old Business:

- Update on Refinancing Package – Mrs. Marlene Henderson is currently working with Davenport and Company and the Bond Counsel concerning the refinancing of the Town's 2009 USDA Rural Development loan and the possibility of financing the Fire Trucks recently ordered. In order to complete the refinancing, the Town must hold a Public Hearing.

Motion by Donna Blevins, second by Brent Foster Council authorizes to hold a Public Hearing at the regular scheduled December 9, 2021 Council meeting. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Update on Sewer Infiltration and Inflow Construction Project and Phase II Study – A conference call was held with the Department of Environmental Quality on October 21, 2021. The project is estimated to be $2.1 million. During the meeting it was disclosed that the Department of Environmental Quality will grant half of the project amount; approximately $1.05 million. The Department of Environmental Quality stated they would award a loan at 0% interest up to a thirty-year term. At thirty years the payment would be $2,917 per month or $35,000 per year. The American Rescue Plan Act monies may also be utilized for this project thus bringing the payments lower.

  Mr. John Clark has signed the contract with Hurt and Proffitt to begin the Phase II of the study that will take place in the areas east of the corporate limits and into Seven Mile Ford. The study is to be completed by April 2022.

- Continued Discussion on American Rescue Plan Act Funding and Town Manager and Staff – Council reviewed the Town Manager and Staff recommendations for the American Rescue Act Funding during the continued October 28, 2021 meeting. Staff retention and employees' wages were discussed and the Town Manager recommended to give an 5% increase to any employee making $16.50 or less per hour, and 2.5% to any employee making $16.51 or more per hour. The staff retention proposal would keep the merit system intact.

Motion by Brent Foster, second by Lewis Shortt Council approves the wage increase of 5% for any employee making less than $16.50 per hour and a wage increase of 2.5% for any employee making more than $16.51 per hour. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Abstain
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Abstain	P.J. Wolfe	Aye

Councilman Bill Clear (town employee) and Councilwoman Julie Sturgill (spouse is a town employee) abstained from the vote due to conflict of interest and did not participate in any of the discussion.

Motion by Donna Blevins, second by Brent Foster Council approves the wage increase for all employees to become effective January 1, 2022. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Abstain
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Abstain	P.J. Wolfe	Aye

Councilman Bill Clear (town employee) and Councilwoman Julie Sturgill (spouse is town employee) abstained from the vote due to conflict of interest and did not participate in any of the discussion.

Council discussed the potential date of continuing a Council meeting to continue to review the American Rescue Plan Act Funding and Town Manager and staff recommendations. After much discussion Council decided to revisit this matter during the regular scheduled December 9, 2021 Council meeting.

- Presentation of Bids on Streetscaping and Beautification – Barrington Land and Architecture concluded the bid process for the East Lee Highway Streetscape from Walton/Second Street to Poplar Avenue involving roughly 103 trees, shrubs and grass. Bids were due November 9, 2021, the lowest bid submitted was Lundy's Lawn Care and Precision Curbing in the amount of $33,023.25. Mr. Lundy stated he could begin the planting of trees mid-December. The Virginia Department of Transportation approved the Land Use permit.

Motion by Brent Foster to go ahead and accept the low bid from Lundy's Lawn Care and Precision Curbing in the amount of $33,023.35. No seconding of the motion was made. Mr. Foster rescinded the motion.

Council discussed the Lundy's Lawn Care and Precision Curbing's proposal that states bagged mulch will be utilized around the trees and shrubs. After much discussion Council requests bulk mulch be utilized for the trees and shrubs. Mr. Nathaniel Brown, Barrington Landscape and Architecture, stated this should not influence the bid amount by much and would discuss the matter with Mr. Lundy.

Motion by Brent Foster, second by P.J. Wolfe Council accepts the low bid from Lundy's Lawn Care and Precision Curbing in the amount of $33,023.35 and requests to utilize bulk mulch instead of bagged mulch around the trees and shrubs. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Update on Chlorine Tank Bids – Washington County Service Authority held a pre bid conference Wednesday, November 10, 2021. The bid opening is scheduled for December 2, 2021. Remaining grant funds for the Water Treatment Plant is in the amount of $653,510, the estimated project cost is $936,300, leaving a balance of $282,790. Washington County Service Authority received grant funds in the amount of $90,000 from Mount Rogers Wastewater Fund leaving a balance of $192,790 to be split between the Town and Washington County Service Authority. American Rescue Plan Act funds may be utilized for this project.

- Report on Solid Waste Transition to GFL – GFL will deliver canisters on December 15th through December 18th. Republic's last scheduled pickup is December 28th and December 29th. It is possible that two areas that are within one-half mile of the corporate limits, just inside Washington County and Overlook Drive, may not be able to continue garbage removal services. Mr. Keen and Mr. Robert Waschler, GFL's Project Manager, will make the determination soon. If those areas are unable to receive garbage removal services letters will be sent notifying those individuals that the service will be terminated effective January 1, 2022.

- Report on Department of Housing and Community Development Audit on Downtown Revitalization Project – Ms. Andrea Gazley, Department of Housing and Community Development Project Manager, conducted a virtual audit of the financial information relating to the Department of Housing and Community Development grant funds in the amount of $999,999 on October 6, 2021. The audit concluded with no findings and was highly commended by Ms. Gazley. The Town has been invited to virtually present at the annual Department of Housing and Community Development meeting in January 2022.

