Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, November 9, 2023, at 7:00 p.m.**

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

Absent: **Bob Jeter**

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

Mayor Heninger called the meeting to order Matthew Chapman gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by Brent Foster, second by Bill Clear Council approves the regular October 12, 2023 minutes. The motion was approved with following recorded vote:

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

Special Presentation:

Mr. Juan Garcia with Hicok, Brown and Company presented the 2021-2022 Audit. During the 2021-2022 Audit, there were a couple of findings that was brought to the Manager's attention. The Town has implemented the recommendations. Due to Covid, Hicok, Brown and Company are approximately one year behind on Audits. Hicok, Brown and Company have contacted the Town's consultant for the June 30, 2023 Audit information.

Mr. Garcia reviewed the Governmental Activities and Business-type Activities with Council. Mr. Garcia discussed the Statement of Net Position and the Balance Sheet Governmental Funds with Council. Mr. Garcia explained that Hicok, Brown and Company's opinion of the Town's internal control, is a clean report with only two findings. Out of the two finings, one is segregation of duties. The second finding was a material weakness; the Town did not meet the required deadline of December 31st for the Audit.

Citizen Time:

Mr. Jim Bonham, 1027 Old Stage Road, Mr. Bonham appeared before Council on behalf of the Planning Commission. Mr. Lynn Pease resigned from the Planning Commission and the Board of Zoning Appeals. Mr. Bonham recommended Mr. Flave Davis to serve on the Planning Commission. Mr. Davis lives on west-end of Town, and works for the Town of Marion in the Engineering Department. Mount Rogers Planning District Commission is working with the

Planning Commission to revise the Comprehensive Plan. The Town has signed a contract with Mount Rogers Planning District Commission and will begin to meet monthly starting January 9, 2024.

Mr. Flav Davis, 789 Skyview Drive, Mr. Davis appeared before Council to introduce himself, he is happy to be a resident of Chilhowie; him, his wife, and two kids have lived here a year now.

Committee Report:

- Recommendation From Finance and Personnel Committee on Moving Forward on $6,160,000 Seven Mile Ford Water Line Replacement Project and System Wide Meter Replacement Project - The Virginia Department of Health offered a grant/loan for the Seven Mile Ford Water Line Replacement Project and System Wide Meter Replacement Project. Council previously approved Hurt and Proffitt to submit an application for funding. The total amount for the Seven Mile Ford Water Line Replacement Project is $6,166,744. The Virginia Department of Health awarded funds in the amount of $3,500,000 on August 14, 2023. From the amount $2,345,000 is principal forgiveness and $1,155,000 is loan funds. Hurt and Proffitt has not completed the Preliminary Engineering Report at this time. The Virginia Department of Heath offered a second award of $2,660,000 on October 26, 2023. The second award includes $798,000 of principal forgiveness and $1,862,000 is loan funds. With the total Principal Forgiveness, the total grant fund is $3,143,000 and the total loan amount is $3,017,000. Planning and design will be completed in 2024. Bidding and construction will begin in 2025. The Town will not be reimbursed until the project is closed.

  The System Wide Meter Replacement Project is estimated to cost $1,600,000. The Town applied to The Virginia Department of Health for grant funds in the amount of $250,000. Replacing the water meters system wide will generate more revenue because the new meters will be more accurate in reading water consumption. The new meters will allow the Meter Readers to set their handheld devices to read, and drive throughout the water system to collect the readings.
  On behalf of the Finance and Personnel Committee, Chairman P.J. Wolfe, recommends to Council to move forward with the Seven Mile Ford Water Line Replacement Project and System Wide Meter Replacement Project.

Motion by Brent Foster, second by Julie Sturgill Council approves to move forward with the Seven Mile Ford Water Line Replacement Project and System Wide Meter Replacement Project. The motion was approved with following recorded vote:

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

- Permission to Bid $3.2 Million Sewer Infiltration and Inflow Project (I&I) - The Town has until March 31, 2024 to bid the Infiltration and Inflow Project. Mr. Dennis Amos, with Hurt & Proffitt, requested to Council to advertise the Infiltration and Inflow Project in the Bristol Herald Courier and Roanoke Times on Sunday, November 19, 2023. The bid opening for the Infiltration and Inflow Project will be held on Thursday, December 21, 2023 at the Town Hall.

  The Town is currently working to convert bonds from Revenue Bonds to General Obligation Bonds. The Town has existing debt with Rural Development, for the Town to obtain loan funds, Rural Development has to provide Parity to the Virginia Resource Authority. The Virginia Resource Authority will contact Rural Development and discuss the Parity process. Rural Development will then request data from the Town. Mr. Cassell, Town Attorney, explained to Council that converting Bonds is an extremely specialized and complicated process, and would have to be handled through Bond Council.

