Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, October 12, 2023, at 7:00 p.m.**

Present: **Honorable Gary L. Heninger, Mayor presiding; Councilors Bill Clear, Shannon Donnelly, Brent Foster, Bob Jeter and P.J. Wolfe.**

Absent: **Julie Sturgill.**

Also Present: **Mr. John E.B. Clark, Jr., Town Manager; Mrs. Felicia Eller, CMC, Deputy Clerk-Treasurer; Messrs. Paul Cassell, Town Attorney; Jeff Smarr, Recreation/Special Events Coordinator; Andrew Moss, Police Chief; and David Haynes, Fire/EMS Chief.**

Mayor Heninger called the meeting to order. Rev. Bobby Dunn gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by Brent Foster, second by Shannon Donnelly Council approves the regular September 14, 2023 and Special Called September 26, 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	Absent	P.J. Wolfe	Aye

Council Appointments:

- Clerk-Treasurer Appointment in Light of Resignation of Mrs. Marlene Henderson – Mr. Cassell advised Council the Town's Charter requires the appointment of a Town Attorney, Town Manager, Chief of Police and a Clerk-Treasurer.

Motion by Brent Foster, second by P.J. Wolfe Council appoints Mrs. Felicia Eller as Clerk-Treasurer. The motion was approved with following recorded vote:

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

Special Presentation:

Lieutenant Ben Perry completed the Professional Leadership Academy course offered by Mountain Empire Community College. The Professional Leadership Academy is equal to sixteen (16) college credits and is a program for officers to learn more about projects, budgets, implementing mission statements, physical fitness and more. Chief Moss presented Lieutenant Perry with the Professional Leadership Academy Certificate.

Citizen Time:

No one wished to speak.

Old Business:

- Presentation of Contract on Seven Mile Ford Water Line Replacement and System Wide Meter Replacement Project – The Water Improvement Project is to replace the water line from the Chilhowie Middle School area to the Seven Mile Ford area. The system wide Meter Replacement Project will replace 2,500 water meters system wide. The total project cost is estimated to be $6,220,000. The Virginia Department of Health has awarded the Town $3.5 million for the project, $2,345,000 is grant funds and the remaining balance of $1,155,000 is a thirty-year loan at the rate of .5% below the thirty-year market rate.

  Mr. Dennis Amos, Hurt and Proffitt, reported the contract states the Town will pay for the preliminary design up to $150,000 and the remaining balance of $248,500 will be paid once the project is closed during the later part of 2024. Hurt and Proffitt will reapply next year for the remaining balance of $2,720,000 to complete the project.

  During the preliminary design phase, a hydraulic model will be created for the Town. Also, 19,000 feet of water line will be replaced and the system wide meters will be replaced. It is possible for construction to begin 2025 and the first payment towards the loan would be made in 2026.

Motion by Brent Foster, second by Bill Clear Council accepts the contract for the Seven Mile Ford Water Line Replacement and System Wide Meter Replacement Project presented by Hurt and Proffitt. The motion was approved with following recorded vote:

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

- Update on Lead Service Inventory Project – The GPS of the water system's meters and valves is complete. Some Localities is offering an incentive to customers who uncover their own service lines coming into their residence and submitting a picture proving the service line to be lead or not to be lead. The next step is to provide the Town with a link that can be shared with customers to provide their picture proof for an incentive. An example of an incentive is a $25 credit toward their water account. Phase two of the inventory process will be representatives of Hurt and Proffitt along with Town Staff to go door to door providing communication with the property owners concerning the project.

- Update on Finished Pump and Chlorine Contact Projects at Mill Creek Regional Water Treatment Plant – Concerning the finished water pump project, the new pump has been

installed and is in use. The two other existing pumps are available as backups incase the new pump was to go off line. The pump system supplies water to the chlorine contact tanks with processed water from the plant. The total cost of the project is $222,500. By contract with Washington County Service Authority the Town's responsibility is 45% or $100,125.

