Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, August 11, 2022, at 7:00 p.m.**

Present: **Honorable Gary L. Heninger, Mayor presiding; Councilors Donna Blevins, Bill Clear, Brent Foster, Lewis W. Shortt, Jr., Julie Sturgill 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; Jay Keen, Director of Public Works; Andrew Moss, Police Chief; Jeff Smarr, Recreation Coordinator and Special Events and David Haynes, Fire/EMS Chief.**

Mayor Heninger called the meeting to order. Mr. John Chapman, Calvary Church of Southwest Virginia, gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by Brent Foster, second by Donna Blevins Council adopts the regular July 14, 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	Aye

Citizen Time:

No one wished to speak.

Old Business:

- Update to Bid by Virginia Department of Transportation and Bidding Schedule of East Lee Pedestrian Project Phase II – The project has been released to bid, but the Virginia Department of Transportation and the Federal Highway Administration must approve the bid. The bid advertisement will be advertised in the Bristol Herald Courier and Roanoke Times, August 14th, the Pre-bid Conference will be held August 23, 2022 and the bid opening is scheduled for September 6, 2022. The section of the project along Town Hall and the Fire and EMS Department may be started and completed this year and the remaining work will be completed 2023.

- Update on Splash Pad Application to the Smyth County Community Foundation and Related Information – An application requesting funding in the amount of $125,000 has been submitted to the Smyth County Community Foundation along with support letters from Chilhowie Community Apple Festival, Smyth County Chilhowie Library Branch,

Chilhowie Baptist Church, Chilhowie Family First Committee and Chilhowie Police Department. The application will be presented to the Smyth County Foundation Board on August 16, 2022.

Mr. Clark, Mr. Smarr and Mr. Don Cole, Wastewater Operator, traveled to Lebanon to observe their Splash Pad Complex. There are two different types of systems, one being a recirculating model and the other model is tap to drain where water is used and drained straight into a storm drain or drain and not recycled. The Town of Lebanon has a system that the water goes directly into a storm drain and not recycled. According to the Town of Lebanon personnel their system is easier to maintain and the circulating system requires a much greater installation and more capital costs and must be maintained continually in order to re-treat the used water.

Council discussed the benefits of tap to drain model versus the recirculating model. The matter of tap to drain and the method to drain the used water was also discussed. It was also stated the splash pad would be a great service for the community.

- Update on Mill Creek Water Treatment Plant Chlorine Contact Tank Replacement Project – Mr. Clark, Mr. Keen and Mr. Cole met with Washington County Service Authority, Rural Development personnel and personnel of Mid Atlantic Storage for a Pre-Construction Conference on July 28, 2022. The Notice to Proceed was issued August 1, 2022. Funds in the amount of $9,878.80 that was originally budgeted for Lane Engineering services was moved to the Rural Development line item for a total of $663,388.80. Washington County Service Authority's 55% of the project is $326,326.11, the Town of Chilhowie's 45% of the project is $266,994.09. Mid Atlantic Storage will demo one tank and replace it and once completed with the first tank they will demo the second tank and replace it leaving one tank in service during the project.

- Report on Fire Truck Manufacturing Process – Chief Haynes along with two other Fire/EMS employees traveled to Wisconsin and spent forty hours with the Engineer reviewing design plans and specifications for the two new fire apparatuses. Some minor corrections were made and delivery is expected during March 2023.

- Report on Latest Number from Mount Rogers Cigarette Tax Board – The Mount Rogers Cigarette Tax Board reported the Town of Chilhowie will receive $52,732.36 for the second quarter of cigarette taxes owed to the Town. At this rate it is estimated the Town will receive $186,144 by the end of the current fiscal year.

- Report on Filling of Foreman Positions – Two applications were received for the Foreman positions. Mr. Danny Combs has been appointed as Assistant Director to Mr.

