Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, September 8, 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; Aaron Smith, Deputy Police Chief; Jeff Smarr, Recreation Coordinator and Special Events and David Haynes, Fire/EMS Chief.**

Mayor Heninger called the meeting to order. Mr. Lewis Shortt, Chilhowie Baptist Church, gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by P.J. Wolfe, second by Brent Foster Council adopts the regular August 11, 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:

Ms. Rose Likins, Smyth County Library, appeared before Council to report the Board of Trustees are scheduled to meet Thursday, September 15, 2022. Ms. Likins reported the summer reading program was successful and she plans to meet with Smyth County High School seniors to promote online library materials that is accessible with an online library card. In the future Ms. Likins would like to automatically issue online library cards to Smyth County High School students.

The library branches have recently provided privacy spaces within the libraries for telehealth or on-line meetings. The privacy areas have been well received by the public. The month of September is Library Card Signup month and the library will drop all fines for outstanding materials that need to be brought back to the libraries. Also, free COVID test kits are available at all Library branches and the new online services includes Hallmark movies.

Public Hearing:

- Joint Public Hearing with Planning Commission on Mr. Robert Taylor's Application for a Conditional Use Permit for a Company Garage at 1305 East Lee Highway –

Roll Call of the Planning Commission:

Virginia: At the Joint meeting of the Chilhowie Planning Commission and Town Council held Thursday, September 8, 2022 at 5:30 p.m.

Present: David Blevins, Donna Blevins, Jim Bonham, Jim Paine and Lynn Pease.

Absent: None.

Also Present: John E.B. Clark, Jr., Town Manager/Zoning Administrator; Paul Cassell, Town Attorney; David Haynes, Building Official and Felicia Eller, CMC, Secretary.

Mrs. Henderson presented the following:

Joint Public Hearing
Chilhowie Town Council and Planning Commission

The Chilhowie Town Council and Planning Commission will be holding a Joint Public Hearing on an application for a Special (Conditional) Use Permit in the General Business Zone for a garage to service owner company vehicles at the site of the old Rainbow Autel at 1305 East Lee Highway, as required by Section 3.3-2 of the Zoning Ordinance of the Town of Chilhowie. Therefore, pursuant to Section 15.2-2204 of the Code of Virginia, as amended, notice is hereby given of the Joint Public Hearing to be held at 7:00 p.m., or shortly thereafter, on September 8, 2022 in which citizens may attend and state their views thereon. Following the Joint Public Hearing the Planning Commission will recommend approval or denial of the Permit to the Town Council, or defer its recommendation to a later date. Persons wanting more information on this matter may ask for an information packet at the Town Hall at 325 East Lee Highway or otherwise contact the Town Hall.

By Authority of the Mayor and Town Council,

John E.B. Clark, Jr.
Town Manager

Published in the Smyth County News August 24 and August 31, 2022 Editions.

Mayor Heninger opened the Public Hearing at 7:06 p.m.
No one wished to speak.
Mayor Heninger closed the Public Hearing at 7:07 p.m.

Mr. Clark reviewed Mr. Taylor's request for a Special (Conditional) Use Permit for a garage to service Taylor's Construction vehicle fleet. All setbacks and requirements have been met according to the Preliminary Layout of 1305 East Lee Highway provided by Hurt and Proffitt. Mr. Clark reviewed the Floodplain information which is not pertinent to the Special (Conditional) Use Permit. Mr. Clark also reviewed Town of Chilhowie Zoning Ordinance and the Code of Virginia Code Sections that pertains to this request. Nine adjoining property owners were mailed Certified

letters giving notice of the Public Hearing. Council cannot act upon the matter until the Planning Commission makes a positive or negative recommendation to Council.

Mr. Cassell reviewed with Planning Commission and Council Section 5.5-3 and Section 5.5-4 of the General Requirements from the Town of Chilhowie Zoning Ordinance as a guide for Planning Commission to make their recommendation to Council concerning the Special (Conditional) Use Permit requested. The Planning Commission and Council also reviewed Section 15.2-2204 of the Code of Virginia addressing Advertisement and Joint Public Hearing procedures.

Mr. Clear inquired if water and sewer service is provided to the proposed location. Mr. Keen confirmed the location does have access to water and sewer services. Mr. Clear also inquired about potential drainage issues. Mr. Keen stated if there were any drainage issues it would be the Virginia Department of Transportation's responsibility to address it.

Mr. Bobby Taylor, owner of Taylor's Construction, appeared before Planning Commission and Council to answer any questions. Mr. Taylor stated the proposed garage is a Muller metal building with two garage bays. The garage will also include an office space and one restroom. Mr. Blevins, Planning Commission, stated the only impact this request may have is on the residents behind the property. Mr. Blevins inquired if there will be a fence installed as well for privacy matters. Mr. Taylor stated the proposed garage will not be open to the public, but he does intend to install a chain link fence around the property due to theft issues. Mr. Pease, Planning Commission Chairman, inquired as to the noise level that would be created from the proposed garage. Mr. Taylor stated his company has been working on the vehicle fleet in the parking area for the past six months, if granted the Special (Conditional) Use Permit the noise level should decrease once inside a building.