Concerning the chlorine contact tanks, one tank is completed. The second old tank is scheduled to be demolished during October 2023. The second new tank will then be constructed on the same site. Completion is slated for early 2024. Finished water will then be pumped through the finished water pump and into the tanks for distribution into the water system. After utilizing remaining grant funds from Rural Development, and additional grant funds, the Town's remaining 45% share for this project will be approximately $271,439.55.

- Update on Deed Preparation on Lots End of Church Avenue and North of Railway – Once due process was completed the Town awarded the highest bidder, Berry Home Center, four parcels at the south end of Church Avenue adjoining or near the Norfolk Southern right of way and Berry Enterprises. The property is zoned Business Industrial, located in the 100-year flood plain and consist of about an acre and a half. The four parcels were gifted to the Town as part of a larger transfer containing many other lots. There is no survey for the four lots. The potential buyer is requesting a survey. Mr. Clark had contacted Mr. Billy Robbins who is well respected in the field to conduct a survey.

- Execution of Emergency Medical Service Contract Between Town and County and Meeting to Facilitate Accounting – Mr. John Clark, Chief David Haynes, Assistant Chief Brandon Moore and Mrs. Felicia Eller met with Smyth County staff Mr. Shawn Utt and Mrs. Lisa Richardson to review the invoice requirements for billing Smyth County for the deficit of Emergency Medical Service expenditures and revenue per the Emergency Medical Service Contract. The meeting was successful and very productive.

New Business:

- Update on Hiring for Accounting Clerk Positions – Ms. Debra Snavely began work with the Town on October 11, 2023. Ms. Snavely worked for the Town of Abingdon where she became well versed in utility billing, payroll functions and customer service. Ms. Snavely comes highly recommended and is a great asset to the Town of Chilhowie.

  Mrs. Heather Carter will begin with the Town on October 16, 2023 and will assist the Clerk-Treasurer. Mrs. Carter will be trained over time to be able to perform all duties in the Finance Department. She also comes highly recommended and will be a great asset to the Town of Chilhowie.

- Notice of Mr. Lynn Pease's Resignation from Planning Commission and Board of Zoning Appeals and Possible Referral for Recommendation from Planning Commission from October 17th Meeting – Mr. Pease submitted a letter of resignation from the Planning Commission and Board of Zoning Appeals effective November 1, 2023. It was a suggested a Council member be appointed to serve on the Planning Commission. Planning Commission will meet on Tuesday, October 17, 2023 and will make a recommendation to Council for the appointment to the Board of Zoning Appeals and Planning Commission during the regular scheduled November 9, 2023 Council meeting.

- Report on Inaugural Smyth County Firefighters Memorial in Marion – The Town of Marion held a Firefighter's Memorial service Monday, August 2, 2023. The Memorial Service honored John Earl Morphew, Jr. and Charles "Dog" Woods who were local Firefighters that lost their lives in years past. The Firefighter's Memorial will become an annual event.

- Report on Getting 2023 Taxes Out – All 2023 Real Estate and Personal Property taxes were mailed on October 6, 2023. The total taxes billed is $338,554.46. At this time the collection rate is 6.32%.

- Report on Concert, Cornhole Tournament and Watershed Day at Recreation Park – On Thursday, October 5, 2023 all Smyth County sixth grade classes attended the Annual Watershed Day at the Recreation Park hosted by Smyth County Schools. Saturday, October 7, 2023 was the final 2023 event for Music in the Park Series. Also, on Saturday, October 7, 2023 the Town held a Cornhole Tournament prior to the concert. Mr. Samuel Miller directed the Cornhole Tournament with twenty teams participating. Due to weather the concert was not heavily attended. It was suggested future Music Events should conclude during the annual Chilhowie Community Apple Festival event.

- Endorsement of $100,000 Grant Application to Southwest Virginia Water and Wastewater Fund – An application was submitted to the Southwest Virginia Water and Wastewater Fund requesting $100,000.00 for the partial payment on the completed design of the Town's Regional Sewer Treatment Plant Infiltration and Inflow Project. The Town has incurred $150,000 cost at this time for the design.

