Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, February 8, 2024, 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. Felicia Eller, CMC, Clerk-Treasurer; Messrs. Paul Cassell, Town Attorney; Aaron Smith, Deputy Chief of Police; and David Haynes, Fire/EMS Chief.**

Mayor Heninger called the meeting to order. Mrs. Julie Sturgill gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by Brent Foster, second by Shannon Donnelly Council approves the regular January 11, 2024 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

Citizen Time:

No one wished to speak.

Special Presentation:

Officer Ethan Deel was promoted to Senior Patrolman. Mr. Aaron Smith, Deputy Chief, expressed appreciation and gratitude for Mr. Deel, who has been a part of the Police Department for over two years. Senior Patrolman Ethan Deel's two-year contract with the Chilhowie Police Department to attend the Southwest Virginia Criminal Justice Training Academy is now expired.

Old Business:

- Request to Sell Boring Machine and Encasement Pipe – Continued from January Meeting – The Town's Boring Machine and Encasement Pipe has not been utilized in over ten years and requires to be declared surplus. Mr. John Clark, Town Manager, reported the Town has received several estimates from contractors for the Boring Machine and Encasement Pipes. The Boring Machine is estimated to be worth $14,000 and the Encasement Pipes are estimated to be worth $60,000. The Public Work's staff recommends to sell the Boring Machine for $15,000 and the Encasement Pipes at a discounted price to the Town of Marion, with an agreement that states the Town of Chilhowie may use the Boring Machine if needed.

Motion by Brent Foster, second by P.J. Wolfe Council authorizes the Boring Machine and Encasement Pipes to be declared as surplus equipment and sell to the Town of Marion. 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 Sewer Infiltration and Inflow Project Including Another $529,610.88 in Grant Funding – On December 21, 2023 bids were received for the Sewer Infiltration and Inflow Project. The lowest bidder was Portland Utilities Construction Company Incorporation, the bid came in $529,610.88 over the project budget. Mr. Dennis Amos, Hurt and Proffitt, submitted a letter to Virginia Department of Environmental Quality requesting additional principal forgiveness. Virginia Resources Authority increased the Town's funding for the Sewer Infiltration and Inflow Project, the total project funding increased to $3,604,990; $1,266,612 loan and $2,338,378 principal forgiveness.

Motion by Bill Clear, second by Brent Foster Council accepts the additional $529,610.88 in Grant Funding. 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 Service Line Inventory Project Funding Project Converted to All Grant and Hurt and Proffitt Contract – The Virginia Department of Health awarded the Town an additional $250,000 principal forgiveness grant to accommodate the Town's need to expeditiously close the Lead Service Line Inventory portion of the project. The Town is able to draw down from the grant funds for the inventory project. The estimated cost of the door-to-door survey, data collection and the phase 3 planning is $71,600.

  The Self Certification Survey is going very well. The Town submitted 150 completed Self Certification Surveys to Hurt and Proffitt. Hurt and Proffitt has complied a list of 76 accounts and the Town credited their utility account $25 for completing the Self Certification Survey.

- Approval of Requestion 5 on Mill Creek Chlorine Contact Tank Project and Funding Options – Pay Request Number Five is in the amount of $157,497.99 for construction cost. Rural Development approved Pay Request Number Five. Mr. Clark stated all of the American Rescue Plan Act funds that were set aside to help pay for the Chlorine Contact Tank has been exhausted.

Mrs. Eller reported the Town's portion of the Pay Request Number Five is $157,497.99. The total for the breakage of Certificate of Deposits is $537,464.01. Mrs. Eller is proposing to utilize $100,000 from the $537,464.01 to assist with Pay Request Number Five, and move the remaining $437,464.01 into the Local Group Investment Pool Long Term Asset Account.

Motion by Brent Foster, second by Julie Sturgill Council approves to utilize $100,000 of the Certificate of Deposits breakage funds for Pay Request Number Five place $437,464.01 into the Local Group Investment Pool Long Term Asset Account. 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 Brent Foster Council approves Pay Request Number Five in the amount of $157,497.99 for the Chlorine Contact Tank Project. 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

New Business:

- Update on Comprehensive Plan Rewrite Through Planning Commission – Mrs. Eller reported the Planning Commission is meeting with Mr. Jordan Powers, Mount Rogers Planning District, monthly to discuss the rewrite of the Comprehensive Plan. The Planning Commission met Tuesday, February 6, 2024 and reviewed Chapter 1 – Introduction and Chapter 9 – Organizational Charts. The Planning Commissioners and staff completed a S.W.O.T. (Strength, Weakness, Opportunities, and Threats) Survey and returned it to Mr. Powers. The next Planning Commission meeting will be held on Tuesday, March 12, 2024 to discuss Land Use Mapping and the Population Chapter, of the Comprehensive Plan.

- Presentation of Proposed Lease Agreement on Head Start Building – Clinich Valley Community Action, Incorporation inquired about leasing the Head Start Building at 809 Mason Alley. Mr. Paul Cassell, Town Attorney, advised Council that they could certainly consider the lease agreement, but according to Virgnia State Law, a Public Hearing must be held.

Motion by Bob Jeter, second by Brent Foster Council authorizes to schedule a Public Hearing for March 14, 2024 Council Meeting to discuss the Lease Agreement with Clinch Valley Community Action, Incorporation. 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 Emergency Management Service Reimbursement Through December 2023 – The agreement between the Town and Smyth County for Emergency Medical Service is going really well. To date the Town has been reimbursed $147,070.36 from Smyth County for EMS services provided. A reimbursement request is submitted to Smyth County by the 15th of each month. Smyth County remits payment within a week. Mr. David Haynes, Fire and EMS Chief, reported Paramedics on staff has allowed the Town to be able to respond to more Advance Life Saving calls.