Motion by Julie Sturgill, second by Brent Foster Council authorized to advertise for bid for the Infiltration and Inflow Project in the Bristol Herald Courier and Roanoke Times on Sunday, November 19, 2023. The motion was approved with following recorded vote:

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

- Lead Service Line/Self Certification - Another method to complete the Lead Service Inventory is for citizens to self-certify what their service line is on their side of the meter. Hurt & Proffitt has designed a website, and a link to the website will be inserted on the water bills. The customer will take a photo of the service line coming into their home, answer basic questions, and submit online. Citizens that self-certify their own line will receive a $25 credit to their water bill. Once the Lead Service Line Inventory Project is completed, the Town will be reimbursed for the $25 credit given to the citizens. Once all the citizens' side of the meter has been verified, the service line on the meter side must also be verified. There are a few different methods recommended to help the Town with verifying the utility side of the meter. One approach would be to see when the line was placed, a meter pothole near the meter, or an excavation pit at the meter. The Town has approximately 2,200 water meter connections, but with a line on each side of the meter there is 4,400 lines that will need to be verified. The website for the citizen's self-certification is online.

Motion by Brent Foster, second by Shannon Donnelly Council approves to move forward with the citizen self-certification program. The motion was approved with following recorded vote:

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

Old Business:

- Appointment to Planning Commission and Board of Zoning Appeals for Unexpired Terms of Mr. Lynn Pease Ending December 31, 2026 and February 8, 2027 Respectively - Mr. Lynn Pease resigned from his position on the Planning Commission and Board of Zoning of Appeals. On the behalf of the Planning Commission, Chairman, Mr. Bonham, recommends Mr. Flave Davis to serve the unexpired term of Mr. Lynn Pease.

Motion by Brent Foster, second by Julie Sturgill Council authorizes to request Mr. Flave Davis to serve on the Planning Commission the unexpired term of Mr. Lynn Pease. The motion was approved with following recorded vote:

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

Second Motion by Brent Foster, second by P.J. Wolfe Council continues the matter of appointment to the Board of Zoning Appeals. The motion was approved with following recorded vote:

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

- Report on Deed and Plat on Four Lots End of Church Avenue at Railroad - The Deed and Plat on the Four Lots End of Church Avenue at Railroad has been finalized. Mr. Cassell, Town Attorney, will prepare a description and have that completed by the end of the week.

- Report on $276,869 Vactor Truck Delivery - The delivery date for the new Vactor Truck has been moved up to November 2023 from March 2024. The Vactor Truck will be paid for from American Rescue Plan Act Funds.

- Report on Financing Package and Delivery of $2,262,151 Fire Trucks - Mrs. Eller, Clerk Treasurer, has been working with R.T. Taylor, Davenport Public Finance, concerning the funds for the Fire Trucks. Mrs. Eller worked with Mr. Maschke, SNAP, to drawn down $1,310,084 into the General Fund account. Payment for the Pierce Arrow XT Aerial Fire Truck was made upon delivery. The remaining balance in the SNAP account is $863,902.13 for the second Pumper Truck. Mr. Haynes, Fire and EMS Chief, reported that

the Ladder Truck is in Roanoke with crews addressing a couple issues with the hydraulic line.

- Report on Finalizing East Lee II Pedestrian Project - The Town had a final meeting with the Virginia Department of Transportation, Thompson and Litton, and Mount Rogers Planning District Commission on the East Lee Highway II Project. The contractor, Jones Road and Bridge of Abingdon, received a check with an overpayment of $7,077.85. Jones Road and Bridge, was notified and reimbursed the Town on October 31, 2023. The last pay reimbursement for the East Lee Pedestrian II Project to the Town was short $16,461, the amount was withheld from Virginia Department of Transportation. Mr. John Clark, wrote a letter to the Virgnia Department of Transportation requesting the extra funding. Council inquired about a Phase III of the East Lee Pedestrian Project during the regular scheduled Council meeting in September. Funding opportunities for the East Lee Pedestrian Project will reopen in 2024.

- Update on Splash Pad Project - Mr. Haynes, Fire and EMS Chief, reported that National Pools of Roanoke has done a terrific job on the Splash Pad. National Pools complementary added pipping to run under the sidewalk in case the Town ever chooses to change the water supply to a recirculating system.

New Business:

- Report On Quarterly Meeting of Planning Commission on October 17th- The Planning Commission met on October 17, 2023 at 5:30 p.m. During the meeting The Planning Commission discussed three zoning permits issued. Beginning in January 2024, the Planning Commission will meet monthly to work closely with Mount Rogers Planning District Commission to rewrite the Comprehensive Plan.

- Report on Yearly Meeting of General Board of Appeals - The General Board of Appeals met on October 17, 2023 at 6:30 p.m. Mr. Haynes, Fire and EMS Chief, reviewed the number of permits and inspections that were completed in 2022. The Town issued 64 permits and 54 inspections. Chief Haynes reviewed the inspection performance. Since the Town started Building Code Inspections in 2012, the Town responds to 88% of calls less than 30 minutes. Chief Haynes gave The General Board of Appeals a fee schedule to consider updating, it has not been updated since 2017. Mr. Brent Foster suggested to look at the fee schedule during the next Budget review.