New Business:

- Report from Building Office of Situation at Old Rainbow Autel and Other Code Issues – A letter was sent to Mr. Cheng, current owner of the Old Rainbow Autel, concerning numerous maintenance code violations. Currently 1305 East Lee Highway is being advertised for sale. The Town has no involvement with the possible sale and all deficiencies will follow the property. Special Interest Auto has been utilizing the property to store vehicles and has been issued a cease-and-desist letter giving Mr. Sturgill, Special Interest

Auto, until December 31, 2021 to remove his vehicles. Mr. Sturgill is currently removing the vehicles from the property.

Since Council adopted the Trash, Weed and Clutter Ordinance, two letters have been sent to property owners. One of the two property owners who received the letter replied and is in the process of becoming compliant to the Ordinance. No response has been received as of yet from the property owner of the second letter. Citations can be issued if the property is not brought into compliance.

- Report on United Way Celebrity Bagging Event – The annual United Way Celebrity Bagging Event is scheduled for Tuesday, November 23, 2021 from 11:00 a.m. until 12:00 p.m. Any Town Employee that is interested in participating can donate up to $50 and the Town will match their contribution.

Motion by Donna Blevins, second by Brent Foster Council will participate in the United Way Celebrity Bagging Event and will match employee participants donations up to $50. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Report on Veteran's Day Programs – Mr. Smarr reported the Veteran's Day Program was a very moving ceremony. He expressed his appreciation for the Mayor and Town Manager for presenting during the Tribute. The Chilhowie Middle School Student Council Association lead the Pledge of Allegiance, Chilhowie High School Marching Band played the National Anthem, Mrs. Deborah Montgomery sang a patriotic song, speakers included Bill Haymaker with a special reading and Brian Martin. The Keynote speaker for the event was Congressman Morgan Griffith. The VFW Post contributed with a twenty-one-gun salute and the playing of "Taps". Papa's Café fed all Veterans and their families at the Will Walker Farmer's Market and Community Pavilion following the Tribute.

- Report on No Shave November Program and Request for Matching Funds to Santa's Elves – Chief Moss reported that Police Officers are allowed to donate $25 each month to the Santa's Elves program and not shave during the months of November and December. Several Town Officer's are participating in the No Shave November program.

Department Reports:

Mr. Clark wished everyone a Happy Thanksgiving.

Mrs. Henderson reported the Town submitted documents to FEMA on November 5, 2021 to assist with delinquent water accounts. The Town has been notified that it will receive $141,928 to assist with the delinquent water accounts.

Mrs. Henderson announced the Town Employee Christmas Dinner is scheduled for Sunday, December 12, 2021 at 5:30 p.m. at the Old High School.

Mrs. Henderson requested for Council to approve the annual $350 Christmas bonus for the employees. The employee Christmas Bonus is included in the current Budget. The bonus could be paid out on Tuesday, November 23, 2021 for the employees to have prior to Black Friday Christmas sales.

Motion by Brent Foster, second by Lewis Shortt Council approves the $350 Annual Christmas Bonus for all employees. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Chief Haynes reported the closing of Highway 107 on Monday, November 15, 2021. The contractor plans to make an open cut across Highway 107 as part of the intersection project.

Chief Moss reported the Police Department has recently ordered a new vehicle. Officer Hunter Reedy submitted his resignation as of December 1, 2021. Mr. Reedy has been hired by the Smyth County Sheriff's Office. Chief Moss is currently looking at salary rates offered to Police Officers at other localities.

Mr. Smarr reviewed ending events and upcoming events such as the annual Christmas Parade and Christmas Bazaar scheduled for Saturday, December 4, 2021. The parade begins at 11:00 a.m., the Christmas Bazaar is held at the Old High School opening at 10:00 a.m. until 3:00 p.m. He reported on the ending of the Recreation Football and the beginnings of Recreation Basketball. Mr. Smarr also announced the Chilhowie High School Volleyball Team are Region D Champions and the next game toward the State title is scheduled for Saturday, November 13, 2021 at 4:30 p.m. at Chilhowie High School.

Closed Session:

- Update on Mill Creek Regional Water Treatment Project Dispute and Larry Jackson Situation– Justification Section 2.2-3711(A)(7) of the Code of Virginia, as amended –

Motion by Brent Foster, second by Donna Blevins and unanimously passed Council hereby enters into Closed Session for discussion of update on Mill Creek Water Treatment Plant Dispute and the Larry Jackson situation as allowed by Justification Section 2.2-3711(A)(7) of the Code of Virginia, as amended. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Motion by Donna Blevins, second by Brent Foster and unanimously passed Council hereby enters Open Session. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

CERTIFICATION OF CLOSED SESSION

The Town of Chilhowie has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and Section 2.2-3711(A)(7) of the Code of Virginia requires a certificate by the Council that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chilhowie hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certificate applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Town Council.

Record of vote:
Ayes: 6 Nays: 0 Absent: 0

Motion by Brent Foster, second by P.J. Wolfe adjourns this meeting at 8:58 p.m. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

_____Mayor
Gary L. Heninger

_____Clerk
Marlene L. Henderson, MMC