Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, August 12, 2021, at 7:00 p.m.**

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

Absent: **Councilors Donna Blevins and Julie Sturgill.**

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; David Haynes, Fire/EMS Chief 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. John Clark gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by Lewis Shortt, second by Bill Clear Council adopts the regular July 8, 2021, meeting minutes. The motion was approved with following recorded vote:

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

Citizen Time:

Walter Pupa owns 703 West Lee Highway, 817 West Lee Highway, and 998 West Lee Highway properties. Mr. Pupa appeared before Council with the concern of no water service to the 817 West Lee Highway residence. The house at 817 West Lee Highway has been abandoned for over twenty years and the meter is located on another property. The property owner that the meter currently resides on will not allow a hook up through their property and there is no known easement. It was discussed how a new water line and meter could be installed to serve 817 West Lee Highway. Mr. Pupa requested not to pay the $900 new hook up fee. Mr. Jay Keen, Director of Public Works, stated the material cost for a meter is roughly $1,075. Mr. Paul Cassell, Town Attorney, stated Council must have a valid reason to deviate from the standard fees charged.

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

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

Old Business:

- Report on Solid Waste Request for Proposal on Solid Waste Pickup – The Request for Proposal on Solid Waste Pickup was advertised on July 24, 2021, in both the Smyth County News and Bristol Herald Courier, posted on the Town's website and sent to nine vendors of which three responded. The deadline for submission is August 19, 2021, at 4:00 p.m. Once the deadline is passed Mr. Clark, Town Manager, will schedule a Public Works Committee meeting to review the proposals and select those for interviews and hopes to finalize the decision in October 2021.

- Notice of Funding for Sewer System Infiltration and Inflow Project – The Seven Mile Ford area was not evaluated during the Sewer System Evaluation Study, there may be a significant problem in the Seven Mile Ford area, but not enough money was allocated to complete that portion of the study. The Department of Environmental Quality will provide a 75% grant, but the cost ceiling is unknown at this time. The Town has been tentatively approved for funding for the project with the public comment scheduled for August and finalize in Richmond during the month of September. Mr. Keen, Director of Public Works, stated he would like to complete the Sewer System Evaluation Study in the Seven Mile Ford area prior to beginning the project inside the corporate limits due to the idea there is possibly a major issue in the Seven Mile Ford area that needs to be addressed first. The infiltration and inflow drive up the cost of operation and maintenance treating ground water and surface water, as opposed to raw sewage. Mr. Keen will contact Dennis Amos, Hurt and Proffitt, to discuss the possibility of completing the study in the Seven Mile Ford area. Mount Rogers Planning District Commission may have some funds to assist with the cost of the study.

- Update on Downtown Revitalization Project – At the property owner's request the color of the Piggly Wiggly sign has been changed from blue to black. The wall above the Town's parking area requires five courses of brick that require repointing. Wallberg Construction is coordinating with the Virginia Department of Transportation concerning lane closure on Whitetop Road for a larger lift to repoint the bricks on that side of the building. September 1, 2021 is the next progress meeting and the project is expected to be substantially complete.

- Report on Chamber of Commerce Transition to Bonham House and Lease Agreement – Mr. Danny Salyer, Danny's Pressure Washing, LLC, has agreed to clean the bathrooms at the H.L. Bonham House twice a week at the Town's expense. The Public Works Department opens the restrooms of the mornings, and the Chamber closes them in the evenings. The Chamber has signed the revised ten-year lease agreement and moved into the building opening the doors to the public on August 1, 2021.

- Approval of Remittance of Number 14 and Community Development Block Grant Remittance Number 24 – The Community Development Block Grant remittance number 24 is in the about if $6,773.86. Wallberg Construction for work completed for the Facades Phase II project. The pay request is in the amount of $5,773.86, Mount Rogers Planning District Commission's pay request is in the amount of $1,000 for administration expense.

Motion by Brent Foster, second by Lewis Shortt Council approves Community Development Block Grant Remittance Number 24 in the amount of $6,773.86. The motion was approved with following recorded vote:

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

Wallberg Construction submitted Pay Request Number 14 for work completed on the Downtown Revitalization is in the amount of $4,540.89.