Keen. Serving under Mr. Combs is Mr. Chris Johnson, Foreman of Building and Grounds, and Mr. Tyler Keen, Foreman of Water and Sewer. The Department of Public Works is also looking to hire one full time position.

- Update on Loan Refinancing – During January 2022 the Town closed on two bonds. Since the closing the twenty- year loan, it has become nontaxable lowering the interest rate from 2.0% to 1.7%. The first interest payment has been made, it is a semi-annual payment plan therefore in July 2023 the Town will pay on principal and interest, and the following January the Town will pay on interest only.

New Business:

- Report on Storm Damaged Building at Town Shop – The storm that occurred on May 6, 2022 virtually destroyed a wooden frame building at the Town Shop, very little damage occurred to the contents of the building. The Virginia Risk Sharing Association was contacted and a contractor came on site and completed a cost estimate to replace the building in the amount of $139,966.24. The Town has a $5,000 deductible and the Virginia Risk Sharing Association will hold $20,000 until the building is completed.

  Mr. Clear inquired about repairing or replacing the roof of the adjacent storage building while the reconstruction of the pole building is completed. Mr. Keen will look into the possibility of replacing the roof.

- Report on Last Quarter, 2021-2022 Highway Safety Initiative – Chief Moss reported there have been more fine revenue collected than overtime wages paid out during the quarter. The Officers wrote tickets for speeds up to 98 miles per hour. Another benefit of officers working the Highway Safety Initiative is that they can also assist the on-duty officer in Town if needed.

- Report on Police Night Out – Chief Moss reported the National Night Out was a great success and well attended. Over 1,100 hotdogs were served. Fifteen regional resource agencies participated in the National Night Out by hosting informational booths.

- Report on Chamber of Commerce August 6, 2022 Event and Concert Series – Chamber of Commerce of Smyth County held a fundraiser for the Virginia Literacy Foundation by hosting a duck race. The Chamber sold all of the available ducks for the race stating the event was very successful. Weather was not the best condition and several vendors withdrew from the event.

Shooter was the entertainment for the Concert Series and had an estimated 100 people in attendance. There were also two food vendors on site. Mr. Smarr expressed his appreciation to the Police Department, Fire and EMS and Town Council for coming out to assist or support the event. The next scheduled concert is Phantom, on Saturday, August 20, 2022.

- Report on Town of Pennington Gap Visit to Explore Town's Fire and EMS Model – Town Manager, Keith Harless, and Fire/EMS Chief Brad Skidmore, from the Town of Pennington Gap, visited the Fire and EMS Department to get more information on the Town's EMS model, particularly funding, billing and personnel structure. The Town of Pennington Gap personnel left very impressed by the Town's Fire and EMS operations.

- Report on Monthly Yard Sale at Farmer's Market – The first Saturday in the month of April through October citizens that would like to yard sale are encouraged to set up at the Will Walker's Farmer's Market and Community Pavilion and Lucas Dowell Memorial Park. Each yard sale has been very successful with high attendance even when working with difficult weather.

- Notice of Joint Public Hearing with Planning Commission on Special Use Application in September – A Zoning Application has been submitted by Taylor's Construction requesting to construct a garage at 1305 East Lee Highway, to service Taylor's Construction's fleet of vehicles. The Planning Commission will meet Thursday, September 8, 2022 at 5:30 p.m., prior to the regular scheduled Council meeting to review the application and discuss a recommendation to Council. That evening the Planning Commission will jointly meet with Council to hold the Public Hearing and to make a recommendation to Council.

Motion by Brent Foster, second by Donna Blevins Council sets a joint Public Hearing with the Planning Commission on Thursday, September 8, 2022 at 7:00 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

Department Reports:

Mr. Clark reported three certified letters were sent to three property owners who are in violation of the Weed and Trash Ordinance. One property owner accepted the letter, two property owners did not accept the letter. The deadline for compliance is August 15, 2022.

