Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, August 10, 2023, at 7:00 p.m.**

Present: **Honorable Gary L. Heninger, Mayor presiding; Councilors Bill Clear, Shannon Donnelly, Brent Foster, Bob Jeter, 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; Jeff Smarr, Recreation/Special Events Coordinator; Andrew Moss, Police Chief; 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 Julie Sturgill Council approves the regular July 13, 2023 meeting minutes. The motion was approved with following recorded vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Special Presentation:

- Video Presentation of New Smyth County Video – Ms. Amanda Livingston, Director of Smyth County Tourism, presented to Council a video of Smyth County including the Town of Marion, Town of Chilhowie and the Town of Saltville. The video was a multi entity effort. Ms. Livingston plans to edit the video to a thirty seconds ad to be aired on local television stations. Ms. Livingston reported the market research of Tourist resulted in the top three reasons Tourist visit Smyth County. Number one being the scenic natural beauty of the area, number two is the friendly small Towns and the third reason the visit Smyth County is the Hungry Mother State Park. The top three media regions are Tri-Cities, Richmond Metro and Winston-Salem Triad. Ms. Livingston stated Smyth County needs to grow in family friendly activities, outdoor oriented businesses, restaurant choices and additional lodging.

- Presentation of Mount Rogers Planning District Commission Housing Study and Funding Opportunities Program – Mr. Jimmy Moss, Housing Specialist, appeared before Council to discuss the expansion of the Housing Development Program. The recent Housing Study shows Smyth County is in the need of 300 houses to meet the needs of Smyth County. The Mount Rogers Planning District Commission is seeking submissions from the public, for

profit and non-profit developers for projects that would increase affordable housing in Smyth County. Grant funds for developers are available from $3 million granted to Mount Rogers Planning District Commission by Smyth County using the American Rescue Plan Act funds. The program is 0% interest loans to construct houses, once the house is completed and sold the loan funds are expected to be paid back to the lender.

Mr. Moss stated housing affects all levels of society and is crucial for new economic development as well as business retention and workforce development. This program will also provide community improvement, investment into the citizens and stability for future generations.

Citizen Time:

No one wished to speak.

Old Business:

- Update on Construction of New Aerial and Pumper Trucks – The aerial truck is complete and ready for inspection. The estimated completion date for the pumper truck is August 23, 2023. Once the pumper truck is complete members of the Chilhowie Fire Department will travel to the site and conduct inspections on both the aerial and pumper truck.

- Report on Situation of Audit Completions, especially in Light of Sewer and Water Projects – A letter was received from the Virgina Resource Authority stating the audit for fiscal year 2021-2022 has not been received and the lack of the audit will hinder future loan requests from the Virginia Resource Authority. The Sewer Project design is complete but on hold until the 2021-2022 Audit is received.

  Staff held a meeting with Bostic, Tucker and Company, who serves as the Town's Consultant, and Hicok, Brown and Company, CPA, and both representatives of the firms stated it is impractical for the audits to be completed within the requested time frame for a small town. Bostic, Tucker and Company prepare an audit for each fiscal year and submits the audit information to Hicok, Brown and Company, CPA and they require several months to complete the audit process. It was suggested to request the Virginia Resource Authority to make an addendum to the Finance Agreement changing the days for audit completion from 180 to 270. A response from the Virigina Resource Authority has not been received at this time.

- Report on National Night Out – The National Night Out event was very successful with over 250 community service providers participating. This year's event served over 1,200 hotdogs and there was a noticeable increase in patrons. Chief Moss hopes to relocate the event to the Splash Pad complex in 2024.

- Report on Construction at Pathway Park and at Mill Creek Regional Water Treatment Plant – The construction at Pathway Park is near completion. A tie-in into the water line and pressure tests of the water line needs to be completed. Once the chlorine break tank at the Mill Creek Regional Water Treatment Plant passes the bacteriological test the tank will begin to fill with water. Both projects are going well.

- Report on Virginia Risk Sharing Agency and Virginia Municipal League Meeting at Chilhowie Old High School – The Town of Chilhowie hosted representatives from the Virginia Risk Sharing Agency and Virginia Municipal League at the Old High School, Wednesday, August 9, 2023. All Localities within Southwest Virginia were invited to attend. Items discussed included risk management, such as playground equipment, eminent domain and up and coming legislative matters such as short-term rentals. The meeting was well attended and provided a lot of good information.

New Business:

- Update on Widener Tank Repair and Tank Inspections – Tank inspections have been conducted in house on rotation. Upon a walk around inspection of the Widener Tank two bolts were found to be loose and are leaking water. The issue will be repaired at minimum cost. The inside of the tank inspection will be completed robotically.

Motion by Brent Foster, second by Shannon Donnelly Council accepts the Widener Tank Inspection report. The motion was approved with following recorded vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Department Reports:

Mr. Clark stated with the upcoming projects he would be glad to conduct a reorientation for any Council member that would like the assistance.

Chief Moss showed Council the new body cameras the Police Officers have been issued. He stated when the lights in the police vehicle comes on the body camera automatically turns on and once the body camera is activated the in-car camera is also activated. Chief Moss stated the Officers are very happy with the new body cameras.

