Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, April 8, 2021 at 7:00 p.m.**

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

Absent: **F. Brent Foster**

Also Present: **Mr. John E.B. Clark, Jr., Town Manager; Mrs. Marlene Henderson, MMC, Clerk-Treasurer; Messrs. Paul Cassell, Town Attorney; Jay Keen, Director of Public Works; Andrew Moss, Police Chief; C. David Haynes, Fire/EMS Chief; Randy Sturgill, Building Official and Ron Cahill, 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. Randy Sturgill gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by Donna Blevins, second by Lewis Shortt Council adopts the regular March 11, 2021 meeting minutes. The motion was approved with following recorded vote:

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

Citizen Time:

No one wished to speak.

Public Hearing:

- Joining the Mount Rogers Planning District Commission Cigarette Tax Board – Mrs. Marlene Henderson presented the following:

PUBLIC HEARING NOTICE- TOWN OF CHILHOWIE
PROPOSED ORDINANCE TO ESTABLISH A JOINT ENTITY
TO BE KNOWN AS THE MT. ROGERS CIGARETTE TAX BOARD

The Town Council of the Town of Chilhowie, Virginia will conduct a public hearing on April 8, 2021 at 7:00 p.m. to receive public comments on a proposed ordinance which would create a joint

entity, to be known as the Mt. Rogers Cigarette Tax Board, pursuant to Virginia Code Section 15.2-1300 et seq. The purpose of the Board would be to jointly administer the collection, accounting and enforcement of any cigarette taxes adopted by the Town of Chilhowie, Virginia, and those of any other member locality. The proposed ordinance would further authorize the execution of the joint exercise agreement setting forth the powers, duties, membership, and other matters pertinent to the newly established board. The joint exercise agreement would be effective upon approval of at least two (2) localities within the Mt. Rogers Planning District Commission. The region consists of the Counties of Bland, Carroll, Grayson, Smyth, Washington, Wythe, and all Towns within, and the Cities of Bristol and Galax.

A copy of the proposed ordinance with agreement attached may be provided in hard copy or in electronic format by contacting the Chilhowie Town Hall, 325 East Lee Highway, Chilhowie, VA. 276-646-3232. Citizens interested in this proposal are invited to appear and speak thereon or provide written comments that will be read at the Public Hearing.

By Authority of the Mayor and Town Council,

John E.B. Clark, Jr.
Town Manager

Smyth County News Published March 24th and March 31st editions.

Mayor Heninger opened the Public Hearing at 7:06 p.m.

Bill Clear	Does this cost us to join this?
Donna Blevins	No.
John Clark	When the Public Hearing is done, we will comment on that.
Mayor Heninger	Anybody else?
Paul Cassell	The answer to your question sir is that it does not cost anything, but what it does it administers the cigarette tax for all Localities and then pro rata share the cost that associates with that. So, it is divided evenly between the Towns based on the number of stamps sold is the way the agreement reads. There is a cost to the extent we will not administer cigarette tax anymore it will be administered by this entity that will do it for all which we expect to be substantially cheaper than the Town will pay its fair share based on sells.

Mayor Heninger closed the Public Hearing at 7.07 p.m.

Old Business:

- Council Comments/Actions Following Public Hearing – All three Localities within Smyth County plan to join the Mount Rogers Cigarette Tax Board. The goal is a uniform cigarette tax rate of $0.40, currently the Town's cigarette tax rate is $0.08. Mount Rogers has reported the estimated start date for this Board is January 1, 2022.

AN ORDINANCE APPROVING THE FORMATION OF JOINT ENITITY TO BE KNOWN AS THE MOUNT ROGERS CIGARETTE TAX BOARD AND BESTOWING ON SUCH ENTITY ALL POWERS NECESSARY AND PROPER FOR THE PERFORMAMCE OF ITS DUTIES AS PROVIDED BY LAW

WHEREAS, pursuant to the authority granted to localities under § 15.2-1300 of the Code of Virginia, 1950, as amended, the Council of the Town of Chilhowie has determined that it would serve the public interest to establish a joint entity to be known as the Mount Rogers Cigarette Tax Board (the "Board") in order to efficiently administer the collection, accounting, disbursement, compliance monitoring and enforcement of cigarette taxes assessed by the localities desiring to join the Board; and