Chief Haynes reported the training classroom building is now under roof, exterior siding has been installed and roughed in electrical and plumbing is complete. The training classroom building is expected to be completed by the end of September 2022. It was stated the training classroom building may also become the Regional Training Facility in Southwest Virginia.

Chief Haynes also reported a Chilhowie Volunteer Firefighter may become the Deputy Director of the Virginia Department of Fire Programs. Their office may also be located in the Town of Chilhowie.

Mr. Keen reported the Public Works Department requested a F550 truck with a crane during the American Rescue Plan Act funds request. Since the request was approved Mr. Keen had difficulty locating and ordering a F550 truck with a crane and changed the order to two 2022 Dodge Ram 2500 service trucks. The trucks have been delivered and awaiting titles to be registered with the Virginia Department of Motor Vehicles. The two new service trucks will also require steps to enter the cab of the trucks and light bars.

Any Other Council Business:

Mr. Foster inquired about flashing lights for pedestrian crossings at Chilhowie High School. Mr. Keen reported he has previously contacted Appalachian Power to request three additional lights long the three pedestrian crosswalks along Chilhowie High School. Mr. Keen will reach out again to request an increase in lighting in that area.

Chief Moss reported he has inquired at Chilhowie High School about the County moving forward with the Blue Line Solution. Smyth County plans to move forward with the Blue Line Solution for all schools within the County by adopting an Ordinance. All schools within a Localities' district must be addressed by that Localities' Council. The Blue Line Solution is to place a speed trailer on school grounds to radar traffic within the school zone. The trailer has the ability to take a picture of the tag of a speeding car and a civil penalty ticket will be mailed to the owner of the vehicle.

Chief Haynes reported the location of the Interstate 81 over pass, the construction is now complete, but he has notice three areas water pools when it rains.

Mr. Wolfe stated a citizen has been inquiring about the property on Mason Ally and Chestnut Avenue. Chief Haynes stated the owner of the building has been issued three sets of building permits, but no work has been performed to be inspected. Each building permit lasts six months, Chief Haynes advised the property owner while obtaining the third set of building permits that no more permits will be issued once expired if no work has been completed for inspection.

Mr. Wolfe also inquired about the damage done by vehicles in the Recreation Park behind the baseball field, and if the walking trail is foot patrolled daily by police officers. Chief Moss

reported he has made the officer aware of the damage in the park and they are to increase patrol of the area.

Chief Moss also reported the Crisis Center in Marion, Virginia, has been very helpful with citizens with mental health issues. Chief Moss included an editorial in Council's packet titled: "Psychiatric hospitals, police should not be pitted against each other in Virginia."

Closed Session:

- Report on Settlement with Frizzell Construction on Mill Creek Regional Water Treatment Plant – Justification 2.2-3711(A)(7) of the Code of Virginia, as amended -

Motion by Donna Blevins, second by Brent Foster and unanimously passed Council hereby enters into Closed Session for discussion of Settlement with Frizzell Construction on Mill Creek Regional Water Treatment Plant as allowed by, Justification Section 2.2-3711(A)(7) of the Code of Virginia, as amended of the Code of Virginia. 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 Lewis Shortt, second by P.J. Wolfe and unanimously passes Council hereby enters into 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 on 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

- Evaluation of Town Manager and Scoring – Justification Section 2.2-3711(A)(1) of the Code of Virginia, as amended –

Motion by P.J. Wolfe, second by Lewis Shortt and unanimously passed Council hereby enters into Closed Session for discussion of Evaluation of Town Manager and Scoring as allowed by, Justification Section 2.2-3711(A)(1) of the Code of Virginia, as amended of the Code of Virginia. 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 Julie Sturgill, second by Donna Blevins and unanimously passes Council hereby enters into 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)(1) of the Code of Virginia requires a certificate by the Council that such closed meeting was conducted on 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 Donna Blevins Council grants the Town Manager a 2.5% merit raise. 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 Julie Sturgill, second by Brent Foster Council adjourns this meeting at 8:55 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