Chief Moss has also been in contact with the Virginia Department of Transportation concerning No Lottering signage that will assist with enforcement and regulate safety. Chief Moss stated the Virginia Department of Transportation requires an adopted Resolution for the No Lottering signage and he will be working with Mr. Cassell to prepare the required Resolution.

Mr. Keen reported the Vactor truck that was ordered 1.5 years ago should be ready October 2023.

Mr. Smarr made a special request for any Council member that is able to attend a River Ribbon Cutting with the U.S. Fish and Wildlife and Tennessee Upper Roundtable who completed a bank stabilization and river re-habitation project a couple of years ago. The event is scheduled for Tuesday, August 15, 2023 at 10:00 a.m.

Mr. Smarr also reported that a Fun Day in the Park is scheduled for Saturday, August 12, 2023 in the Recreation Park. The event is in association with the Chilhowie Apple Festival and Chamber of Commerce of Smyth County. There will be a foam party, Apple Festival train, games and activities as well as the annual Duck Race hosted by the Chamber of Commerce of Smyth County. The event will end with a Concert in the Park with the band Shooter performing.

Old Business Revisited:

- Situation on Agreement Between Chilhowie, Marion and Smyth County on Emergency Medical Services Agreement – Negotiations have been underway for Smyth County to fully fund EMS operations provided by the Town of Marion and the Town of Chilhowie. Smyth County took over EMS operations in the Town of Saltville earlier this year. Smyth County requested numbers on the cost of the Town's EMS operations. A meeting was held with Town staff and Mr. Shawn Utt and Mr. Clegg Williams of Smyth County to review the EMS call numbers. After reviewing the EMS call numbers those attending the meeting blended the numbers to an overall average of 84.6% of calls being outside the Corporate limits. After reviewing projected EMS expenditures and EMS revenues for the 2023-2024 budget it was determined the EMS Department will have an estimated shortfall of $89,377.

  Mr. Curtis Crawford, Smyth County Emergency Service Coordinator, stated Smyth County is creating a partnership with the Town of Chilhowie and the Town of Marion for a goal for all citizens to receive equal service. The agreement requests the Town of Chilhowie and the Town of Marion submit a bill to Smyth County for the variance between EMS revenue and EMS expenditures by the 25th of each month.

  Mr. Cassell stated he has reviewed the agreement and its legal perspective and approves the agreement as presented.

Motion by Brent Foster, second by P.J. Wolfe Council approves the Agreement between County of Smyth, the Town of Marion and the Town of Chilhowie for the provision of emergency medical services and authorizes the Mayor to execute any and all documents. The motion was approved with following recorded vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Presentation of Bids on Pumper and Aerial Ladder Trucks and Request from County Administrator – As approved by Council the Pumper and Aerial Trucks were deemed surplus and was advertised for bids. Three bids were received for each truck. The highest bidder for the Aerial truck is in the amount of $200,000 from Powellville Fire Company, Inc., of Pittsfield, Maryland. The highest bid for the Pumper truck is in the amount of $151,000 from Brindle Mountain Fire Apparatus of Union Grove, Alabama.

Motion by Brent Foster, second by Julie Sturgill Council accepts the high bid in the amount of $200,000 from Powellville Fire Company, Inc., for the Aerial truck. The motion was approved with following recorded vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Concerning the Pumper truck the Smyth County Board of Supervisors is requesting to sell the Pumper truck to Smyth County for $1.00 more than the highest bid in the interest of need in the County and intergovernmental cooperation. The Town of Chilhowie has the right to reject any and all bids received.

Motion by Julie Sturgill, second by Bill Clear Council rejects any and all bids received for the Pumper truck. The motion was approved with following recorded vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Motion by Brent Foster, second by P.J. Wolfe Council donates the Pumper truck to Smyth County upon approval of the Town Manager. The motion was approved with following recorded vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Closed Session:

- Personnel Transition in Finance Department – Justification Section 2.2-3711(A)1 of the Code of Virginia, as amended.

Motion by Brent Foster, second by Bill Clear and unanimously passed Council hereby enters into Closed Session under Section 2.2-3711(A)1 of the Code of Virginia as amended, to discuss Personnel Transition in Finance Department. The motion was approved with following recorded vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Motion by P.J. Wolfe, second by Julie Sturgill and unanimously passed Council hereby enters into Open Session. The motion was approved with following recorded vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	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 in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chilhowie hereby certified 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.

Approved with the following roll call vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

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

Motion by Bob Jeter, second by Julie Sturgill and unanimously passed Council hereby enters into Closed Session under Section 2.2-3711(A)1 of the Code of Virginia as amended, to discuss Evaluation of Town Manager and Scoring. The motion was approved with following recorded vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

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

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Certification of Closed Session

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Approved with the following roll call vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Motion by Bob Jeter, second by Brent Foster Council approved the 2.5% merit raise for the Town Manager. The motion was approved with following recorded vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Motion by Brent Foster, second by Julie Sturgill Council continues this meeting until Tuesday, August 22, 2023 at 6:00 p.m. The motion was approved with following recorded vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

_____Mayor
Gary L. Heninger

_____Clerk
Marlene L. Henderson, MMC