WHEREAS, the Council of the Town of Chilhowie has reviewed an agreement establishing the Board and defining its' powers, duties and other procedures, the text of which is attached hereto and incorporated herein as "Exhibit A," and is in agreement with the terms as set forth therein; and,

WHEREAS, the aforementioned agreement provides that it shall become effective upon the approval by the governing bodies of at least two (2) localities within the Mount Rogers Planning District and the execution of said agreement by their authorized and execution of said agreement by their authorized representatives; and,

WHEREAS, the Council of the Town of Chilhowie wishes to authorize the formation of the Mount Rogers Cigarette Tax Board as a member thereof and authorize the execution of said agreement by the April 8, 2021 on its behalf.

NOW WHEREFORE, the Council of the Town of Chilhowie hereby ORDAINS AS FOLLOWS:

1. Under authority of 15.2-1300, and upon the approval and execution of two (2) or more localities within the Mount Rogers Planning District, there is hereby created and

established the Mount Rogers Cigarette Tax Board, which shall act as the agent of the localities for the administration of their respective cigarette tax ordinances.

2. The agreement, attached hereto as Exhibit A, is hereby APPROVED and the Mayor and Town Manager is authorized to execute that same on behalf of the governing body; and,

3. The powers and authority of the Board, as set forth in the agreement are hereby APPROVED.

This Ordinance shall be effective_____

Adopted this 8th day of April 2021.

Attest:_____
Clerk of the Council of the Town of Chilhowie, Virginia

Motion by Lewis Shortt, second by Donna Blevins Council adopts the Ordinance for the Mount Rogers Cigarette Tax Board. The motion was approved with following recorded vote:

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

- Presentation of 2020 Fire/Emergency Medical Services Report – Mr. David Haynes, Fire and EMS Chief, presented the 2020 Fire/Emergency Medical Services Report. The 2020 Fire/Emergency Medical Services Report contains the same information as previous years in a different format. During 2020 there were a slight decrease in the overall call volume due to the COVID-19 pandemic. The Fire and EMS Department did not conduct as many community out-reach programs in person but utilized social media outlets during 2020.

- Report on Delinquency Relief from CARES Act Funding – The Town received COVID-19 funds in the amount of $6,246.69 from Smyth County to assists water and sewer customers who were delinquent. Letters announcing this assistance was sent to all delinquent water and sewer customers. Twenty-three customers responded and requested the assistance with their bill. The COVID-19 funds were divided equally between the twenty-three residents and each received $271.60 credited toward their water and sewer account.

- Update on East Lee Highway Pedestrian Project II – Design work has begun for the East Lee Highway Pedestrian Project II. Thompson and Litton submitted two alternatives for

the proposed sidewalk on Second Street. The landowner was presented with both alternatives and they selected Alternative I. Bids for the project is estimated to be held in September or October 2021.

Motion by P.J. Wolfe, second by Julie Sturgill Council accepts Alternative I for the East Lee Highway Pedestrian Project II. The motion was approved with following recorded vote:

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

- Update on Downtown Facades Phase II Project – Work has begun on the Downtown Facades Phase II Project and is going well. Awnings have been installed at the cost of the property owners. The Contractor is currently working on the back side if the Berry's Home Center building repointing and painting the brick. No pay request is requested at this time.

- Permission to Bid Lyons Gap Road Project and Schedule – The project will include 940 feet of water line at the cost of $11per foot that will be installed on the east side of the roadway. Two easements are required for this project. The project bid is for labor only, the Town will purchase all material. The bid is expected to be advertised April 21st and 28th in the Smyth County News. Bid opening is expected to be May 11th and brought before Council during the May 13th meeting.

Motion by Lewis Shortt, second by P.J. Wolfe Council authorizes the Lyons Gap Road Project and gives permission to advertise the bid. The motion was approved with following recorded vote:

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

- Selection of Dedication Date for Farmer's Market- The Farmer's Market opening date is scheduled for May 6th. The Town is hosting a Dedication for the Will Walker Farmer's Market and Community Pavilion and Lucas Dowell Memorial Park on May 18, 2021 at 5:30 p.m.

