Mayor: Gary L. Heninger
Council: Billy L. Clear
Shannon Donnelly
J. Brent Foster
Bob Jeter
Julie Sturgill
P.J. Wolfe

TOWN OF CHILHOWIE
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Town Manager: John E. B. Clark, Jr.
Clerk/Treasurer: Felicia C. Eller
Police Chief: Andrew K. Moss
Director-Public Works: Jay Keen
Fire Chief: C. David Haynes
Building Official: C. David Haynes
Director-Recreation/Special Events: Jeff Smarr
Legal: Cassell & Crewe. P.C.

Municipal Building, September 14, 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. Rev. Larry Hamm, Chilhowie Christian Church, gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by Bill Clear, second by Brent Foster Council approves the regular August 10, 2023 and continued August 22, 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:

- Life Saving Awards – The Town of Marion Chief of Police Mr. John Clair, Second Vice President of Virginia Chiefs Association, appeared before Council to present a Life Saving Awards to Office Austin Millsaps and Chief of Police Andrew Moss. Only thirty Life Saving Award were presented to Officers across the Commonwealth. Chief Clair stated the modern police environment requires de-escalation skills and good decision-making

skills. Officer Millsaps and Chief Moss demonstrated those skills during a call concerning a woman with a knife. Officer Millsaps and Chief Moss were able to deescalate the situation while protecting themselves and others. The woman was subdued without injury. Chief Clair presented Officer Millsaps and Chief Moss with the Life Saving Award.

- Update on 2023 Apple Festival – Mrs. Rebecca Wilkinson-Smith, Co-President of Chilhowie Community Apple Festival, appeared before Council to present an article that is to be printed in the Smyth County News. Mrs. Wilkinson-Smith presented the following:

2023 Chilhowie Apple Festival

2023 marks the 69th anniversary of the Chilhowie Community Apple Festival which began in 1953 as a tribute to the apple, not the blossom, as did most of the other apple related festivals. At that time Chilhowie was the second largest apple producing center in the state of Virginia due to the combined production of the Bonham Brothers and Duncan Orchards. In the 1980s weather-related crop losses and the death of the leaders of the Bonham family combined to cause a decline in the Bonson Apples business. Early in the 21st century the aging of the Duncan Orchards leader and scarcity of workers to help harvest the apples lead to the closing of that orchard as well.

Although we no longer have the orchards, we still remember our heritage and continued to celebrate the numerous other bounties that our area provides. This is why the theme of the 2023 festival is "Love Where You Live". Southwest Virginia, the Appalachian Mountains, the Holston River Valley, Rural America. All of these describe where we live. They also describe desirable destinations for those that do not live here.

We often do not appreciate all that our area has to offer. We take it for granted because many of us have always lived here and do not have the perspective of seeing it through the eyes of someone who is experiencing it for the first time. The breathtaking beauty of the mountains, the abundant wildlife, the numerous rivers and lakes, the forest and hiking trails, the access to local produce and meats, our caring neighbors, several generations of families on family land, the continuing community traditions, and vision and planning for a sustainable future. As Dorothy once said, "There is no place like home."

We are proud to share our home with all of our festival participants and visitors. We hope that you too will find a love for our home. Please enjoy all of the experiences that our area offers, including but not limited to our numerous festival events.

A schedule of events is included at the end of this article, but we would like to highlight a few of the newer additions to the festival. We have traditionally had a Gospel Singing on Sunday afternoon, but have not had musical entertainment on Saturday afternoon. Last

year, as part of the Town of Chilhowie's Music in the Park Summer Series, two bands performed in the Will Walker Farmer's Market and Community Pavilion on Saturday afternoon. The Town is continuing that this year with *South 40* performing from 11:30 a.m. until 1:00 p.m. and *Soul Sandwich* taking the stage from 2:00 p.m. until 4:00 p.m. at the Pavilion.

The Chilhowie Farmers Market is being relocated again this year and extended from the normal Thursday afternoon market to all day markets for the three days of the festival. Its new location is in the area across the street and in front of the Old High School. Market hours are 10:00 a.m. until 7:00 p.m. Friday and Saturday and from 1:00 p.m. until 5:00 p.m. on Sunday.

For the first time in several years, we will have inflatables and bungee bounce, in addition to the train rides, petting zoo, and children's games and crafts. Eight bands have signed up to march in the parade significantly surpassing the number that have marched the last few years.