- Update on Highway Safety Initiative Through December 2023 – Mr. Aaron Smith, Deputy Chief, gave the report for the past quarter of the Highway Safety Initiative. During the quarter the Police Department issued 206 summonses. The off-duty Police Officers worked 218 hours; during those hours the Officers assisted the on-duty Officer 57 times, Smyth County Sheriff's Office 5 times, Saltville 3 times, and the Fire Department 4 times. The Officers also assisted 5 motorists on the interstate with flat tires and assisting with wreckers when necessary.

- Report on Richmond Trip for Legislative Day – Mr. Clear and Mr. Clark attended Legislative Day in Richmond, Virginia, on Thursday, February 1, 2024. Mr. Clear reported several Bills were discussed such as; Grocery Tax, removing salary caps for City Council members, and changes to vehicle taxes. The Virginia Municipal League supports the Budget Amendment to Facilitate Conflict of Interest Act and Freedom of Information Act; this will provide more money to help train individuals on the Freedom of Information Act and Conflict of Interest Act. Mr. Clear discussed the School Construction Legislation Bill that will allow the Counties to vote on a referendum to collect 1% of money to go towards school construction. Mr. Clear encouraged Council to look at the Bills and express interest to the appropriate Senator or Delegate. Mr. Clark expressed the importance to participate in the Legislative Day to network with others.

- Update on Situation with UV Lights at the Sewer Treatment Plant – The control panel that controls the UV lights went out at the Sewer Treatment Plant on January 26, 2024. Mr. Luke Lowe, Chief Wastewater Operator, reached out to Trojan, the manufacturer, to assist with the repair, but was unsuccessful. Mr. Lowe was able to contact Kingdom, a company out of Texas, and they were able to get the system operating but is currently running off of

two breakers. The flow intensity and the indicators are not operating. Trojan issued a quote to Mr. Lowe for the repair of the control panel and components on the UV lights in the amount of $34,000, plus labor.

Motion by Brent Foster, second by Bob Jeter Council authorizes Town Manager to move forward and execute with input from Chief Wastewater Operator, Mr. Luke Lowe, with the repair of UV light system. 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

- Discussion and Identification of Burnt-Out Buildings in Town – There are several burnt out structures within the Town that need to be addressed. The burn out structures are hurting property values and some are very dangerous and unsafe.

Motion by Julie Sturgill, second by Brent Foster Council refers the matter of Burnt-Out Buildings in Town to the Fire and Police Committee. 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 Report:

- Update on Filling Position of Recreation/Special Events Coordinator – The Wellness and Parks Committee held two individual interviews for the Recreation and Special Events Coordinator position, Monday, January 29, 2024. Both individuals were very impressive. Mr. Stephen Fields was offered the position of Recreation and Special Events Coordinator. Mr. Fields has exceptional ideas for the Town and experience hosting events. The Committee is looking forward to working with Mr. Fields.

  Mr. Clark is planning to host a Dedication for the new Dog Park in the spring. Items to complete at the Dog Park are to install the shade structure and water fountain.

  Work is moving forward on the Splash Pad. The Virginia Department of Transportation permitted to install water and sewer lines. Mr. Kim Davidson, contractor, has poured footers for the two bathrooms. National Pools will return to finish the pad once the bathrooms are complete. The Town will also look at fencing options for the Splash Pad.

Department Reports:

The Virginia Department of Health's new staff has a new recommendation for boil water notices. The Town may have to issue boil water notices to citizens when a water break occurs. A Joint Public Hearing for a Special Use Permit will be held during regular Council scheduled for Thursday, March 14, 2024 to discuss the construction of a storage building for the Community Apple Festival.

Mrs. Felicia Eller, Clerk/Treasurer, reported the Town has eleven assets declared surplus by Council during the regular scheduled January 11, 2024 that are currently advertised on GovDeals.com. Two assets are scheduled to close on February 15, 2024 and nine assets are scheduled to close on February 21, 2024. Mrs. Eller discussed January 2024 account balances. There is also a business who is delinquent on their Business License. A notice was sent out with no response received. Chief Moss or Deputy Chief Smith will hand deliver a second notice to the business next week.

Mr. David Haynes, EMS/Fire Chief, reported the Awards Ceremony is scheduled for Saturday, February 10, 2024 at 5:00 p.m. and encouraged everyone to attend.

Deputy Chief Smith reported Police Officer Deel has been promoted to Senior Police Officer. Senior Police Officer Prater attended the Hillsdale College's Law Enforcement U.S. Constitution Law Train the Trainer course. Lieutenant Perry attended the Professional Leadership Academy Tier II course hosted by Mountain Empire Community College. The Chilhowie Police Department responded to 926 events within the Town limits during January 2024.

Closed Session:

- Consultation with Town Attorney on Delinquency of Major Utility Customer, Justification Section 2.2-3711(A)(7) of the Code of Virginia, as Amended –

Motion by Julie Sturgill, second by Bill Clear 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	Aye
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	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)(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	Aye	P.J. Wolfe	Ay

- Discussion of Administrative Personnel – Justification Section 2.2-3711(A) (1) of the Code of Virginia, as Amended -

Motion by P.J. Wolfe, second by Brent Foster 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 Administrative Personnel. 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 Shannon Donnelly, 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

Motion by Bill Clear, second by P.J. Wolfe Council adjourns this meeting at 8:45 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
Felicia Eller, CMC