Motion by Julie Sturgill, second by Donna Blevins Council approves the Dedication Date of May 18, 2021 at 5:30 p.m. for the dedication of the Will Walker Farmer's Market and Community Pavilion and Lucas Dowell Memorial Park. The motion was approved with following recorded vote:

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

- Responses from Department of Housing and Community Development on Extension Request and Audit Submittal – Due to bidding issues and in accordance with the Town's request the Department of Housing and Community Development is amending the contract by extending the contract termination date to March 31, 2022. The Department of Housing and Community Development also extended the deadline of receiving the Fiscal Year 2019-2020 Audit to June 30, 2021. Auditors are currently working on the Audit for Fiscal Year 2019-2020 and are aware of the submittal deadline.

- Report on Police Chief on Various Issues and First Quarter 2021 Safety Initiative Report – Mr. Andrew Moss, Chief of Police, presented the Highway Safety Initiative Quarterly Summary. Chief Moss also discussed the increase of highspeed pursuits on Interstate 81. The Police Department's goal during a highspeed pursuit is to keep the pursuit from entering the Town's corporate limits. The Department has ordered two additional sets of spike strips therefore every police vehicle will be equipped.

New Business:

- Public Notice on Reissuance of Pollutant Discharge Elimination Standard Permit at Sewer Treatment Plant – The reissuance of Pollutant Discharge Elimination Standard Permit is issued every five years. According to the Department of Environmental Quality the public comment period is thirty days from April 3, 2021. The notice is being published in the Smyth County News on April 3rd and April 10th. After the thirty-day comment period the permit can be reissued on May 3, 2021. Sludge cannot be applied to the secured farms until the permit is issued.

- Request from Mr. & Mrs. Quirarte on Purchasing Town Lot on River Road – Mr. and Mrs. Quirarte presented a letter to the Town requesting to purchase a Town owned property at 160 River Road. The property is less than an acre. Mr. Paul Cassell, Town Attorney, reported there is a process for a locality to sell property such as declaring the property as a surplus, the property would be subject to bid and a Public Hearing would be required. Mr. Cassell will investigate the process further and report back during the regular scheduled May 13, 2021 Council meeting.

Motion by Bill Clear, second by Julie Sturgill Council authorizes the Town Attorney to prepare for the process for the sale of the property for the May 13, 2021 Council meeting. The motion was approved with following recorded vote:

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

- Report on Purdue Pharma Settlement – Mr. Paul Cassell, Town Attorney, reported discussions are ongoing on how and what will be distributed from the Pharma Settlement. Mr. Cassell will report additional information as it becomes available.

- Resignation of Planning Commission Member Jason Czelusniak and Planning Commission Recommendation – Mr. Lynn Pease, Chairman of the Planning Commission, reported the Planning Commission met on Tuesday, April 6, 2021. Mr. Jason Czelusniak was recently appointed to the Planning Commission but has resigned due to relocating to Salem, Virginia. The Planning Commission recommends the appointment of Mr. David Blevins to fill the unexpired term of Mr. Jason Czelusniak.

Motion by Lewis Shortt, second by P.J. Wolfe Council accepts the Planning Commission's recommendation and appoints Mr. David Blevins to fill the unexpired term. The motion was approved with following recorded vote:

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

Mrs. Donna Blevins, Council member, abstained from the vote due to being married to Mr. David Blevins.

- Recommendation to Smyth County Circuit Court for Appointment/Reappointment to Board of Zoning Appeals – Three terms of the Board of Zoning Appeals have expired. Mrs. Felicia Eller, Secretary to the Board of Zoning Appeals, contacted Ms. Cathy Smith, Mrs. Rebecca Wilkinson-Smith and Ms. Kathy Wright whose terms expired, and all agreed to be reappointed.

