Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, July 11, 2024, at 7:00 p.m.**

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

Absent: **Councilors Bob Jeter and P.J. Wolfe.**

Also Present: **Mr. John E.B. Clark, Jr., Town Manager; Mr. Brian Martin, Town Manager; Mrs. Felicia Eller, CMC, Clerk-Treasurer; Andrew Moss, Police Chief; David Haynes, Fire/EMS Chief; Luke Lowe, Chief Wastewater Operator; Don Cole, Water Operations Director; Stephen Fields, Recreation/Special Events Coordinator, and Chris Johnson, Foreman Building, Grounds, and Streets.**

Mayor Heninger called the meeting to order.

Approval of Minutes:

Motion by Brent Foster, second by Shannon Donnelly Council approves the corrected regular June 13, 2024, and Continued June 20, 2024, meeting 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	Absent

Citizens Time:

Mrs. Rose Likins, Smyth County Library, appeared before Council to report the Smyth County Library Board will be meeting in the Old High School, Thursday, July 18, 2024, at 5:30 p.m. Ms. Nellie Harmon who represents Chilhowie has begun her second term serving on the Smyth County Library Board. The Summer Reading Program has been very successful this year. There were 792 participants that attended the Petting Zoo Event on June 20, 2024, and over 400 participants attended the Bubble Party. A simulated Kids Farmer's Market in conjunction with Feeding Southwest Virginia will be held on Tuesday, July 16, 2024, at 11 a.m. The kids will be given food bucks to purchase fresh fruit and vegetables while learning about budgeting. The Family Style Contra Dance will be held on Thursday, July 18, 2024, at 11 a.m. with live music by the Honey Drippers.

The Library recently added a new subscription to the Library's database, U.S. Major's Dailies. The U.S. Major's Dailies includes five national newspapers; The New York Times, The Washington Post, Wallstreet Journal, Chicago Tribune, and Los Angeles Times. The Library is looking for High School students to serve as shadow Board Members beginning this fall. Students serving as shadow Board Members will allow the students to understand community service roles.

Mrs. Linkins thanked and shared her appreciation towards Mr. Clark for all of his tremendous support of the Library.

Mrs. Linkins reported the Community Garden is a joint project with 4-H and the Garden Club. The Community Garden contains six raised beds and has grown lettuce, cucumbers, tomatoes, and peppers. On Tuesday and Thursday, the Community Garden is harvested, and the vegetables are placed on a table in the Chilhowie Library for citizens to take.

Old Business:

- Update on Notices of Weed, Trash and Clutter Abatement – Three property owners were sent Notices for Weed, Trash and Clutter via Certified Mail. The property at 321 Martin Avenue and 205 Greever Avenue is now in compliance. Property located at 176 Crestwood has not been cleaned up at this time. The owner of 176 Crestwood contacted Mr. Clark and expressed concern with the renter and requested not to address the matter with the renter. The house will be sold on the Court House steps.

- Update on Removal or Repair of Identifies Unsafe (Burned Out) Structurers – The Town placed an Ad for a Notice of Required Removal or Repair of Identified Unsafe Structurers, in the Smyth County News printed in the May 22 and May 29, 2024, editions. The Town mailed five certified letters concerning the five burnt-out structure notices to the last known address. Four notices were returned. The Town found an alternative address for two property owners and those notices have been Certified Mailed. The property owner at 232 Overlook Drive sold the property, a certified letter was sent to the new owner. The new owner is in the process of obtaining estimates to demo the property. The property owners at 233 Crestwood Drive and 1487 Old Stage Road are both working towards compliance. The owner of 307 West Avenue responded with depositions and stated the insurance company has declined to pay the claim. The Town has not been able to contact the property owners of 1404 West Lee Highway.

- Update on $3.9 Million Sewer Infiltration and Inflow Project – On Friday, June 28, 2024, a preconstruction meeting was held. The Virginia Department of Transportation inquired about the type of material used at the Railroad Crossing. Hurt and Proffitt is working towards providing the information the Virginia Department of Transportation requested. A construction progress meeting will be held on Thursday, August 8, 2024. The construction will begin in the next couple of weeks.

- Update on Quarterly Meeting of the Planning Commission - The Planning Commission held a quarterly meeting on Tuesday, July 9, 2024. Three communications were discussed with no issues found. Mr. Jordan Powers, Mount Rogers Planning District Commission, reviewed Chapter 6, Community Facilities, for the rewrite of the Comprehensive Plan.