Motion by Lewis Shortt, second by Brent Foster Council approves Pay Request Number 14 in the amount of $4,540.89. The motion was approved with following recorded vote:

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

- Approval of Pay Request Number 3 on East Lee II Pedestrian Project – Thompson and Litton are 71% complete on the design work for the East Lee II Pedestrian project. Pay Request Number 3 for design work is in the amount of $4,025.52. Thompson and Litton are to appear before Council during the regular scheduled September 9, 2021, Council meeting.

Motion by Brent Foster, second by P.J. Wolfe Council approves Pay Request Number 3 for the design work for the East Lee II Pedestrian Project in the amount of $4,025.52. The motion was approved with following recorded vote:

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

New Business:

- Report on Smyth County Local Emergency Planning Committee – The Smyth County Local Emergency Planning Committee met July 27, 2021, at Chilhowie Christian Church. A Local Emergency Planning Committee is required by the Code of Virginia, Curtis Crawford, Smyth County Emergency Services Coordinator, called the meeting and is currently working on establishing a regular meeting schedule. The purpose of the Smyth County Local Emergency Planning Committee is for all first responders to come together and pool resources, get to know one another and who to call when assistance is required.

- Report on Police Night Out at Recreation Park – The National Night Out for Police and Community Partnerships is the first Tuesday in August across the nation. The first held in Smyth County was during 2019. Smyth County Sheriff's Department, Town of Chilhowie Police Department, Town of Saltville Police Department, Virginia State Police, and the U.S. Marshalls came together to host this event with many other agencies attending. The event was well attended with an estimation of 700 people.

- Report on Hazardous Waste Collection Day – The Hazardous Waste Collection Day is scheduled for Saturday, August 14, 2021, 9:00 A.M. until 2 P.M. A Citizen can haul household hazardous waste to the Smyth County Landfill without charge. The Household Hazardous Waste Collection Day was advertised in Smyth County News, Town of Chilhowie Facebook, www.chilhowie.org and Nixle.

- Report om "On Stage' Concert Series – Mr. Jeff Smarr, Recreation and Special Events Coordinator, reported the first of the "On Stage" concert series is Saturday, August 21, 2021, at the Recreation Park. Food trucks will open at 6:00 P.M. with Phantom taking the stage at 7:00 P.M. Mr. Smarr has used traditional means for advertising the event using flyers, Facebook, www.chilhowie.org and Nixle.

  The Town has booked an additional event featuring Phantom during Apple Festival, Saturday, September 25, 2021, at the Recreation Park.

- Update on Tourism Association Activities – Mrs. Amanda Livingston, Smyth County Tourism Director, was unable to attend. The matter is continued to the regular scheduled Council meeting, Thursday, September 9, 2021.

- Presentation of American Rescue Plan Act Funding Allocation Recommendation – Through the American Rescue Plan Act the Town is to receive $1.8 million over the next two years. The funding cannot be used for existing debt and must be spent by December 31, 2024. Mr. Clark, Town Manager, reported for the first phase he requested Staff to make recommendations of how to spend the funds broken out into different categories such as Building and Grounds, Esthetics, Business Development, Fire/EMS etc. Phase two will be a special meeting with Council during the month of September to review the Staff's recommendations and the third phase is to advertise for Public Hearing.

- Report on Completion of Lyons Gap Fire and Water Project and Ratification of Payment – The project was completed Friday, August 6, 2021, with the installation of 1,160 feet of new six-inch water line and two fire hydrants. Mount Rogers Planning District Commission funded $35,700 for the project leaving the Town's portion of $64,000.

Motion by Brent Foster, second by P.J. Wolfe Council ratifies payment for the completion of Lyons Gap Fire and Water Project. The motion was approved with following recorded vote:

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

- Submission of 2019-2020 Audit to Council – Council received a copy of the 2019-2020 Audit. The Auditor will appear before Council during the regular scheduled Council meeting Thursday, September 9, 2021.

- Report from Vice-Mayor in Interstate 81 Potential Guard Rail Recommendation – Mr. Brent Foster, Councilman, reported after speaking to the Smyth County Sheriff's Department and Fire and EMS representatives he would like to send a letter of request to the Virginia Department of Transportation requesting a guardrail on Interstate 81 between Smyth County and Washington County line. Numerous wrecks have occurred along mile marker 34/3 with several fatalities. Mr. David Haynes, Fire and EMS Chief, stated the Fire and EMS Department has responded to fifty-five calls to that location over the past four years. Mr. Jay Keen, Director of Public Works, suggested including the request for a road study to determine if that section of Interstate 81 is draining properly during heavy rains. Chief Haynes and Chief Moss was directed to create a preliminary draft of the letter requested.

