**Virginia:** **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, August 8, 2024, at 7:00 p.m.**

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

**Absent:** **None.**

**Also Present:** **Mr. Brian Martin, Town Manager; Mrs. Felicia Eller, CMC, Clerk-Treasurer; Andrew Moss, Police Chief; David Haynes, Fire/EMS Chief; Stephen Fields, Recreation/Special Events Coordinator, and Chris Johnson, Foreman Building, Grounds, and Streets.**

Mayor Heninger called the meeting to order. Mr. Stephen Fields gave the Invocation. The Pledge of Allegiance was recited.

***Approval of Minutes:***

Motion by Brent Foster, second by Shannon Donnelly Council approves the regular July 11, 2024, 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:***

Mr. Phillip Blevins, Smyth County Commonwealth Attorney, appeared before Council to recognize one of the brightest and best Police Officers, Master Police Officer Austin Millsaps. Officer Millsaps participated in a specialized training and interacted with Police Officers across the United States. His interactions and encounters with these Police Officers allowed him to put a network out that allowed Police Officers to apprehend a suspect who was wanted for attempted murder in the first degree. It is because of Officer Millsaps intuitiveness, innovation and willingness to branch outside of our small Town that we were able to apprehend this suspect. Mr. Blevins presented the following:

**COMMONWEALTH'S ATTORNEY**
**SMYTH COUNTY, VIRGINIA**

PRESENTS THIS
**CERTIFICATE OF COMMENDATION**
TO MASTER POLICE OFFICER AUSTIN MILLSAPS
FOR
**MERITORIOUS SERVIE**

Master Police Officer Austin Millsaps distinguished himself by meritorious service while assigned as a patrolman at Chilhowie Police Department in Chilhowie, Virginia. In July 2024, Officer Millsaps utilized a nationwide network of police officers to assist him in apprehending a suspect who was wanted for attempted murder in the first degree. His actions have greatly aided the Commonwealth's Attorney in executing his duties, protected Smyth County and the Town of Chilhowie, and ultimately resulted in a safer community for Smyth Countians to live, raise families, work, and play. The distinctive accomplishments of Officer Austin Millsaps reflect great credit upon himself, the Smyth County Commonwealth's Attorney, and the Town of Chilhowie Police Department.

GIVEN UNDER MY HAND
**20 February 2024**

_____

**Phillip L. Blevins, JR.**
**Commonwealth's Attorney**

***Citizens Time:***

Jason McClure, 177 Grosses Creek Road, serves on the Chilhowie Little League Board of Directors, appeared before Council on their behalf. Mr. McClure voiced strong opposition for the Bull Riding event on the Little League Fields that are to be held on Saturday, September 24, 2024 as part of the Community Apple Festival. Mr. McClure stated he believes it will do a considerable amount of damage to the Little League Field that serves our community. There have been numerous volunteer hours spent to bring the fields to the shape they are in now. Mr. McClure is in full support of a rodeo in Chilhowie, but at a different location.

Rebecca Wilkenson-Smith, Chilhowie Community Apple Festival, appeared before Council to address the Bulls on the Field event. Mrs. Wilkenson-Smith provided the plans for the Bulls on the Field event, and ensured Council and citizens the softball field will be repaired as good or better than when L-J Pro Rodeo, LLC took possession. Mrs. Wilkenson-Smith read the following from the Chilhowie Community Apple Festival Master Plan: Additionally on Saturday, September 28, 2024, at 1:00 p.m. and 8:00 p.m., "Bull Riding" will be held on the upper field (softball field) of the Chilhowie Little League Fields. This is a ticketed event and will only be accessible by ticket holders through a gated entrance. The general public will be denied access to the arena area. The safety plan for the containment and transportation of the participating animals (bulls) and emergency medical care for riders has been cooperatively developed by the event coordinator, the Apple Festival Committee, the Chilhowie Police Department and Chilhowie Fire/EMS Department. This plan will be implemented by the same entities. Any damage or changing of the surface of the arena area and/or adjacent fields will be repaired to a condition equal to or better than the condition prior to the event. Mrs. Wilkinson-Smith stated the Master Plan was presented at the April 11, 2024 Council meeting, and approved by Council.