Edits were made in the Section of Local Facilities and Programs. Additional information was given for the Water Supply and Treatment Facilities and Sewer Facilities section. Mr. Powers was encouraged to contact Don Cole for water information and Luke Lowe for wastewater information. The last chapter of the Comprehensive Plan is the Goals and Objective and will be reviewed on August 6, 2024.

- Update on Splash Pad and Dog Park – The Splash Pad opened to the public Friday, June 21, 2024. Initially the Splash Pad was using approximately 6,600 gallons per day. National Pools inspected the Splash Pad on July 2, 2024, to address an incident with the turtle. While National Pools were present, they were able to decrease the water flow resulting in the Splash Pad using approximately 4,500 gallons per day. The community has expressed gratitude to the Town for the Splash Pad. There will be a dedication and ribbon cutting held on Tuesday, July 16, 2024, at 5:00 p.m. for the Splash Pad. The community has also said numerous great things about the Dog Park.

- Report on Letter to Mr. Jeff Harrison of Virginia Department of Transportation on Issues- On June 18, 2024, Mr. Clark sent a letter to the Virginia Department of Transportation regarding concerns that have been expressed to and by the Town Council and Town staff. One concern is the drain on the west side of White Top Road. Earlier this year the Town worked with the Virginia Department of Transportation to unclog the drainpipe. It was discovered that the pipe, approximately 20 inches, had collapsed at the drain to four inches wide. The Town requested this situation be addressed to replace the section of pipe that has collapsed. The Virginia Department of Transportation advised they are working on a permanent repair soon.

  Another concern is the lack of any pedestrian walkway under Interstate I-81 Bridge on White Top Road. Prior to the third lane being installed there was a wide pedestrian path off the edge of the pavement along the two-lane road. Now there is no pathway and pedestrians are forced to walk alongside vehicles. There have been two incidents where a pedestrian has been struck by a vehicle. The Virginia Department of Transportation stated this was a flaw in the design and will report the issue to the higher ups.

  The final concern was the ditch on Church Avenue. A request was made to repair the ditch on Church Avenue. The Virginia Department of Transportation reported the best option is to mill the road and repave. Virginia Department of Transportation has the project under advisement.

- Report on Summary of Accomplishments the Past Ten Years – Mr. Clark highlighted some accomplishments from 2014-2024 serving as the Town Manager. Just to highlight a few; Mr. Clark helped secure funding and led the process for a $6,200,000 grant and low interest

project that will replace the water line from Town to Seven Mile Ford. Designed and implemented a $750,000, 3,500-foot East Lee Highway Pedestrian Project II using mostly grant funds. Lead the process with staff and Planning Commission in the rewrite of the Comprehensive Plan. Worked with the Planning Commission and staff in rewriting the Town's Zoning Ordinance and many other accomplishments. Mr. Clark received a standing ovation from Council and staff for all his hard work and dedication to the Town.

New Business:

- Presentation of Hurt and Proffitt Phase III Lead Inventory Project – Phase I involved Hurt and Proffitt building records to identify houses built before and after 1984. Houses built prior to 1984 could have had lead service lines. Houses built after 1984 could not have lead service lines, so those houses could be eliminated. Phase I also included the meter crew obtaining GIS coordinates for all the water connections.

  Phase II of the Hurt and Proffitt Lead Inventory Project involved door to door surveys and notifications. The Town mailed letters to all water customers requesting to self-certify their service lines where it enters their homes. The customers were to mail a picture back to the Town Hall or send it directly to Hurt and Proffitt. The Town had a very good response and identified 511 water lines.

  The Phase III of Hurt and Proffitt Lead Inventory Project is the last stage of the lead inventory process. The Phase III contract with Hurt and Proffitt will utilize grant funding up to $140,000. Hurt and Proffitt will hire a crew with a hydro excavator to open the meter boxes of approximately 2,000 remaining connections. The hydro excavator stirs and removes dirt material in the box itself to allow the type of service line to be identified.

Motion by Brent Foster, second by Shannon Donnelly Council authorizes Mayor and Town Manager to execute documents for Hurt and Proffit's Contact on Phase III of the Lead Inventory 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	Absent

Mr. Foster inquired if a line is identified as lead, does the Town replace the line to the house? If a line is identified as lead, it will be the Localities' responsibility to replace the line. The Town will have two options on replacing the water line. The first option would be to replace the line using a grant or loan funds or to replace it during the Seven Mile Ford Water Line Replacement Project.