- Report on Old Farm Bureau Possible Funding Application Through the Department of Environmental Quality - Mr. Clark has been assisting Smyth County Farm Bureau to obtain funding for the demolition of the old storage building west of the present building on West Main Street. Mr. Clark contacted the Mount Rogers Planning District Commission on the

possible funding through the Department of Environmental Quality's Brownfield Assistance Fund Program. Smyth County Farm Bureau obtained an estimate by Empire Salvage and Recycling out of Princeston, West Virgina. The estimated cost of demolition and removal of materials would be $85,000. Mount Rogers Planning District Commission has currently does not have funds, but will be reallocated in July 2024. Smyth County Farm Bureau has the decision to wait for funding or continue with the project at Smyth County Farm Bureau's expense.

- Report on Meeting with Country Mid-October on Recreation Issues – Wellness and Parks Committee members were unable to attend the meeting with the County on Recreation Issues.

- Report on Christmas Bazaar, Parade, Christmas Tree Lighting, Veterans Day Program – The Christmas Bazar is scheduled for Saturday, December 2, 2023 at the Old High School from 10:00 a.m. to 3:00 p.m. The Christmas parade is scheduled for Saturday, December 2, 2023 and will begin at 11:00 a.m. The Christmas Tree Lighting will be held on Thursday, November 30, 2023 at 6:30 p.m. The Veterans Day Program is Friday, November 10, 2023 at 11:00 a.m. at the Old High School.

- Report on United Way Celebrity Bagging November 21st- The United Way Celebrity Bagging is scheduled for Tuesday, November 21, 2023 from 1:00 p.m. to 2:00 p.m. at Food City in Chilhowie. The Town will match any contribution up to $50.

- Reservations for Chamber Dinner on November 16th at Holston Hills - The Chamber is hosting their Annual Dinner on Thursday, November 16, 2023 from 6 p.m. to 8 p.m. at the Holston Hills Country Club.

- Report on Correction of Virginia Retirement System Part Errors on Hybird Employees - While balancing the Virginia Retirement System to the payroll, Mrs. Eller discovered an error. The software system was corrected to deduct from twenty-four payrolls instead of twenty-six payrolls. The amount has been updated to reflect deductions twenty-four times instead of twenty-six within the payroll. The employees were receiving the correct amount into their retirement because the Town is paying what Virginia Retirement System bills to the Town. The mistake has been corrected and the first payroll in November 2023 was correct.

- Permission to Issue Christmas Bonuses - Christmas Bonuses were budgeted for each Full-Time and Part-Time employee in the amount of $400.00.

Motion by Brent Foster, second by Julie Sturgill Council approves the Christmas Bonuses for Full-Time and Part-Time Employee in the amount of $400.00. The motion was approved with following recorded vote:

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

Mayor Heninger requested Council to consider issuing employees a $50 gift card from Food City for Thanksgiving and Christmas.

Mr. Brent Foster inquired about Food City donating the Thanksgiving and Christmas gift cards to all full time and part time employees.

Motion by Brent Foster, second by Julie Sturgill Council approves to issue each Full-Time and Part-Time Employee a $50.00 gift card from Food City for Thanksgiving and Christmas. The motion was approved with following recorded vote:

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

- Notice of Award from the Mount Rogers Planning District Commission Wastewater Grant for $100,000 – The Town will receive $100,000 from Mount Rogers Planning District. The $100,000 is a partial reimbursement for the $150,000 design for the Infiltration and Inflow Project.

Department Reports:

Mrs. Felicia Eller reported the Town's Christmas Dinner is scheduled for Sunday, December 3, 2023 at 5:30 p.m. at the Old High School. Papa's Café was the lowest bidder, and will cater the meal. Mrs. Eller discussed the upcoming debt services with Council.

Any Other Council Business:

- Mr. Brent Foster suggested the lights in front of the Town Hall be a dusk to dawn. The Town would not have to worry about changing the timer, and the lights would be on when it's dark. Mr. Haynes, Fire and EMS Chief, will contact an electrician.

Motion by Brent Foster, second by Bill Clear Council approves for someone to change the lights in front of Town Hall to a dusk to dawn timer. The motion was approved with following recorded vote:

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

- Chief Moss presented to Council No Shave November. The Police Officers will make a donation to Santa's Elves to have a beard. Chief Moss has requested Council to match their donations.

Motion by P.J. Wolfe, second by Brent Foster Council approves No Shave November and will match up to $50 for each donation. The motion was approved with following recorded vote:

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

Closed Session:

- Consultation with Town Attorney on Delinquency of Major Utility Customer – Justification Section 2.2-3711(A)(7) of the Cod 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)(7) of the Code of Virginia as amended, to discuss a Delinquency of Major Utility Customer. The motion was approved with following recorded vote:

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

Motion by Brent Foster, 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	Absent
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)(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	Absent
Julie Sturgill	Aye	P.J. Wolfe	Aye

Closed Session:

- Report on Personnel in Special Events/Recreation 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 a Personnel in Special Events/Recreation Department. The motion was approved with following recorded vote:

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

Motion by P.J. Wolfe, 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	Absent
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	Absent
Julie Sturgill	Aye	P.J. Wolfe	Aye

Motion by Bill Clear, second by Julie Sturgill Council adjourns this meeting at 8:40 p.m. The motion was approved with following recorded vote:

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

_____Mayor
Gary L. Heninger

_____Clerk
Felicia Eller, CMC