Mrs. Julie Sturgill inquired as to who inspects the fields prior to L-J Pro Rodeo, LLC taking the fields.
Mrs. Wilkenson-Smith stated the Town Manager and Recreation/Special Events Coordinator.
Mr. Johnson inquired how long the Town has to report damage to the fields.
Mrs. Wilkenson-Smith responded the fields would be inspected immediately and an addendum can be added to the contract to allow more time to determine if any damage occurs to the drainage system.
Mr. Fields shared the Lewis family has the resources and ability to rebuild the fields after the rodeo.
Mr. McClure shared an event that occurred on the Marion baseball fields with heavy equipment and the fields have never been the same.
Mr. Wolfe apologized to the Little League and Chilhowie Apple Festival that he missed the Bulls on the Field during the April Council meeting.
Mr. Foster inquired about the bulls escaping the enclosure.
Mrs. Wilkenson-Smith responded Mr. Lewis is providing a fence that the bulls will not be able to jump over.
Mr. Martin presented two ideas to Mrs. Wilkenson-Smith, one is to look for an alternative location to hold the bull riding or have a performance bond if the current location is approved.
A discussion pursued on alternative locations to hold the bull riding.
Mr. Martin suggested continuing the meeting to allow Mr. Lewis an opportunity to answer the questions concerning the bull riding event.
Mr. Cassell suggested giving Mr. Lewis a heads-up to prepare himself for what questions Council has, so he can adequately answer.

Motion by Brent Foster, second by Bill Clear Council continues this matter to the Continued Council meeting Thursday, August 15, 2024, at 7:00 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 |

***Old Business:***

- Update on Notices of Weed, Trash and Clutter Abatement – As of Friday, August 2, 2024, all Weed, Trash, and Clutter Notices that were notified have come into compliance. If Council members notice a property that requires attention, to alert Mr. Martin and the Town will certify mail a Weed, Trash and Clutter Notice to the property owner. Mrs. Wilkinson-Smith stated there is a property located near her residence that needs to be addressed.

- Update on Removal or Repair of Identifies Unsafe (Burned Out) Structurers – Chief Haynes reported there are no additional information regarding the burned-out structures at

this time. The property at 233 Crestwood Drive has made progress, 232 Overlook Drive is currently seeking a demolition contractor, 1404 West Avenue is working on the property and seeking for a demolition contractor, and 307 West Avenue has not begun any type of work.

- Update on Sewer Infiltration and Inflow Project – Mr. Martin sent a letter to the Virginia Resource Authority requesting requirements regarding completed audits and parity requests from Rural Development required for the March 2025 loan closing. Mr. Bergeron, Virgina Resource Authority, stated Virginia Resource Authority requires the Town to be current with its audits, and a parity process will be required.

  Mr. Dennis Amos, Hurt and Proffitt, reported the contractor is currently working and expects two more weeks of pre-lining closed-circuit television camera activity. The next step is the contractor will begin to pull new liners into the pipes. The Contractor's plan is to start lining the pipes the week of August 19, 2024. Manhole rehab will take place the week of August 12, 2024. The first monthly progress meeting was held on Wednesday, August 7, 2024, and will be held monthly until the project is finished.

- Update on Lead Service Line Inventory Project – Mr. Ammos reported in the GIS system there are approximately 2,600 connections for the Town. Out of the 2,600 water connections, 1,400 connections have been identified. The Town's crew has joined forces with the subcontractor and are working towards completing the Lead Service Line Inventory Project.

- Update on Seven Mile Ford Water Line and Meter Replacement Project – Mr. Amos reported the Seven Mile Ford Water Line and Meter Replacement includes replacing all meters in the water system. The Town's staff has gone through a meter reading cycle for Hurt and Proffitt and identified which sites need just a meter replacement versus which sites need a new meter box and setter installed. Hurt and Proffitt met with the Virginia Department of Health to get the environmental process started on the Seven Mile Ford Water Placement portion of the project. The Preliminary Engineering Conference was held with the Virginia Department of Health, and they have determined that a full Preliminary Engineering Report will not be required. The hydraulic model which was part of the Preliminary Engineering effort has been completed. Hurt and Proffitt is approximately 75 percent complete with mapping the Seven Mile Ford corridor with the next steps being designing the water line replacement.