- Presentation of Junior Appalachian Musicians Program (JAM) – Smyth County is currently the only County that does not offer the Junior Appalachian Musicians Program. The Junior

Appalachian Musicians Program was once held at the Henderson House. The Junior Appalachian Musician has reached out and would like to offer the program at the Old High School. The Junior Appalachian Musician Program is for students in fourth through eighth grade to learn how to play mountain music. The tuition for the students is $10 per week for full pay, and $5 per week for reduced pay. All Junior Appalachian Musician instructors are screened and have a background check completed.

Motion by Brent Foster, second by Julie Sturgill Council approves Junior Appalachian Musicians Program to be held at the Old high School. 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	Absent

- Report on Letter to Restaurants Regarding Increase on Meals Tax From 6.5% to 7% - The Town mailed nineteen letters to restaurant operators in Chilhowie concerning the increase of the Meals Tax to 7%. The Town wanted to give the restaurant operators plenty of time to update their systems to report the new 7% tax.

- Report on Solicitation of Bond Counsel –A request for proposals from the Town of Chilhowie for Bond Counsel services in relation to an approximately $6,200,000 project was advertised and sent directly to Spilman, Thomas and Battle, Harrell and Chambliss Limited Liability Partnership. Spilman, Thomas and Battle was the only response the Town received. The Virginia Department of Health found the Bond Counsel procedure/contract with Spilman, Thomas, and Battle acceptable under the program. The project is slated to be closed early to mid-2025.

Motion by Bill Clear, second by Julie Sturgill Council approves Bond Counsel pending submission of contract. 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	Absent

- Report on Year End Highway Safety Initiative - Deputy Chief Aaron Smith works the Highway Safety Initiative program regularly but lately several other Officers have begun working the program for the overtime opportunities. There were 215 summonses written in the fourth quarter, 902 summonses written year to date. The lowest speed was 82 and the highest speed was 107.

Motion by Brent Foster, second by Shannon Donnelly Council accepts 2023-2024 Highway Safety Initiative yearend report. 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	Absent

- Report on Cameras at Strategic Locations for Law Enforcement Purposes – The Town applied for grant funds from the Virgina State Police Help Eliminate Auto Theft Program for Flock Cameras. The Flock Cameras are a license plate reader. If a crime is committed the Police Department will have an investigating lead from the Flock Cameras. Chief Moss discussed placing the Flock Cameras at Taylor's Construction, Chilhowie Chevron Service Center, Taco Bell, and H.L. Bonham Tourism Center. The Flock Cameras will be installed by the manufacturer.

Motion by Brent Foster, second by Shannon Donnelly Council approves location of flock cameras to be installed at the H.L. Bonham Tourism Center, Taco Bell, Taylor's Construction, and Chilhowie Chevron Service Center. 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	Absent

- Notice of Vacancy in Police Department – There is a possibility of a Police Officer leaving the Police Department due to family matters. A resignation has not been submitted at this time.

Committee Reports:

- Recommendations From Public Works Committee on Discounted Water Customers, Damage by Unlicensed Contractor, Leak at Local Business – During the 1930-1940s the Town entered into an agreement with a few citizens to install a water line across their property and the citizens would receive water at a discounted rate. Mr. Paul Cassell, Town Attorney, will draft a letter for the Town to send to the property owners who receive discounted water. The Town is requiring the property owner to show a written agreement from when the agreement was made and send it to Mr. Cassell. If the information is not provided the discounted water will cease. The Public Works Committee recommends sending the property owners letters requesting proof of free/discounted water agreement.

Motion by Julie Sturgill, second by Bill Clear Council approves to send a letter to property owners requesting proof of free/discounted water agreement. 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	Absent

On Tuesday, May 14, 2024, two Unlicensed Contractors were installing a new driveway entrance at 17752 Mill Creek Road. The Contractors did not call 811 to request all water lines to be marked and broke a main water service line leaving several citizens without water. The Public Works Committee is recommending to Council to pursue regulatory through 811 Miss Utility and/or to file a judgement on the homeowner.

Motion by Julie Sturgill, second by Bill Clear Council authorizes Town staff to pursue regulatory through 811 Miss Utility and/or file a lawsuit. 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	Absent

A local business had a water leak that was increasing monthly. A Town employee approached the business about the water leak, the business has fixed the leak.