Motion by Donna Blevins, second by P.J. Wolfe Council reappoints subject of approval of the Circuit Court Ms. Cathy Smith, Mrs. Rebecca Wilkinson-Smith and Ms. Kathy Wright to the Board of Zoning Appeals and requests the Town Attorney to file the reappointments with the Circuit Court. The motion was approved with following recorded vote:

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

- Resignation and Appointment Expiring 09/30/2021 to General Board of Appeals – Mr. Douglas Bachuss submitted his resignation from the General Board of Appeals due to relocating. Currently there are no recommendations for filling this vacancy.

Motion by Donna Blevins, second by P.J. Wolfe Council continues this matter. The motion was approved with following recorded vote:

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

- Presentation of 2020 Water Quality Report – The 2020 Water Quality Report, also known as the Consumer Confidence Report, has been completed with no violations found. The report is posted on www.chilhowie.org and each water and sewer customer has been notified how to locate the report for review.

- Update on 2021-2022 Budget Proposal and Date of Continued Budget Meeting – Mrs. Marlene Henderson, Clerk-Treasurer, and Mr. John Clark, Town Manager, have been preparing the 2021-2022 Budget to present to Council. Council chose Thursday, April 22, 2021 at 6 p.m. for the annual budget workshop.

Committee Reports:

- Finance and Personnel Committee on Town Manager Health Insurance and Junior/Senior Prom on Main Street – Mr. John Clark, Town Manager, is currently insured with the Town of Marion. Mr. Clark has become of age and is eligible for Medicare. The Town of Marion's policy does not allow them to continue to carry Mr. Clark under their health insurance plan. Mr. Clark works thirty-two hours per week for the Town of Chilhowie and is eligible for the Town's insurance. The health insurance provided by the Town is 80/20%, the Town pays 80% of the premium and the employee pays 20%. The Town's portion of the insurance for Mr. Clark is $519.20 per month for an annual expense of $6,230.40. The Finance and Personnel Committee recommends to Council to approve the health insurance coverage for Mr. Clark.

Motion by P.J. Wolfe, second by Julie Sturgill Council approves the Town Manager to enroll in the Town's health insurance at the 80/20% rate. The motion was approved with following recorded vote:

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

The Town has been approached to allow the 2021 Junior and Senior Prom to be held on Main Street, Saturday, May 1, 2021 from 7:00 p.m. until 10:00 p.m. It was requested for

the Town to submit the street closure permit to the Virginia Department of Transportation for approval.

Motion by Julie Sturgill, second by Donna Blevins Council approves the 2021 Junior and Senior prom to be held on Main Street, Saturday, May 1, 2021. The motion was approved with following recorded vote:

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

- Public Works Committee on Hood Street – The Public Works Committee met on Tuesday, March 23, 2021 and discussed the consideration of a request to close a portion of Hood Street due to a standing water issue. The standing water is not located on Town property therefore it would create an exposure risk for the Town if the Town were to become involved. The Committee recommends no action be taken.

Department Reports:

Mr. John Clark, Town Manager, stated that there is a lack of storage space within the building. The possibility of creating storage space in the community room by erecting a wall dividing the room into two separate spaces and other alternatives were discussed.

Motion by Donna Blevins, second by P.J. Wolfe Council refers this matter to the Public Works Committee. The motion was approved with following recorded vote:

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

Mr. David Haynes, Fire and EMS Chief, reported the Town of Saltville EMS is possibly transitioning from being a corporation to being under the Town of Saltville. The County meets on April 26, 2021 to make its decision. The Chilhowie EMS Department may play a bigger role is providing EMS services to the Saltville area.

Chief Haynes reported Rural Development is requiring the adoption of a Resolution for the development of a Fire-Rescue Training Center Classroom Building. Mrs. Marlene Henderson presented the following:

RESOLUTION OF GOVERNING BODY OF

Town of Chilhowie

The Governing Body of the Town of Chilhowie, consisting of six members, in a duly called meeting held on the 8th day of April 2021, at which a quorum was present **RESOLVED** as follows:

BE IT HEREBY RESOLVED that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the development of a Fire-Rescue Training Center Classroom Building to serve the community, the Governing Body does hereby adopt and abide by all covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the Town Manager of the Town of Chilhowie be authorized to execute on behalf of the Town of Chilhowie the above-referenced agreements, documents, and forms and to execute such other documents including, but not limited to, debt instruments, security instruments, and/or grant agreements as may be required in obtaining the said financial assistance.

