Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, December 12, 2024, at 7:00 p.m.**

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

Absent: **None.**

Also Present: **Mr. Brian Martin, Town Manager; Mrs. Heather Carter, Accounting Clerk; Andrew Moss, Police Chief; David Haynes, Fire/EMS Chief; Luke Lowe, Chief Wastewater Operator; Tristian Preece, Wastewater Operator II; and Stephen Fields; Recreation/Special Events Coordinator.**

Mayor Heninger called the meeting to order. Mrs. Stephanie Porter-Nichols gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by Bill Clear, second by Julie Sturgill Council approves the regular November 12, 2024, meeting minutes. The motion was approved with the following recorded vote:

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

Special Presentation:

- Licensure and Certification of Wastewater Treatment Plant Operator - Mr. Tristian Preece, Wastewater Department, recently passed the Wastewater Works Operator License Exam. Mr. Preece's classification is now Wastewater Works Operator Class 2. The Wastewater Works Operator License is a difficult test with an average of thirty percent pass rate.

Citizen Time:

Mr. James Bonham, 1027 Old Stage Road, appeared before Council on behalf of the Planning Commission. The Planning Commission has worked diligently with Mr. Jordan Powers, Mount Rogers Planning District Commission, to rewrite the Comprehensive Plan. The Comprehensive Plan is a written plan for citizens and Council to view. Mr. Bonham requested Council to review the Comprehensive Plan. A Joint Public Hearing with Planning Commission and Town Council will be held during the January 2025 Council meeting.

Mr. Bonham reported the Planning Commission currently has a vacancy. Mr. Jim Paine resigned after relocating outside Town limits. Mr. Bonham extended an invitation to Council to fill the vacancy. The Planning Commission usually meets quarterly.

Old Business:

- Update on Removal or Repair of Identifies Unsafe (Burned Out) Structurers - Chief Haynes, Fire and EMS, reported under the Virginia Property Maintenance Code, a Notice of Unsafe Structure for the property at 1404 West Lee Highway and 232 Overlook Drive was posted. The Notice of Unsafe Structure and the Right of Appeal was certified mailed to the property owners. The property owner at 232 Overlook Drive is in the process of selling the house. The potential new owner contacted the Town to inform they will be removing the house once the closing is complete. The owner of 1404 West Lee Highway contacted Mr. Martin and requested additional time as they are addressing health issues. Mr. Paul Cassell, Town Attorney, advised Council to contact the owner of 1404 West Lee Highway and ask what a reasonable time frame is for them to address the property.

- Update on Sewer Infiltration and Inflow Project and Approval of Change Order Number 1 - The Sewer Infiltration and Inflow Project is continuing to progress steadily. There are several places that have been identified that were previously relined or the line is in good shape resulting in cost savings. Town's staff has worked with Hurt and Proffitt, and the Contractor, to determine the best use of the funds saved to repurpose to other locations where there are Infiltration and Inflow issues. Bonham Road has been identified as one of the areas that experience issues with Infiltration and Inflow. The contractor will begin the relining of Bonham Road in January 2025.

Motion by Bill Clear, second by Julie Sturgill Council approves the Change Order Number One of the Infiltration and Inflow Project. The motion was approved with the following recorded vote:

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

- Update on Seven Mile Ford Water Line and Meter Replacement Project – Mr. Martin reported there are no update on the Seven Mile Ford Water and Meter Replacement Project at this time.

- Update on Hurricane Relief – Mr. Martin and Mrs. Eller worked with the Federal Emergency Management Agency to submit the Town's first claim for reimbursement for the damage from Hurricane Helene. The first claim was in the amount of $132,000 for the sewer aerials that were destroyed during Hurricane Helene. The Town is hoping to receive reimbursement for the first claim within thirty days.

  The removal of trees at the Widener Springs has been completed. The contractor is scheduled to replace the damaged security fence at both the Widener Springs and Reid Pump Station by the end of December 2024.

- Update on Police Department Vacancy – The Chilhowie Police Department has extended a conditional offer to Mr. Chance Sessor. Mr. Sessor will begin the Police Academy at the Southwest Virginia Criminal Justice Training Academy on Friday, January 10, 2025. Chief Moss stated he will apply for the COPS Hiring Grant in the Spring of 2025 to potentially hire an additional officer.

- Planning Commission Vacancy – Mr. Jim Paine recently resigned from the Planning Commission due to relocating outside the Town limits. The Planning Commission is seeking an individual from Council that would like to join the Planning Commission. Mr. Paine's term is through December 2027.

New Business:

- First Responders Line of Duty Death Proposed Tax Exemption – Mr. Bradley Powers, Smyth County Commissioner of Revenue, worked with the Board of Supervisors to pass the Real Property Tax Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty Ordinance. If a First Responder that receives the Line of Duty pay is killed in the line of duty, their living spouse will receive a tax exemption on the real estate property. The spouse will only receive a tax exemption on the primary household and as long as they do not remarry. Mr. Powers stated he would like the Town to adopt the Real Property Tax Exemption for Surviving Spouses in case the unthinkable was to happen. Mr. Paul Cassell, Town Attorney, stated if the Council would like to adopt this Ordinance, he would present an Ordinance during the January Council meeting.