- Recommendation From Fire and Police Committee on Work at Fire/EMS Building - The final phase of the Fire and EMS Training Center construction is the completion of sidewalks and stoops that connect the five exterior doors to the parking area. The main entrance will provide the ADA accessible ramp. Three exists have a significant grade difference roughly, 18 inches requiring attention. The Fire and EMS Training Center has not obtained a Certificate of Occupancy. To obtain a Certificate of Occupancy, handicap accessibility must be in place. The sidewalk and door pad estimated cost is in the amount of $11,718.

  A quote has been obtained from W-L Construction and Paving in the amount of $91,000 for paving the driveway around the Burn Building and Fire and EMS Training Center. The paving of the driveway around the Burn Building and Fire and EMS Training Center is slated to begin after all concrete work is done, to ensure no damage occurs to the asphalt from heavy machinery. More quotes will be gathered in the near future.

  There are several large concrete slabs on the site that need to be disposed of. Public Works does not have a piece of equipment large enough to move or break the concrete. A quote from Carter Rental for machinery required was obtained in the amount of $13,559.63. The

most feasible solution may be to break the concrete up and use it in for filling material. Mr. Foster recommended to ask Mr. Bishop to see if he could help break up the concrete slabs.

A 1,600 square foot concrete pad was requested to be placed on the south side of the Burn Building as a training area for the Aerial Ladder Truck. The estimated cost of the concrete pad is in the amount of $19,600. The concreate pad would allow the aerial ladder truck to set up without damaging the asphalt. The concreate pad would replace part of the original area intended to have asphalt.

Motion by Brent Foster, second by Julie Sturgill Council approves sidewalks and pour concrete pad at Burn Building at a cost of $31,318.00. 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	Absent

Department Reports:

Mr. John Clark, Town Manager, thanked Ms. Stephanie Porter-Nichols for taking photographs of the opening of the Splash Pad.

Mr. Brian Martin, Town Manager, thanked Mr. John Clark for his nineteen years of service.

Mrs. Felicia Eller, Clerk/Treasurer, gave each Councilor their iPad back. The iPads have been updated and the new Town email is attached. There will be an email sent to previous emails to let Council Members know an email has been sent to their Town issued email address. Mrs. Eller discussed the account balances with Council. Mrs. Eller stated there is an increase in the Cap Fee Account and the Fire Hydrant Fund Account due to moving the funds collected from Utility Bills to the prospective accounts. The Local Government Investment Pool Account statements have not been delivered yet, but once the Town receives the statements, Mrs. Eller will send an email to each Council Members email addresses.

Mrs. Julie Sturgill inquired about the Fire Hydrant Account funds. Mr. Haynes stated the fire hydrants have been purchased but are behind in installations. The Public Works Department is now fully staffed and may possibly begin installation soon.

Mr. David Haynes, Fire and EMS Fire Chief, thanked Mr. John Clark for all his support for the Fire Department.

Mr. Andrew Moss, Chief of Police, thanked Mr. Clark for all his support and the opportunity to become Chief of Police. Chief Moss discussed the speed measurement sign data report, and

advised the Police Department to place the sign in areas they receive complaints about speeding or a common place for wrecks. Governor Glenn Youngkin passed a new law that a Locality can change the speed limits in residential and business zones. The second annual Cops and Rodders Community Cruise-in will be held on Saturday, July 13, 2024, from 4 p.m. to 7 p.m. National Night Out will be held on Tuesday, August 6, 2024, at the Recreation Park.

Mr. Chris Johnson, Foreman Building, Grounds, and Streets reported the Town met with a representative from the Fishery and Wildlife on Thursday, July 11, 2024. Fishery and Wildlife conservation management granted permission to remove part of the wildflower garden in the Town Park due to being overgrown.

Mr. Stephen Fields, Recreation and Special Events Coordinator, reported the Sports Fest Event scheduled for Saturday, July 20, 2024, has been postponed until the Fall. Mr. Fields thanked Mr. Clark for all the support he has given the Town over the years. When Mr. Fields was a young kid, he requested a full basketball court in the Town Recreation Park, and Mr. Clark made it happen.

Mr. Paul Cassell, Town Attorney, reported it has been a real privilege to work with John over the years.

Council thanked Mr. Clark for everything he has done for the Town over the years. They have all enjoyed working with him.

Any Other Council Business:

Mr. Clear expressed concerns about skunks and groundhogs within the Town.

Motion by Brent Foster, second by Shannon Donnelly Council adjourns this meeting at 8:50 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	Absent

_____Mayor
Gary L. Heninger

_____Clerk
Felicia Eller, CMC