  The Seven Mile Ford Water Line and Meter Replacement Project will consist of new radio-read meters. The meter reader crew will be able to drive by each meter, and the computer will read all the meters in that area. Mr. Clear inquired about how long the new meters would last. Mr. Amos stated he did not know, but the battery warranty is ten years.

Mr. Martin composed a letter for citizens to alert them of the Lead Service Line Inventory Project that is being conducted by Town staff and Sub-Contractor, Badger. The letter was posted on the Town's social media site and given to the Public Works employees to distribute to property owners.

- Update on Discounted Water Customers – During the 1930-1940s the Town entered into an agreement with a few property owners to install water lines across their property and the citizens would receive water at a discounted rate. Mr. Cassell and Mr. Clark composed a letter and mailed it to six citizens requiring the property owner to show a written agreement from when the agreement was made. If the information is not provided the discounted water rate will cease. Three citizens have contacted the Town. Two of the three citizens are researching their deed to find the agreement.

***New Business:***

- Presentation of Resolution Tax Levy for Fiscal Year 2024-2025 - Mrs. Eller presented the following:

**RESOLUTION**

**Tax Levy for**
**Fiscal Year 2024-2025**

Upon all real estate in the Town of Chilhowie, Virginia, $0.17 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 assessed 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 2024-2025.

**Record of vote:**
**Aye: 6**
**Nay: 0**
**Absent: 0**

**Acknowledged and signed:**

_____ _____

Gary L. Heninger, Mayor Felicia C. Eller, Clerk

Motion by Brent Foster, second by Julie Sturgill Council hereby adopts Resolution for Tax Levy for Fiscal Year 2024-2025. 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 |

- Presentation of Resolution of Appropriation for Fiscal Year 2024-2025 - Mrs. Felicia Eller presented the following:

**RESOLUTION**

**WHEREAS**, pursuant to §15.2-2506 of the Code of Virginia, 1950, as amended, the Town of Chilhowie published notice of and subsequently held a public hearing on June 13, 2024, for presentation and citizen comment on the proposed fiscal year2024-2025 Town Budget;

**WHEREAS**, pursuant to §15.2-2503 of the Code of Virginia, as amended, the Town Council of the Town of Chilhowie approved and adopted the 2024-2025 Town Budget on June 20, 2024;

**NOW, THEREFORE BE IT RESOLVED the pursuant to §15.2-2506 of the Code of Virginia,** 1950, as amended, the Town Council of the Town of Chilhowie hereby resolves that the funds for the contemplated expenditures budgeted in said 2024-2025 Town Budget be appropriated on an as needed basis for the fiscal year beginning July 1, 2024.

RESOLVED, this 8th day of August 2024 by vote of the Chilhowie Town Council.

**Record of vote:**

**Aye: 6**
**Nay: 0**
**Absent: 0**

**Acknowledged and signed:**

_____ _____

Gary L. Heninger, Mayor Felicia C. Eller, Clerk Treasurer

Motion by P.J. Wolfe, second by Bill Clear Council adopts the Resolution of Appropriation for Fiscal Year 2024-2025. 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 |

- Presentation of Smyth County Animal Rescue and Human Society – Mr. Bob Williams, Smyth County Animal Rescue and Human Society, appeared before Council to thank Council for their support and to provide an update of what has been going on. From January 1, 2024, to July 31, 2024, there have been 91 stray cats picked up, 181 cats surrendered,165 stray dogs picked up, and 164 dogs surrendered. Out of the 272 cats taken in, 195 cats were transferred to the Smyth County Animal Rescue, and of the 329 dogs taken in, 124 dogs were transferred to the Smyth County Animal Rescue. In 2023 the euthanized rate for cats was 20.9 percent and in 2024 it is down to 12.2 percent. In 2023 the euthanized rate for dogs was 59.1 percent and in 2024 it is down to 11.5 percent.