Motion by Brent Foster, second by Bob Jeter Council ratifies and endorses the 2024 Application for Southwest Virginia Regional Water and Wastewater Construction Fund. The motion was approved with following recorded vote:

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

- Report on 2023 Virginia Municipal League Convention – Mr. Clark attended the 2023 Virginia Municipal League Convention held in Norfolk, Virginia, October 8, 2023 through October 10, 2023. There were close to 400 in attendance and Mr. Clark attended presentations presented by representatives from the Virginia Resource Authority and Southern Software and others.

Committee Reports:

- Recommendation from Finance and Personnel Committee on Raises for Public Works, Recreation and Finance Departments – Mr. P.J. Wolfe, Chairman of the Finance and Personnel Committee, stated the Finance and Personnel Committee meet on Tuesday, September 26, 2023 to discuss the proposed 2.5% wage increase for the Public Works Department, Recreational Department and Finance Department. The proposed wage increase does not include Department Heads.

Motion by Brent Foster, second by P.J. Wolfe Council awards a 2.5% wage increase to the Public Works Department, Recreation Department and Finance Department. The motion was approved with following recorded vote:

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

Department Reports:

Mr. Clark informed Council the VML Magazine contains a picture of the Virginia Risk Sharing Association meeting held at the Old High School during August 2023. Localities across Southwest Virginia were invited to attend the meeting for training purposes.

Chief Haynes reported inspections of the new fire apparatuses were performed at the Pierce Manufacturing Company located in Appleton, Wisconsin. Chief Haynes and staff spent four days reviewing the new fire apparatuses discovering minor paint defects on the frames that has since been repaired.

Chief Haynes reported the Building Inspection Department has issued a Certificate of Occupancy to Scholle for their completed expansion. The apartment near the Little League fields has not been recently addressed. Only minor work has been completed on the apartments.

The house and apartments on Sulphur Springs Road are currently under construction. Chief Haynes will allow electricity to be restored in one apartment to assist with further construction.

Chief Moss reported Officer Prater has completed Field Training Officer School. Chief Moss also stated he received numerous compliments on the Police Department during Apple Festival.

Mr. Smarr reported Recreation Football will host a play off game at Warrior Stadium on Saturday, October 14, 2023. The Recreation Football will conclude the season with a championship game Saturday, October 21, 2023. Mr. Smarr commended Football Director Chris Eller for another successful season. Once football concludes the Recreation Sports program will move into basketball. The basketball program has joined the Washington County Basketball League. Each participate in the league will rotate to host tournaments on Saturdays. The basketball season will conclude by Christmas and then the recreation program will offer recreation wrestling.

Closed Session:

- To discuss a Loitering Ordinance – Justification Section 2.2-3711(A)(7) of the Code of Virgnia 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)(7) of the Code of Virginia as amended, to discuss a Loitering Ordinance. The motion was approved with following recorded vote:

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

Motion by Brent Foster, second by Shannon Donnelly 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	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 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	Absent	P.J. Wolfe	Aye

Motion by Brent Foster, second by P.J. Wolfe Council does not seek any additional signage from the Virginia Department of Transportation concerning intersections. The motion was approved with following recorded vote:

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

Closed Session:

- To Discuss Personnel Within the Public Works Department – Justification Section 2.2-3711 (A)(1) of the Code of Virginia, as amended –

Motion by Brent Foster, second by Shannon Donnelly 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 a Loitering Ordinance. The motion was approved with following recorded vote:

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

Motion by P.J. Wolfe, second by Bill Clear 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	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)(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	Absent	P.J. Wolfe	Aye

Motion by Bill Clear, second by Shannon Donnelly Council adjourns this meeting at 8:39 p.m. The motion was approved with following recorded vote:

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

_____Mayor
Gary L. Heninger

_____Clerk
Felicia Eller, CMC