Mrs. Blevins, Planning Commission, inquired if the property is in the floodplain and if Mr. Taylor plans to build up the property to meet the floodplain requirements. Mr. Taylor confirmed that it is in the floodplain but he does not intend on increasing the elevation of the property. Mr. Taylor has an Engineer looking into the usage of floodgates and if the floodgates would meet the floodplain requirements. If the floodgates are not approved Mr. Taylor does not plan to build anything on the property. Mr. Taylor stated that if he was to elevate the property it would push more water onto the neighboring properties and he has no intention of flooding the neighbors. Mr. Bonham, Planning Commission, inquired if Mr. Taylor had plans for the rest of the property including the existing car wash. Mr. Taylor stated that if he demolished the existing car wash, he would have to go through a new building process and that site is also in the floodplain.

Motion by David Blevins, second by Jim Bonham Planning Commission recommends to Council to approve the Special (Conditional) Use Permit for 1305 East Lee Highway. The motion was approved with following recorded vote:

David Blevins	Aye	Donna Blevins	Aye
Jim Bonham	Aye	Jim Paine	Aye
Lynn Pease	Aye		

Having no further business, upon motion by Jim Bonham, second by Donna Blevins unanimously passed, the Commission adjourned the meeting at 7:27 p.m.

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Felicia Eller, CMC, Secretary

Council inquired about concept of a floodgate. Mr. Taylor explained the floodgates could be placed all around the structure and are a pendulum swing style floodgate. As water rises the vents will push open allowing the water to flow through the structure, once the water recedes the vents will shut. Mr. Clark requested an Engineer stamped letter stating the floodgates would meet the floodplain requirements before he would approve the Zoning Application for the purposed garage.

Motion by Lewis Shortt, second by Brent Foster Council approves the Special (Conditional) Use Permit for 1305 East Lee Highway. 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

Old Business:

- Presentation of Bids on East Lee Highway Pedestrian Project Phase II – A bid opening was held for the East Lee Highway Pedestrian Project Phase II with one bid received. Jones Road and Bridge, Inc., submitted the only bid in the amount of $489,050. Jones Road and Bridge, Inc., has completed three projects previously within Town and holds a good working relationship with the Town.

Motion by Brent Foster, second by Donna Blevins Council accepts the bid from Jones Road and Bridge, Inc., in the amount of $489,050 contingent upon Virginia Department of Transportation approval. 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 Improved Lighting at Crosswalk(s) at High School and Middle School – At no cost to the Town three studies will be broken into three parts, Pine Street, front of the Chilhowie Branch of the Bank of Marion and Chilhowie High School and Chilhowie Middle School's main entrance. The crosswalks themselves will not be lit but the pedestrians utilizing the crosswalks will be. If Council chooses to move forward with the project once the study and cost analysist for each site is completed, the Town will bare all cost.

- Update on Finished Water Pump at Mill Creek Regional Water Treatment Plant – Mr. Drew Langston, Washington County Service Authority, appeared before Council to review the issues with the finished water pumps at Mill Creek Regional Water Treatment Plant. Mr. Langston and his team serves as the Operation Manager at Mill Creek Water Treatment

Plant. Currently there are two finish water pumps that operate at the facility and it meets the demand of Chilhowie and parts of Washington County's water distribution. The two pumps are 200 horse power pumps that run twenty-four hours per day. Mr. Langston and his operational team began to notice operational difficulty in the pumps. A vibration analysist was performed on the pumps that determined the bearings are wearing out and the matter needs to be addressed quickly to avoid being in jeopardy of losing water supply to the customers.

Procurement has begun for a third finish water pump that is 250 horse power that will run on a variable frequency drive that allows the operators to throttle the flows. The one pump running would take the place of both existing pumps. Mr. Langston is requesting to move forward with the purchase of the third pump in case the two current pumps were to fail. C.R. Underwood would complete the installation and has performed excellent work at the plant in the past. Mr. Langston recommends moving forward with the purchase of the third finish water pump at the total cost of $212,000. The Town's 45% share is in the amount of $95,400.

Motion by Donna Blevins, second by Brent Foster Council approves the purchase of the finish water pump and to utilize American Rescue Plan Act funds for the Town's percentage. 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

- Discussion on Emphasis and Importance of Maintenance on Water Treatment Facilities in Light on Issues in Jackson, Mississippi – Jackson, Mississippi, has recently had terrible issues with weather causing extreme flooding. Due to Councils' and staffs' foresight and working relationship with Washington County Service Authority going back thirty years, during March 2015, the existing water plant quit and shut down. If there was not any foresight to spend money on an interconnect with Washington County, the Town would have been in a similar situation as Jackson, Mississippi is currently. Mr. Clark commended Council and staff for the action taken years ago to keep the flow of water to the citizens of the Town of Chilhowie and parts of Washington County.