- Update on Community Development Allocations – On July 22, 2024, Mr. Clark mailed a letter to each organization that submitted budget requests to the Town. Community Development allocations were approved once the 2024-2025 Budget was adopted. Organizations receiving $10,000 or more should bill the Town on a quarterly basis. Organizations that are allocated below $10,000 may request their funding in one lump sum anytime during Fiscal Year 2024-2025.

- Report on HVAC for Town Facilities – Custom Air provides HVAC service to the Town. Mr. Martin and Mrs. Eller met with Mr. Brian Reynolds, President of Custom Air, to discuss concerns that have occurred over the recent years. The Fire and EMS Training Center and the Sewer and Water Offices were added to the Maintenance Contract. Custom Air's contract contains two inspections per year and any notifications of issues that are found in the amount of $2,000 annually. Custom Air also provided the Town with an HVAC Air Filter Contractual Agreement. The HVAC Air Filter Contractual Agreement states Custom Air will change air filters in all Town buildings quarterly in the amount of $1,520 annually.

Motion by Brent Foster, second by Bob Jeter Council accepts the Filter Maintenance Agreement in amount of $1,520 and authorizes the Mayor to execute documents. 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 Bob Jeter, second by P.J. Wolfe Council accepts the Inspection Contract in amount of $2,000 and authorizes the Mayor to execute documents. 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 |

- Presentation of Resolution of Support for Mount Rogers Planning District Commission Water and Wastewater Funds for Widener and Schuler Hollow Tank Rehab Project – Mr. Martin requested to submit two Resolutions to the Mount Rogers Southwest Virginia Water and Wastewater Construction Fund in the amount of $100,000 each. The first Resolution is for the rehabilitation of the Widener Springs and Schuler Hollow Tanks. The second Resolution is for the Aqua Guard, which is the main filtration system at the inflow of the sewer system. The Aqua Guard is breaking down and having to be run manually. If the filter were to break the entire plant would be shut down. The Town has committed a $25,944 match on the rehabilitation of the Widener Springs and Schuler Hollow Tanks and different match amount for the Aqua Guard. A discussion pursued on the process of tank rehabilitation.

Motion by Brent Foster, second by Bill Clear Council adopts Aqua Guard Resolution and authorizes the Mayor to execute documents. 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 Brent Foster Council adopts the Widener and Schuler Hollow Tank Rehabilitation Resolution and authorizes the Mayor to execute documents. 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 |

- Report on Delinquent Business License – Mrs. Eller reported there are four businesses that are delinquent for the 2024 Business License. Each business has been sent a third notice to bring their Business License into compliance. There are six businesses that are multiple years delinquent for the Business License. Mrs. Eller discussed §58.1-3903, the Town can go back as far as three years plus the current year to bring these businesses into compliance. Mr. Cassell will write a letter to each business that is delinquent and request they become compliant.

- Report on Fleenor Security System at Old High School – Fleenor Security Systems provides a fire system and security system with motion sensors for the Old High School. The motion sensors are very sensitive and notify the Town Manager, Police Chief, and Fire/EMS Chief each time it detects movement. The quarterly fee for Fleenor Security System is $195.00 and deactivating the security system and keeping the fire system will not change the amount of the quarterly bill. Fleenor Security Systems suggested stopping arming the alarm system or allowing Fleenor Security Systems to remote in and disconnect the security system. The Chilhowie Library has expressed interest in installing their own security system to monitor the Library within the Old High School. Council recommends not to act in turning the security system off until the Chilhowie Library takes action.

Motion by Bob Jeter second by Brent Foster Council authorizes Town Manager to take appropriate action. 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 |

- Requests for Main Street Closure by Local Business – Mrs. Stephanie Smith, Sweet Lipsy's LLC, along with other local businesses would like to close Main Street on Thursday, October 31, 2024, from 6:00 p.m. to 8 p.m. to host a "Boo Bash" for children in the Community. Mr. Martin explained to Mrs. Smith a permit from the Virginia Department of Transportation must be filed with the signatures of each business owners on Main Street.