In order to have a successful festival it takes the collaboration, and the talents, and support of numerous individuals and entities. In terms of talent, we would like to recognize the artist that provided the art work for both our brochure and catalog. Ms. Debbie Martin, who is a CHS graduate and Chilhowie native. Also, Miss Paige Olinger, a Northwood High School student who designed the brochure. We also recognize our Parade Marshal, Chilhowie Middle School Student, Jacob Catron, who won the county, district, state and eastern region for his D.A.R. essay.

We cannot begin to name all of the community members that support us in various ways, but we would like to recognize our monetary and in-kind sponsors:
Berry Home Centers, Inc.
Tom and Kyra Bishop
KVAT-Food City
Goodwill
Bank of Chilhowie
El Campestre Mexican Grill and Cantina
Cliff Burnette/State Farm Insurance
Town of Chilhowie
Bradley's Funeral Home
Henderson's Funeral Home

Someone once said that "collaboration is the key to success," and we definitely agree. Without collaboration between our festival committee and the Town of Chilhowie and all

of its employees, including but not limited to the Police Department, Public Works Department, Fire Department and EMS, Recreation Director, Town Manager, Mayor and Town Council, and the Town Hall Staff we could not have a successful festival.

We also depend on our mutual relationship with all of the area schools, especially the Chilhowie Elementary PTO and the Chilhowie High School Band Director and Band Boosters. Lastly, but not least, we want, need, and appreciate all of our Volunteers. Just as it "takes a village" to raise a child, it "takes a community" to have a successful festival for that community. Thank you all and we look forward to seeing you during the festival. Mrs. Wilkinson-Smith reported there are eight marching bands signed up to march in the parade. Mr. Tom Bishop has donated funds to each band that is marching in the parade to assist with their band program. Councilwoman Sturgill expressed her appreciation to the Apple Festival and the Community.

Citizen Time:

No one wished to speak.

Old Business:

- Approval of Final Pay Request Number 11 on East Lee Highway II Project and Total Cost of Project – Pay Request Number 11 is for the amount of $40,822.50. This payment completes the project. The Town's 80% reimbursement is estimated to be $32,658. The reimbursements are provided by the Virginia Department of Transportation. There was a delay for the Town's reimbursement for Pay Request Number 9 and 10 due to a payroll issue that has been resolved and the Town has received reimbursements for both Pay Requests.

  The project's cost estimate is higher due to one of the two change orders being the Town's responsibility. During the beginning phase of the project the Town agreed to pickup part of the construction cost that is more than what the Virginia Department of Transportation allocated. Concerning the previous discussion of the possible East Lee Highway III Project the deadline to request funds is October 1, 2023. The request for funds may be submitted during the 2024 funding cycle.

Motion by Brent Foster, second by P.J. Wolfe Council approves Pay Request Number 11 for the East Lee Highway II Project for the amount of $40,822.50. 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

- Update from Police Chief and Attorney on Cannabis Control Act – Chief Moss has met with the business owner. According to the business owner the business is more on education of growing the product and agriculture. The business owner also stated there would be adult gifting involved but will not be available for all patrons. The business cannot be singled out and will be allowed to obtain a business license.

- Presentation of Resolution for Tax Levy for Fiscal Year 2023-2024 – Mrs. Henderson presented the following:

RESOLUTION

Tax Levy for
Fiscal Year 2023-2024

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 valuation. Minimum tax: $5.00

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

Upon motion of _____, second by _____ and passed Council hereby adopts and sets the foregoing tax levy for the fiscal year 2023-2024.

Record of vote:
Aye:
Nay:
Absent:

Acknowledged and signed:

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

Motion by Bill Clear, second by Brent Foster Council hereby adopts and sets the foregoing tax levy for the fiscal year 2023-2024. 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

- Update on Resolution on Loitering – An example of a Resolution on Loitering, provided by the Town of Abingdon, was included in Council's packet. No loitering signs must be placed in specific areas such as on and off ramps to Interstate 81. The Virginia Department of Transportation provided a detailed instructional and informational memorandum that includes a list of safety concerns. The Town will have to define what loitering is within the Town of Chilhowie. Chief Moss and Mr. Cassell will continue to develop a Resolution on Loitering.

- Update on Accounting / Finance Opening Following the Retirement of Ms. Kerri McClure – Ms. Kerri McClure is retiring on October 1, 2023. The Town appreciates her many years of service. She has been an asset to the Town and will be missed. The position was advertised in the Smyth County News and Messenger and Saltville Progress as well as posted with the Virginia Employment Commission, Town's website and Facebook page. Twelve applicants have been received. In the Town's pay and classification system, the position will be either an Accounting Clerk starting around $17.32, or a Finance Clerk starting around $18.32, depending on qualifications. Interviews will be held the week of September 18 and an offer will be made about ten days following interviews.