- Report on Christmas Tree Lighting Project at Old High School – The Christmas Tree Lighting Committee met and discussed hosting an event on Tuesday, November 29, 2022 at 6:30 at the Old High School. The Committee is proposing to decorate the large pine tree in the front yard of the Old High School, serve hot chocolate and cookies and have the Chilhowie High School Marching Band and Chorus perform. The Committee also would like for the Town's Mayor to give the welcoming and a local Pastor to pray and light the tree at 7:00 p.m. The Committee will continue to meet to plan for this event.

- Update on Splash Pad Award from Smyth Foundation and Design Contract – Smyth Foundation Board approved a grant to support half the cost of the splash pad project up

to $125,000. Barrington Landscape Architecture presented a contract for design work that does not include restrooms at the cost of $11,250. The design can be completed by the end of 2022 with intent to bid January or February 2023.

Motion by Brent Foster, second by Lewis Shortt Council authorizes the Town Manager to negotiate contract with Barrington Landscape Architecture and not to exceed $11,000. 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 2022 Apple Festival Event – Apple Festival representatives and Town staff are scheduled to meet Thursday, September 15, 2022 to discuss the details of the 2022 Apple Festival.

- Update on Disposal of Solid Waste to New Landfill by Smyth County – Smyth County has recently signed an emergency contract with Echo Smart Landfill in Blountville, Tennessee, for a six-month period. Initially the increase was thought to be $18 per trash can per month which would result in an increase of $1.10 to $1.50. The County will be increasing the charges from $56 to $80 per ton which is a $24 increase. This increase will mostly likely increase what GFL charges the Town from a $1.50 to $2.00 per can per customer. This increase will be addressed during the 2023-2024 Budget preparation.

New Business:

- Notice of Chamber Town and Country Banquet and RSVP – The Chamber Town and Country Banquet is scheduled for Thursday, September 15, 2022.

- Update on Replacement of Street Signs – All street signs submitted to be replaced have been completed. Sunshine Drive and Lassiter Lane Street signs were requested to also be replaced.

- Appointments to Expired Terms on H.C. Carter and David Blevins Effective October 1, 2022 to General Board of Appeals – Mr. Carter and Mr. Blevins have been contacted and both gentlemen agreed to be reappointed to the General Board of Appeals for an additional three-year term.

Motion by Brent Foster, second by Donna Blevins Council reappoints H.C. Carter and David Blevins for three-year terms to the General Board of Appeals. 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

- Request to Refer Property Maintenance Issues Including Chestnut Avenue and Sulphur Springs Road to Committee – There are several properties within Town that are in violation of Weed and Trash Ordinance and Building Code Violations. It was requested to send this matter to the Public Works Committee for discussion prior to the regular scheduled October 13, 2022 Council meeting. The Public Works Committee meeting was scheduled for Tuesday, September 20, 2022 at 6:00 p.m.

- Notice of Retirement Luncheon for Clerk/Treasurer Marlene Henderson and Assistant Public Works Director Billy Joe Testerman – A retirement luncheon will be held Thursday, September 29, 2022 at 12 noon in the community room for Mrs. Henderson and Mr. Testerman.

Department Reports:

Mr. Clark reported he has not been updated on the Lead Pipe nor Inflow and Infiltration Projects.

Mr. Haynes reported he has attended the Virginia Building and Code Officials Association Conference in Williamsburg, Virginia. This event was for continuing education hours that Mr. Haynes must complete a certain number of hours each year to keep his Building Official Certification up to date.

Aaron Smith, Deputy Chief of Police, reported he attended the New Deputies Chief School in Richmond and graduated from the program. Officer Deel graduated the Police Academy September 1, 2022. Officer Deel is currently completing the FTO process.

Mr. Keen reported the meter reader truck has been received that was ordered during the previous year. The new parts building should be complete within two to three weeks. The existing building with the old white vinyl and piece milled plywood has been quoted to match the new building with metal in the amount of $6,700. The current Contractor that is building the new parts building stated he would honor the quote while he is currently working at the Town Shop. Chief Haynes stated that he reviewed the existing building while the side wall was open and found the structure looks good but there are serious electrical issues that needs to be addressed. Chief Haynes stated estimated cost for the electrical repair is $2,000.

Motion by Brent Foster, second by Donna Blevins Council approves the repairs of an existing building to match the new parts building utilizing American Rescue Plan Act funds in the amount of $6,700 and perform all electrical repairs. 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

Mr. Keen reported the Public Works Department has recently received the new brush chipper. Mr. Keen expects to place several items to sell on www.govdeals.com as surplus equipment.

Mr. Smarr reported "On Stage" presents P.F. Flyers Saturday, September 10, 2022. Mr. Smarr has been reaching out to different organizations to serve as food vendors during the concert to generate revenue for their organization. Chilhowie Library plans to vend during the P.F. Flyers concert. The Apple Festival Committee has agreed to bring the Apple Festival train to the concert and the Town will set up the recently purchased inflatable for entertainment for the kids.

Mr. Smarr also reported in association with the Community Apple Festival "On Stage" will present two bands following the parade at the Will Walker Farmer's Market and Community Pavilion. From the Edge will perform following the parade and Soul Sandwich will perform from 2:30 p.m. until 4:30 p.m.

Motion by Lewis Shortt, second by Brent Foster Council adjourns this meeting at 8:31 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