Motion by P.J. Wolfe, second by Brent Foster Council approves Town Manager approach requester to determine time of closure and approve request to close Main Street on Thursday, October 31, 2024, for a "Boo Bash" event. 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. Brian Martin, Town Manager, thanked Council for the opportunity to serve his hometown. Mr. Martin thanked everyone that put together and attended the Splash Pad Dedication Ceremony on July 16, 2024. On July 10, 2024, Mr. Martin met with Ms. Likins, Director of the Smyth County Public Library System, and Heather Carter, Chilhowie Library Branch Manager, to discuss potential improvements and the Library overseeing the security systems. The Town is working with Hurt and Proffitt a sub-contractor, Badger, to work toward completing the Lead Service Line Inventory. Mr. Martin, Mrs. Eller, and Mrs. Carter attended a VRSA/VML Training in Clifton

Forge, Virginia, for up-to-date information on marijuana and other evolving issues in the workplace.

Mrs. Eller, Clerk/Treasurer, 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. Mrs. Eller discussed line item 10-450-99, Capital Outlay, in the Budget vs Actual report. The Capital Outlay line is at 254%, but this reflects the Splash Pad expenses paid out in July 2024. Mrs. Eller reviewed the Local Government Investment Pool Account statements as well.

Mrs. Eller reported the 2007 Chevy Trail Blazer being used by Public Works is experiencing issues. The Chilhowie Police Department recently received a new vehicle and now has two extra vehicles. Mrs. Eller is requesting to declare the 2007 Chevy Trail Blazer as surplus and transfer one vehicle from the Police Department to Public Works.

Motion by Brent Foster, second by Shannon Donnelly Council declares the 2007 Chevy Trailer Blazer as surplus. 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 |

The Town and County Dinner is scheduled for Thursday, September 19, 2024, at 6:00 p.m. at the Chilhowie Airplane Hanger. The Town continues to actively notify citizens via Nixle concerning Town events, garbage collection, road closures, and water outages. Mrs. Eller encouraged any Council member that is not already signed up, to sign up for Nixle alerts.

Mr. David Haynes, Fire and EMS Chief, reported the concrete work at the Fire and EMS Training Center is moving forward. Mr. Haynes would like to obtain paving quotes for the Fire and EMS Training Center parking area. The Department of Fire Programs inquired about renting office space at the Fire and EMS Training Center for $1,200 per month. The Department of Fire Programs would have one person three days a week on site with no outside visitors. Mr. Haynes will provide a contract to Council during the September 12, 2024, Council meeting.

Motion by Brent Foster, second by Shannon Donnelly Council authorizes the Fire and EMS Chief to obtain quotes for paving of the Fire and EMS Training Center parking area. 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 |

Mr. Andrew Moss, Police Chief, reported the Cops and Rodders was held on Saturday, July 13, 2024, and the National Night Out was held on Tuesday, August 6, 2024, both events were very

successful. The Police Department bought a UAV Drone with Department of Criminal Justice Service grant funds and attended a training at the Southwest Criminal Justice Academy on how to operate the drone. Chief Moss discussed hiring a new Police Officer for the vacant position within the Police Department. Chief Moss will apply for a COPS Hiring Grant in hopes to obtain an additional officer. Two of the Flock Cameras have been installed. The Virginia Department of Transportation stopped the installation at the Bonham House. The Virginia Department of Transportation will mark the right of ways for the installation of the Flock Camera.

Mr. Chris Johnson, Foreman Building, Grounds, and Streets reported the Public Works Department is working with Hurt and Proffitt on hydro excavating for the Lead Service Inventory Project. The Public Works crew is behind on mowing and picking up brush, but they are working diligently to get caught up.

Mr. Stephen Fields, Recreation and Special Events Coordinator, reported Recreation Football and Cheerleading has begun. The Splash Pad will be left open until after the Chilhowie Community Apple Festival.

***Any Other Council Business:***

Mr. Jeter requested a letter be sent to the Virginia Department of Transportation requesting the installation of redlights at the off ramps of Interstate 81 to reduce traffic jams. Chief Moss stated the sight distance exiting the interstate is terrible.

Motion by P.J. Wolfe, second by Brent Foster Council continues this meeting until August 15, 2024, at 7:00 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