Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, July 14, 2022, at 7:00 p.m.**

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

Absent: **Councilor P.J. Wolfe.**

Also Present: **Mr. John E.B. Clark, Jr., Town Manager; Mrs. Marlene Henderson, MMC, Clerk-Treasurer; Messrs. Trenton Crewe, Town Attorney; Jay Keen, Director of Public Works; Andrew Moss, Police Chief; and David Haynes, Fire/EMS Chief.**

Mayor Heninger called the meeting to order. Mr. Sam Cregger, gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by Brent Foster, second by Lewis Shortt Council adopts the regular June 9, 2022 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	Absent

Citizen Time:

No one wished to speak.

Public Presentation:

- Promotion of Ben Perry to Lieutenant – Chief Moss reported Officer Perry has excelled in training programs and is now a Certified Training Instructor. Officer Perry recently lead a class on the proper administration of Narcan. Chief Moss announced the promotion of Officer Perry to Lieutenant and presented Lieutenant Perry with the Lieutenant Stripes and Badge for Class A Dress Uniform.

Old Business:

- Update on East Lee Highway Phase II Project – Mr. Clark submitted a letter to Mr. John Dew of the Virginia Department of Transportation requesting additional funds in the amount of $134,868. Mr. Dew advised Mr. Clark to also request an additional $10,000. The total revised estimate for the project is $622,202, the Virginia Department of

Transportation share is $489,762 and the Towns share is $132,441, which includes the additional $10,000.

Mr. Clark inquired of Mr. Dew if he could report to Council that the project will be bid out this year and if the requested $10,000 assisted with this endeavor. Mr. Dew responded that it is reasonable that the Advertisement Authorization is anticipated for next month and the additional $10,000 offered by the Town assisted to secure additional Transportation Alternative funds needed to fund 80% of the expected higher bid and construction cost. With this statement it is hoped the Town will receive authorization to bid next month putting construction to begin September 2022.

- Update on Potential Splash Pad Complex – Mr. Nathan Brown, Barrington Landscape Architect, appeared before Council to review the proposed design for the potential splash pad complex. Mr. Brown reported he measured the proposed location for the splash pad complex beside the Old High School and determined that is an excellent location. The proposed design includes the splash pad, playground, restrooms, building for the pump equipment and rain garden to absorb the run off water from the Old High School. The splash pad is proposed for a recirculating water system where the water is used on the splash pad, drains under the splash pad into a treatment tank to be recycled through the splash pad. Mr. Brown's proposed design low-cost estimate is in the amount of $204,197.50, and the high-cost estimate is in the amount of $291,112.50.

  Mr. Clark and Mr. Smarr has met with a representative of the Smyth County Foundation who was favorable of the project. Mr. Clark is to submit a formal application for funding assistance from the Smyth County Foundation for the amount of $125,000. Mr. Smarr is currently obtaining letters of support for the Splash Pad Complex. The Chilhowie Community Apple Festival has previously submitted a letter of support for the project.

Motion by Julie Sturgill, second by Brent Foster Council authorizes to move forward with the project with American Rescue Plan Act funds with the anticipation of additional funds form the Smyth County Foundation. 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	Absent

- Update on Dog Park – Rio Grande Fence Company will install the fencing once the area is ready. A concrete slab must be poured prior to the fencing, but there is an issue with a drain tile not able to support the weight of a concrete truck. Mr. Keen and Mr. Haynes are currently investigating ways to brace the drain tile to receive a concrete truck, such as a timber matting. Once the concrete pad is poured the fence will be constructed for the dog

park. Once the fence is complete more concrete will be poured to create sidewalks and the Public Works Department will begin work to provide water service to the dog park.

- Update on Potential Settlement of Mill Creek Construction Project – Mr. Trenton Crewe, Town Attorney, reported all parties have agreed on the language of the settlement and the payment schedule. Currently the settlement is awaiting signatures from all parties involved.

New Business:

- Update on Imminent Closure of Bristol Landfill and Potential Affect on Smyth Localities – The Department of Environmental Quality has mandated the Bristol Landfill not to take any more outside trash, or be closed. Smyth County takes all solid waste from the Transfer Station on Route 107 to the Bristol Landfill. The Bristol Landfill must give the County a ninety- day notice of its cessation taking outside garbage, as of June 14, 2022 this notice has not been received. Smyth County pays Bristol Landfill $17 per ton and it is expected for the amount to double to at least $35 at a new landfill. The amount and location of a new landfill has yet to be determined.

  The current contract with GFL allows them to change their rates based on new landfill charges. The contract states the dollar increase would be applied times the number of tons charges divided by 1,100 customers. If the increases were to hold true GFL would increase the Town's rate to an estimated $14,520 annually. At this time there are many variables still unknown and the estimated cost is very preliminary and could vary. More information will be known after Smyth County receives notice of the closure and completes negotiations with another landfill.

- Report on Public Works Foreman Postings – The Department of Public Works has two positions to fill, a Forman for Water and Sewer, and a Foreman for Building, Grounds and Streets. Three application have been received all from existing employees. The design is to have a Foreman with a Laborer for each division. Mr. Clark and Mr. Keen are to review the applications and make a decision by August 1, 2022.

- Announcement of Police Night Out Event – The annual National Police Night Out event is scheduled for Tuesday, August 2, 2022, 6 p.m. until 9 p.m. The Chilhowie Police Department has partnered with Smyth County Sheriff's Office, Marion Police Department, Saltville Police Department and the Virginia State Police for this event. Many activities are scheduled for this event including a live band.