Motion by Brent Foster, second by P.J. Wolfe Council approves the Town Attorney to draft an Ordinance for the First Responders Line of Duty Proposed Tax Exemption. The motion was approved with the following recorded vote:

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

- High Mileage Drive Through Event – Mr. Bradley Powers, Smyth County Commissioner of Revenue, is requesting to host a high mileage drive through event in Chilhowie. Mr. Powers stated the event will allow citizens to bring their cars and allow Mr. Powers to verify the Vehicle Identification Number and the mileage of the vehicle. Citizens may receive a discount on their tax bill due to high mileage. This would be the first high mileage drive through event that has happened in Southwest Virginia.

- Hurricane Recovery Line of Credit – On September 27, 2024, Hurricane Helene came through resulting in devastating damage to the Town of Chilhowie. The Town is working with the Federal Emergency Management Agency to receive assistance. However, it could

take months to receive funding from the Federal Emergency Management Agency. The Town requested proposals from local banks for a Line of Credit for the Town. The Bank of Marion was the only offer the Town received. The Bank of Marion proposed a $2,000,000 line of credit to be utilized for cleanup, restoration, and repairs related to damage suffered during Hurricane Helene. The line of credit will be a two-year loan with an interest rate of 4.75%.

Mr. Martin reported that the Federal Emergency Management Agency will reimburse any cleanup, restoration, and repairs 100% for the first 90 days after Hurricane Helene and 75% after the 90 days. The date of the first 90 days after Hurricane Helene has yet to be determined. The Department of Environmental Quality is looking at their next funding cycle to help Localities pay for damage from Hurricane Helene.

Motion by Brent Foster, second by Bill Clear Council approves the Bank of Marion Line of Credit proposal and authorize the Town Manager and Mayor to execute any Documents needed. The motion was approved with the following recorded vote:

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

- Approval of Requests for Qualification for Architecture and Engineering Services – The Town's Engineering firm, Hurt and Proffitt, is not on a long-term retainer with the Town. The Town advertised a Request for Statements of Qualifications for Professional Architectural and Engineering Services in the Smyth County News Paper on November 16th and November 23, 2024, editions. Hurt and Proffitt were the only engineering company that submitted a Request for Statements of Qualification Professional Architectural and Engineering Services. Hurt and Proffitt's proposal is for a five-year contract. Hurt and Proffitt stated they would keep their prices the same as they are now. A discussion ensued and after much deliberation Council requested Mr. Martin to negotiate the hourly rate with Hurt and Proffitt to ensure the rates do not increase over the next five years.

Motion by Julie Sturgill second by Bill Clear Council approves the Town Manager to enter into negations with Hurt and Proffitt. The motion was approved with the following recorded vote:

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

- Approval of Green for Life Contract Renewal – The Town has been in a contract with Green for Life for the past three years. Mr. Martin and Mrs. Eller met with Green for Life on Tuesday, December 10, 2024. Green for Life and the Town of Chilhowie are extremely happy with how the past three years of service and would like to continue their relationship.

According to the current contract, once the three years end, the contract will renew automatically. Green for Life will have an increase of 2.5% during the next budget cycle. Green for Life will begin an inventory for garbage can at the first of 2025 to ensure each resident is being charged for the correct number of trash cans they are utilizing.

- Discussion of New PFAS Regulations – Per- and Polyfluoroalkyl Substances are a class of persistent synthetic chemicals used worldwide in man consumer products. The U.S. Environmental Protection Agency has reported that exposure to Per- and Polyfluoroalkyl Substances could lead to adverse health effects. Starting in 2021, the Department of Environmental Quality has been monitoring the Per- and Polyfluoroalkyl Substances in streams, rivers, and reservoirs across the Commonwealth to identify potential locations where Per- and Polyfluoroalkyl Substances concentrations are elevated relative to baseline concentrations.

  On November 25, 2024, the Virginia Department of Environmental Quality contacted the Town alerting that discharges from the Town's facility were identified by the Virginia Department of Environmental Quality as potentially contributing to elevated levels of Per- and Polyfluoroalkyl Substances in a public water system's raw water source. Starting in January 2025, the Town will begin taking two samples from the high and low flow of the wastewater and report the findings. Currently, it is unknown how to treat Per- and Polyfluoroalkyl Substances if any is detected.

- Designation of Sewer Capital Outlay Line Item – Pump number two at the influent station is failing. Having only two of the three pumps working could potentially lead to a violation. The Wastewater Department has $32,000 for Oxidation Ditch budgeted in Capital Outlay for the 2024-2025 Budget. The Wastewater Department would like to change the earmarking of the funds from the Oxidation Ditch to number two pump replacement. The pump is approximately $35,000 and will take approximately six weeks to receive the pump.

Motion by Brent Foster, second by Julie Sturgill Council approves to change the earmarking of the Capital Outlay from the Oxidation Ditch to pay for pump number two replacement. The motion was approved with the following recorded vote:

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

- Accept Recommendation of Planning Commission to move forward with a Joint Public Hearing on the proposed updated Comprehensive Plan – The Planning Commission has been working with, Mr. Jordan Powers, Mount Rogers Planning District Commission to rewrite the Comprehensive Plan over the past several months. The Planning Commission

is requesting a Joint Public Hearing with Council to adopt the Comprehensive Plan January 9, 2024.