This Resolution is hereby entered into the permanent minutes of the meetings of this Board.

Town of Chilhowie

By: _____

[Signature and Title]

Attest: _____

[Signature and Title]

CERTIFICATION

I hereby certify that the above Resolution was duly adopted by the Governing Body of the Town of Chilhowie in a duly assembled meeting on the 8th day of April 2021.

_____

Secretary/Clerk

Motion by Donna Blevins, second by Lewis Shortt Council adopts the Resolution as presented. The motion was approved with following recorded vote:

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

Chief Haynes also reported Rural Development requires architectural engineering services for the Fire-Rescue Training Center Classroom Building. Thompson and Litton proposal in the amount of $11,516 and Hurt and Proffitt proposal is in the amount of $7,250. Both firms meet the professional qualifications.

Motion by P.J. Wolfe, second by Julie Sturgill Council moves forward with Hurt and Proffitt and authorizes the Mayor to sign necessary documents. The motion was approved with following recorded vote:

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

Mr. Andrew Moss, Police Chief, reported Deputy Chief Aaron Smith and Sergeant Ben Perry will be participating in free supervisory and leadership classes provided by the Virginia Risk Sharing Association. Chief Moss is currently taking classes on the Power DMS system.

Mr. Jay Keen, Director of Public Works, reported Spring Cleanup is scheduled for April 24, 2021. Volunteers will register at Food City at 9:00 a.m. and the cleanup is focusing on Highway 107. The Town will assist with providing police services, removing the trash once bagged and advertising via social media.

Mr. Keen reported the Virginia Department of Transportation is requesting an agreement with the Town concerning the intersection construction slated to begin August 2021. The Contractor is requesting to tap a ten-inch water line and install two fire hydrants.

Motion by Donna Blevins, second by P.J. Wolfe Council ratifies the agreement between the Town of Chilhowie and the Virginia Department of Transportation. The motion was approved with following recorded vote:

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

Mr. Ron Cahill, Recreation/Special Events Coordinator, reported Mount Rogers Health District is conducting a COVID-19 Johnson and Johnson mass vaccination clinic on April 17, 2021 at Marion Senior High School from 9:00 a.m. until 3:00 p.m.

Mr. Cahill also stated that he plans to spend budgeted money on an additional swing, volleyball set and possible corn hole boards for the Recreation Park. The volleyball and cornhole boards would require the participants to bring their own ball and cornhole bags.

Mr. Cahill also discussed the possibility of waiving the $5.00 Farmer's Market vendor fee for this season. The market is scheduled to open Thursday, May 6, 2021.

Motion by Julie Sturgill, second by Donna Blevins Council waives the $5.00 Farmer's Market vendor fee for the 2021 market season. The motion was approved with following recorded vote:

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

Mr. Cahill stated parents of the Chilhowie Elementary 5th grade students are requesting to hold a 5th grade celebration at the Will Walker Farmer's Market and Community Pavilion on May 8, 2021. They are requesting the use of the Town's tables and chairs to serve dinner.

Motion by P.J. Wolfe, second by Lewis Shortt Council approves the use of the Will Walker Farmer's Market and Community Pavilion for the 5th grade celebration. The motion was approved with following recorded vote:

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

The Chilhowie Library is celebrating Science during the month of April. They are scheduling bird walks, bird watching and other activities. The Easter Egg drive through was successful with 160 kids participating.

Any Other Council Business:

Mr. Bill Clear, Council member, inquired if the Chief of Police received any warning concerning the traffic backed up on Interstate 81 due to construction. Chief Moss stated he did not receive a warning. The Virginia Department of Transportation came out attempting to deal with the situation.

Motion by Donna Blevins, second by Julie Sturgill Council continued this meeting until Thursday, April 22, 2021 at 6:00 p.m. The motion was approved with following recorded vote:

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

_____Mayor
Gary L. Heninger

_____Clerk
Marlene L. Henderson, MMC