- Report on July Quarterly Planning Commission Meeting – Mrs. Blevins reported the Planning Commission held their quarterly meeting Tuesday, July 12, 2022 at 5:30 p.m.

The Planning Commission reviewed three Zoning Permits issued by Mr. Clark, Zoning Administrator. One is a permit for a privacy fence on Skyview Drive, and two permits concerning the Scholle IPN expansion.

- Approval of Appropriation Resolution for Fiscal Year 2022-2023 – Mrs. Henderson presented the following:

RESOLUTION

WHEREAS, pursuant to § 15.2-2506 of the Code of Virginia, 1950, as amended, the Town of Chilhowie published notice of and subsequently held a public hearing on May 12, 2022 for presentation and citizen comment on the proposed fiscal year 2022-2023 Town Budget;

WHEREAS, pursuant to § 15.2-2503 of the Code of Virginia, as amended, the Town Council of the Town of Chilhowie approved and adopted the 2022-2023 Town Budget on June 9, 2022;

NOW, THEREFORE BE IT RESOLVED that pursuant to § 15.2-2506 of the Code of Virginia, 1950, as amended, the Town Council of the Town of Chilhowie hereby resolves that the funds for the contemplated expenditures budgeted in said 2022-2023 Town Budget be appropriated on an as needed basis for the fiscal year beginning July 1, 2021.

RESOLVED, this 14th day of July 2022 by vote of the Chilhowie Town Council.

Record of vote:

Aye: 5
Nay: 0
Absent: 1

Acknowledged and signed:

_____ _____

Gary L. Heninger, Mayor Marlene L. Henderson, Clerk

Motion by Brent Foster, second by Julie Sturgill Council adopts the Resolution for Fiscal Year 2022-2023. 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	Absent

- Set Tax Levy for 2022-2023 – Mrs. Henderson presented the following:

RESOLUTION

Tax Levy for
Fiscal Year 2022-2023

Upon all real estate in the Town of Chilhowie, Virginia, $0.19 cents per $100.00 of assessed valuation.

Upon all tangible personal property in the Town of Chilhowie, Virginia, $0.35 cents per $100.00 of assessed valuation. Minimum tax: $5.00

Upon all machinery and tools within the Town of Chilhowie, Virginia, $0.35 cents per $100.00 of assessed valuation. Minimum tax: $5.00

Upon all mobile homes in the Town of Chilhowie, Virginia, $0.35 centers per $100.00 of assessed valuation. Minimum tax: $5.00

Upon motion of Brent Foster, second by Donna Blevins Council hereby adopts and sets the foregoing tax levy for the fiscal year 2022-2023.

Record of vote:

Aye: 5
Nay: 0
Absent: 1

Acknowledged and signed:

_____ _____

Gary L. Heninger, Mayor Marlene L. Henderson, Clerk

Motion by Brent Foster, second by Donna Blevins Council adopts the Tax Levy for Fiscal Year 2022-2023. 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	Absent

- Adoption of all Changes from General Assembly Effective July 1, 2022 –

Motion by Brent Foster, second by Julie Sturgill Council adopts all changes from General Assembly effective July 1, 2022. 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	Absent

Department Reports:

Mrs. Henderson presented Council with the evaluation form for the Town Manager's annual evaluation. Mrs. Henderson requested Council to complete the form and return to her by July 25, 2022. The evaluation will be ready to present during the regular scheduled August 11, 2022 Council meeting.

Chief Haynes reported concerning the Building Officials Office he is currently addressing three properties within the Town that are in violation of building codes. Chief Haynes ensured Council that the matters are being addressed.

Chief Haynes also reported himself along with three other Fire Department members will be traveling to Wisconsin for a preconstruction conference concerning the new fire apparatuses. They will spend three days at the factory with the design engineers. Once the preconstruction conference is completed construction of the fire apparatuses will begin. Estimated delivery is March 2023. Chief Haynes reported the department is currently experiencing issues with the Engine truck, the fuel tank is rusting on the inside and the tanker truck is experiencing issues with the pump system.

Mr. Keen reported he has received a full set of plans for the Scholle IPN expansion that he will be reviewing next week. Mr. Keen is also keeping a close check on the existing water lines in the Scholle IPN construction area.

Mr. Smarr reported he has recently purchased an electronic message board for in front of the Municipal Building. He is also working toward receiving an EBT machine in order to accept EBT and Snap cards at the Farmer's Market. The next "On Stage" concert series is August 6, 2022.

Any Other Council Business:

Mr. Foster inquired about the new liquor by the drink law. Mr. Crewe stated Localities does not approve liquor license any more. Legislation passed that liquor by the drink can be sold in any Locality with a population of 1,000 plus. A citizen or group of citizens can attempt to obtain 10%

of the registered voters within the Locality to sign a petition in order to create a referendum to be place on the ballot during the next election to vote out the liquor by the drink within the Town.

Mr. Clear stated there is a high step at the ramp in front of the Nationwide office. The step is too high for elderly people to access the ramp without holding the railing and pulling themselves upon the ramp. Mr. Keen stated he would look into the matter.

Mrs. Blevins presented Council with a newly designed brochure for Smyth County Tourism. The Smyth County Tourism Association is planning to order 22,000 brochures to disburse.

Motion by Lewis Shortt, second by Brent Foster Council adjourns this meeting at 8:10 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	Absent

_____Mayor
Gary L. Heninger

_____Clerk
Marlene L. Henderson, MMC