- Report on Pre-Construction Conference on Splash Pad Complex – A pre-construction conference was held on September 7, 2023. Town staff, National Pools of Roanoke, Contractor Kim Davidson and Architect Nathan Brown was in attendance. Construction is scheduled to begin September 25, 2023. Public Works will be digging several utility ditches and preparing water and sewer connections that will have to be completed early in within the construction phase. National Pools of Roanoke has 180 days to complete the project. Mr. Davidson indicated his work would be completed late winter or early spring 2024. The facility should open on Memorial Day weekend, 2024.

- Response from Virginia Resource Authority on Town Manager's August 1 Letter Requesting Permission to Move Forward on Sewer Infiltration and Inflow Project – The

Virginia Resource Authority is holding the closing of a loan due to not receiving the 2021 – 2022 Audit. A letter concerning the hold on the loan closing has been submitted to the Virginia Resource Authority. A response has been received stating the loan will not be released until the 2021-2022 Audit is received. Mrs. Henderson is working with the Auditors and hopes to have the Audit complete during October or November 2023.

- Update on Repairs at Old High School Plus Concert Schedule Update – With guidance from the Public Works Department Mr. Smarr has coordinated repairs at the Old High School building. Water damaged areas in the ceiling throughout the building have been repaired and painted. The Adult Education classroom is being relocated to a classroom on the right side of the building to eliminate any noise issues that may occur from the Splash Pad area that will be located on the outside left side of the building. New lights will be installed in the new Adult Education classroom within the next couple of weeks.

  The Concert Series in the Park is moving along well. Two bands will be performing during the Community Apple Festival Saturday, September 23, 2023, at the Will Walker Farmer's Market and Community Pavilion. The Concert Series will conclude on Saturday, October 7, 2023 with the P.F. Flyers performing. Mr. Smarr expressed his appreciation for the Town's support for the recreation sports program.

- Update on Fire Trucks Inspection and Delivery – Mrs. Henderson presented the following information provided by Fire and EMS Chief David Haynes, dated September 12, 2023, concerning the Fire Truck Inspection:

  Four members of the apparatus design committee (myself, Assistant Chief Moore, Lieutenant Ruffin and Firefighter/EMT-P Arnold) are traveling to Appleton, Wisconsin tomorrow to perform the final inspection on both apparatuses. We will get a first look at both trucks tomorrow evening and we will begin the in-depth inspection on Thursday morning. We will be training all day Friday on the foam and compressed air system on the pumper. We will also be flowing the waterway on the aerial ladder. Inspections will continue on Saturday and Sunday. Any deficiencies found will be presented to Pierce on Monday morning for correction. We will depart for home on Monday afternoon.

  We will likely post photos from the inspection process on our Facebook page while we are there.

New Business:

- Submission of Contract with Mount Rogers Planning District Commission on Rewriting Comprehensive Plan – The previous Comprehensive Plan was recommended by the

Planning Commission and adopted by the Town Council on September 13, 2018 following a joint Public Hearing. The Code of Virginia requires the Plan to be rewritten, or updated every five years, the current revision requires a full rewrite.

Planning Commission Chair Jim Bonham and staff met with two representatives of Mount Rogers Planning District Commission to review the project. The Comprehensive Plan will be examined and utilize the most recent data over a variety of topics. The Mount Rogers Planning District Commission will begin work on the rewrite January 2024. Once work begins the Planning Commission will meet monthly to review the progress. The 2023-2024 Budget includes $17,500 for this project and the estimated cost for the Mount Rogers Planning District Commission is $15,000. The professional procurement process will not be completed since the Mount Rogers Planning District Commission is an arm of local government.

Motion by Brent Foster, second by Bob Jeter Council approves the Memorandum of Understanding Between the Town of Chilhowie and the Mount Rogers Planning District Commission. 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

- Reappointment of Two Members of General Board of Appeals – Two members of the General Board of Appeals terms are expiring September 30, 2023. Mr. Jim Paine and Mr. Pete Sturgill were contacted and both wish to be reappointed to the General Board of Appeals.