Motion by Brent Foster, second by Lewis Shortt Council authorizes a letter to be sent to the Virginia Department of Transportation requesting a road study and guardrail on Interstate 81. The motion was approved with following recorded vote:

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

Committee Reports:

- Report from Wellness and Parks and Recreation Committee on Various Issues – Mr. Smarr, Recreation and Special Events Coordinator, reported he is receiving calls from Marion citizens requesting their children play Recreation Football for the Town of Chilhowie since the Town of Marion is only participating in Flag Football. The By-Laws for the circuit the Town is a part of, allows kids that attend the school district to play for that Locality, therefore the request for Marion school district kids to play Recreation Football is denied. Mr. Smarr plans to schedule a meeting with the Chilhowie High School representatives to discuss the possibility of playing Recreation Football in the High School stadium.

  Mr. Smarr reported the Farmer's Market is still very busy, but not everyone is crowding in when the Market opens there is a steady pace of patrons throughout the Market's hours. Mr. Smarr expressed his appreciation to the Police Department for their assistance with traffic control during the Market.

  Mr. Smarr reported he has been working in the Recreation Park by picking up trash, restocking dog bags, painting benches, and creating a better awareness of the park. The restroom in the park is being opened by the Public Works Department and closed by the Police Department. Mr. Smarr reported he inquired about the removal of the geese due to the waste they leave behind but was informed the season has passed for geese removal for this year.

  Mr. Smarr reported the Senior Citizens are utilizing the Community Room again and District III is utilizing the Community Room each Wednesday. Mr. Smarr is currently working on obtaining prices for an electronic message board for the sign located at Town Hall. Mr. Clark, Town Manager, reported the history signage in the Recreation Park has been replaced.

- Report from Public Works Committee on Old High School Roof – Request for Bids for the replacement of the Old High School roof were advertised twice in Smyth County News. A pre-bid conference was held July 20, 2021 with no one attending. Bid opening was held on July 29, 2021 with one bid from R.L. Williams Contractor in the amount of $149,900 that includes a fifteen- year warranty. Reducing the fanfold from one inch to ¾ inch would

decrease the bid to $133,000. It was requested during the Committee meeting for Mr. Randy Sturgill, Building Official, to contact Mr. Williams to determine if it is possible to patch the roof again. It was reported that it is unknown until later in the year if the roof can be patched and if not, it will be too late at that time to put a new roof on since the weather must be 40 degrees or above.

Motion by Brent Foster, second by Bill Clear Council continues this matter to the regular scheduled September 9, 2021 Council meeting. The motion was approved with following recorded vote:

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

Department Reports:

Mr. John Clark, Town Manager, reported the Virginia Business Magazine is going to publish a story on the Downtown Revitalization.

Mr. Andrew Moss, Police Chief, stated the National Night out with Police had a lot of corporate sponsors as well as local sponsors such Food City, Papa's Café, Wal-Mart and Ballad Health.

Mr. Jay Keen, Public Works Director, reported there is an issue with the Virginia Department of Transportation concerning the purchase of salt and snow removal within the Town of Chilhowie. Mr. Keen stated the Town has an offer to become a contractor for snow removal but then the Town could not remove snow from Town owned streets. The Town and Virginia Department of Transportation has a meeting scheduled for August 18, 2021.

Mr. Paul Cassell, Town Attorney, reported he will present to Council during the regular scheduled meeting, Thursday, September 9, 2021 the Election modification and an update of a Property Maintenance Ordinance.

Closed Session:

- Update on Mill Creek Water Treatment Plant Dispute, Justification Section 2.2-3711(A)(7) of the Code of Virginia, as amended –

Motion by Brent Foster, second by Lewis Shortt and unanimously passed Council hereby enters into Closed Session for discussion of update on Mill Creek Water Treatment Plant Dispute 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	Absent	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Absent	P.J. Wolfe	Aye

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

Donna Blevins	Absent	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Absent	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:	4
Nays:	0
Absent:	2

Motion by P.J. Wolfe, second by Brent Foster Council adjourned this meeting at 9:10 p.m. The motion was approved with following recorded vote:

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

_____Mayor
Gary L. Heninger

_____Clerk
Marlene L. Henderson, MMC