Motion by Julie Sturgill, second by Bill Clear Council accepts recommendation of the Planning Commission to move forward with a Joint Public Hearing on the proposed updated Comprehensive Plan. The motion was approved with the following recorded vote:

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

Committee Reports:

- Finance and Personnel Committee - The most recent edits to the Personnel Rules and Regulations Policy were in October 2015. Some of the edits the Finance and Personnel Committee made to the Personnel Rules and Regulations are under section 2.7 Operators of Town Vehicles, a statement of, "Any employee who is issued a traffic citation while operating a Town vehicle will be required to reimburse the Town any and all fines, fees, or court costs" was suggested to be added. A statement of "Any Town staff members operating a Town vehicle is required to properly buckle the seat belt and utilize any other safety features available" was suggested to be added to section 2.7 Operators of Town Vehicles.

  Uniformed Service Employment and Reemployment Rights Act refers to a period of leave taken by an employee to serve in the military. It was recommended to include that the Town acknowledges the responsibility pursuant to the Uniformed Service Employment and Reemployment Rights Act and include in the Personnel Rules and Regulations.

  Chairman P.J. Wolfe requested Council to approve the Finance and Personnel Committee's recommendation to adopt the revised Personnel Rules and Regulations Grievance procedures effective immediately with the exception of additional vacation time accrual which will be effective January 2025.

Motion by Julie Sturgill, second by Bob Jeter Council approves the Finance and Personnel Committee's recommendation to adopt the revised Personnel Rules and Regulations Grievance procedures effective immediately with the exception of additional vacation time accrual which will be effective January 2025. The motion was approved with the 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, reported that the Virginia Department of Transportation completed a traffic study at the intersection of Interstate 81 and Whitetop Road. The traffic study determined that the traffic count and low number of accidents deemed that this area does not warrant a traffic light. The request for the Virginia Department of Transportation to study options for safer pedestrian transit under the bridge at Interstate 81 was sent to the Virginia Department of Transportation's Bridge Division and results are still pending. Mr. Bob Jeter requested Mr. Martin to write a letter to the Town's delegates regarding the Virginia Department of Transportation, denying installing a traffic light at the intersection of Interstate 81 and Whitetop Road.

The Virginia Department of Labor and Industry made a surprise inspection at the Wastewater Treatment Plant in the Summer of 2024. During the inspection the Virginia Department of Labor and Industry identified a handful of safety violations. Mr. Lowe has been working diligently with Mr. Eddie Shelton, Safety Specialist for the Virginia Risk Sharing Association, to correct the violations. Mr. Preece and Mr. Lowe discussed the two digestors and clarifiers do not have a fence around them and are a fall risk. The Virginia Department of Labor and Industry requires a fence to be placed around the two digestors and clarifiers. Mr. Preece stated the Town has until January 13, 2025, to install the fences to avoid a $15,000 per day fine.

Motion by Brent Foster, second by Shannon Donnelly Council approves the Wastewater Treatment Plant staff to move forward with fixing the Virginia Department of Labor and Industry violation by installing a fence around the two digestors and clarifiers. The motion was approved with the following recorded vote:

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

Mrs. Heather Carter, Accounting Clerk, reported the Town has collected 84.62% of taxes. The Revenue Anticipation Note was paid off on Tuesday, December 10, 2024. The $1,000,000 Tax and Revenue Anticipation Note will close on Wednesday, December 18, 2024. Mrs. Carter shared that Mrs. Eller provided account balances and the Local Government Investment Pool account balances.

Chief Anderw Moss reported the Flock Camera that is currently located at the Shell Station will be moved out near the Abingdon Collision and Towing Building on the west end of Town allowing a camera to cover each exit point within Town. The Chilhowie Police Department participated in other communities' Christmas Parades on Friday, December 6, 2024, and Saturday, December 7, 2024. The Town of Chilhowie Police Department also used their thermal imaging drone to assist in locating two fugitives.

Mrs. Julie Sturgill stated Saturday, December 7, 2024, was a great day with all the Christmas festivities.

Closed Session:

- Discussion of a Public Contract – Justification 2.2-3711 (A)(6), as amended and Consultation with Legal Counsel – Justification 2.2-3711 (A)(8), as amended -

Motion by Brent P.J. Wolfe, second by Brent Foster and unanimously passed Council hereby enters into Closed Session under Section 2.2-3711(A)(6) and Section 2.2-3711(A)(8) of the Code of Virginia as amended, to discuss Administrative Personnel. The motion was approved with the following recorded vote:

Bill Clear	Aye	Shannon Donnelly	Aye
Brent Foster	Aye	Bob Jeter	Aye
Julie Sturgill	Aye	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 the 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)(6) and Section 2.2-3711(A)(8) 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 Julie Sturgill Council adjourns this meeting at 8:47 p.m. The motion was approved with the 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

_____Secretary
Heather Carter, Secretary