Motion by Julie Sturgill, second by Brent Foster Council reappoints Mr. Jim Paine and Mr. Pete Sturgill to serve another three-year term on the General Board of Appeals. 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

- Notice of Chamber of Commerce Town and Country Dinner and Reservations – The Chamber of Commerce of Smyth County is hosting the annual Town and Country Dinner on October 5, 2023 from 6:00 p.m. until 9:00 p.m. at the Chilhowie Airplane Hanger. Reservations will be made on line for those who would like to attend.

- Notice of 2023 Virginia Municipal League (VML) Conference in Norfolk – The Virginia Municipal League Annual Conference is scheduled for October 7, 2023 through October

10, 2023 in Norfolk, Virginia. The conference provides great networking opportunities and is open to the Mayor and Council members to attend.

- Council Consideration of Appointment of Saltville Mayor Todd Young to be Appointed as At-Large Member of the Virginia Municipal League Board – A letter of recommendation was presented to Council recommending Mr. Todd Young, Saltville Mayor, requesting the consideration of appointment to the Virginia Municipal League Executive Board. The letter of recommendation will be sent to Ms. Michelle Gowdy, Executive Director Virginia Municipal League, and Nominating Committee Members.

Motion by Brent Foster, second by Shannon Donnelly Council approves the letter of recommendation of Mayor Todd Young to be considered for appointment to the Virgnia Municipal Executive Board. 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

Committee Reports:

Recommendation of Personnel and Finance Committee on EMS Salaries in Light of Town and County Agreement and Commensurate Police Salaries – The Finance and Personnel Committee met Wednesday, September 6, 2023 to discuss the proposed EMS and Police salaries. The EMS Department is running three separate 24-hour shifts, each shift requires a Captain. The proposed increase for the first Fire and EMS Captain, Classification 16K, is to increase their salary to $49,676 from $43,725. The proposed increase for two other Fire and EMS Captains, Classification 16J, is $48,465 from $41,445. The first Captain's increase is slightly more due to seniority. The Fire and EMS Intermediate Paramedic, Classification 14L, will increase to $45,748 from $39,448. The Fire and EMS Technician, Classification 11K, will increase to $38,009 from $34,434. The Town's starting salary for a Paramedic, Classification 14L, is $45,748.

Concerning the step increases and salary increases, if a new employee exceeds that of a current employee in that Grade, the current employee must be raised to at least that same of the new employee. It was suggested instead of adjusting the Police Lieutenant position two steps, Police Master Officer position three steps and Police Officer position zero steps to increase all positions by two steps from Assistant Chief position to Police Officer position.

Motion by Brent Foster, second by P.J. Wolfe Council amends the motion made during the August 22, 2023 Continued Council meeting to revise the salary increase to increase the Fire and EMS Captain with the most seniority to Classification 16K to $49,676, Fire and EMS Captains, Classification 16J to $48,465, Fire and EMS Intermediate Paramedic Classification 14L to $45,748, Fire and EMS Technician Classification 11K to $38,009 and the starting basic pay for a

Paramedic, Classification 14L to $45,748. Deputy Police Chief, Classification 17K to $55,062, Lieutenant, Classification 16J to $48,465, Master Police Officer, Classification 14K to $44,632, Senior Police Officer, Classification 12M to $42,130 and Police Officer, Classification 11M to $39,933. The salary increases are to begin the next pay period. The motion was approved with the following recorded vote:

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

A concern was expressed for the employees in the Public Works Department as well as the Finance Department not receiving a salary increase.

Motion by Brent Foster, second by Bod Jeter the matter of a salary increase for the Public Works Department and Finance Department is referred to the Finance and Personnel Committee. 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 reported on the remodeling Mr. David Richards is conducting for apartments and a house on Sulphur Springs Road. The property is steadily improving. Mr. Richards is also developing the houses behind the H.L. Bonham Tourism Center.

Chief Moss reported he had attended an Executive Summit held at the Southwest Virgnia Criminal Justice Training Academy. Chief Moss has also attended a Chief's Conference and received great training.

Mr. Cassell reported work continues concerning the property Berry's submitted the highest bid for. A legal description for the property must be obtained for the deed. This process may require a survey.

Closed Session:

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

Motion by Brent Foster, second by P.J. Wolfe 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 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 Brent Foster, second by Bob Jeter 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

Motion by Julie Sturgill, second by Brent Foster Council adjourns this meeting at 8:25 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 _____Clerk
Gary L. Heninger Marlene L. Henderson, MMC

stival. A beginning bench mark locations was discussed and a drop inlet in the back parking lot will be