Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, February 13, 2025, 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. Brian Martin, Town Manager; Mrs. Felicia Eller, CMC, Clerk-Treasurer; Messrs. Paul Cassell, Town Attorney; Andrew Moss, Police Chief; Aaron Smith, Deputy Chief; David Haynes, Fire/EMS Chief; Chris Johnson, Foreman Building, Grounds, and Streets; and Danny Combs, Public Works Director**

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

Amend Agenda:

Mr. Paul Cassell, Town Attorney, recommended moving New Business Item G to the end of the meeting after the Closed Session.

Motion by Brent Foster, second by Bob Jeter Council hereby amends the Agenda to move New Business Item G to be addressed after closed 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

Approval of Minutes:

Motion by Shannon Donnelly, second by P.J. Wolfe Council approves the regular January 9, 2025, and Continued January 30, 2025, Council 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

Public Hearing:

- Proposed Ordinance, Real Property Tax Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty – Mrs. Eller presented the following:

Notice of Joint Public Hearing
Real Property Tax Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty
Town of Chilhowie, Virginia

The Town Council of the Town of Chilhowie will be holding a Public Hearing to receive public input on the inclusion into the Town of Chilhowie's Code proposed Ordinance Article IIA giving "Real Property Tax Exemption For Surviving Spouses of Certain Persons Killed In The Line Of Duty". The proposed ordinance would be effective the tax year beginning January 1, 2024 and spouses of law enforcement officers, firefighters, emergency medical service personnel killed before or after that date would be eligible for this exemption for real property within the Corporate Limits of the Town of Chilhowie. Any citizen of the Town or public at large is invited to attend this Public Hearing at 7:00, or shortly thereafter, at the Chilhowie Town Hall, 325 East Lee Highway, on February 13, 2025. A copy of this proposed ordinance is available for viewing at the Chilhowie Town Hall, or on the Town's Website www.chilhowieva.org.

By Authority of the Mayor and Town Council,
J. Brian Martin, Town Manager

Published in the Smyth County News January 22 and January 29, 2025 editions.

Mayor Heninger opened the Public Hearing at 7:06 p.m.

Brian Martin: I commend the Commissioner of Revenue, Bradley Powers, for working so diligently to get this passed not only by the County but the Towns. You may be aware of those of us in the Military have this if we are killed in the line of services we get the property tax exemption. We look at our brothers and sisters who are first responders whether they wear the Nation's uniform, or a community uniform, we are all brothers and sisters in arms. I whole heartly supports the Tax Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty Ordinance.

Mayor Heninger closed the Public Hearing at 7:07 p.m.

Special Presentation:

The Commonwealth Attorney, Phillip "Bucky" Blevins, appeared before Council to honor the Chilhowie Police Department. On July 13, 2024, a fifteen-year-old male entered the Exxon and brandished a knife and held it to the attendant's neck. The fifteen-year-old sliced the attendant's neck leaving him seconds away from death. The Commonwealth's Attorney Office sought charges for this individual as an adult. The individual entered into a guilty plea for attempted murder. The individual will be sentenced in approximately 90 days. The Commonwealth Attorney stated they could not have done this without the stellar work from the Chilhowie Police Department and the partnership they have built with agencies across the Commonwealth.

Master Police Officer, Gage Prater, is a certified Federal Aviation Administration Remote Pilot. Officer Prater has assisted other agencies in locating wanted suspects using his Remote Pilot abilities. Mr. Blevins presented the following:

COMMONWEALTH'S ATTORNEY
SMYTH COUNTY, VIRGINIA

PRESENTS THIS
CERTIFICATE OF COMMENDATION
TO MASTER POLICE OFFICER GAGE PRATER
FOR
MERITORIOUS SERVIE

Master Police Officer Gage Prater, who is a certified Federal Aviation Administration Remote Pilot, distinguished himself by meritorious service while assigned as a patrol officer at Chilhowie Police Department. On November 25, 2024, Officer Prater tactically deployed a remotely piloted aircraft to assist Marion Police Department locate a wanted subject who absconded from custody. Officer Prater operated a DJI Matrice 30t remotely piloted aircraft equipped with thermal imaging to locate 23 year old Dillion Carter. Officer Prater's superb law enforcement skills, pilot abilities, and eagerness to protect Smyth County have greatly aided the Commonwealth's Attorney in executing his duties, protected Smyth County and the Town of Chilhowie, and ultimately resulted in making Smyth County a safer community for its citizens to live, raise families, work, and play. The distinctive accomplishments of Master Police Officer Prater reflect great credit upon himself, the Smyth County Commonwealth's Attorney, and the Chilhowie Police Department.

GIVEN UNDER MY HAND
13 February 2025

Phillip L. Blevins, JR.
Commonwealth's Attorney

Master Officer Gage Prater was given a certificate and a challenge coin for his hard work and dedication to the Town of Chilhowie.

Citizens Time:

Brent Foster, 225 Church Avenue, loaned the Public Works Department a drill to complete a job. While the Public Works Department was drilling the drill caught on something and twisted and broke the handle off. The Town replaced Mr. Foster's drill in the amount of $208.

Old Business:

- Update on Removal or repair of Identifies Unsafe (Burned Out) Structurers - 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 also certified mailed to the property owners. The property owner of 232 Overlook Drive sold the property. The new owners of the property have demolished the burned-out structure and have begun building a new house.

The owner of 1404 West Lee Highway has provided a working phone number and a current address for Mr. Martin. The property owners stated they have been working with a local Contractor. Mr. Martin reached out to the local Contractor and the Contractor in fact verified they are working with the property owners to clean the yard up, but they do not have the ability to remove the structure. The Town has worked diligently with the property owner to clean up the property. The Town will begin demolishing the property at the first opportunity.

- Update on Sewer Infiltration and Inflow Project and Pay Request Number 8 – The reline portion of the Sewer Infiltration and Inflow Project is almost complete. The rehabbing of all the manholes is currently underway. The first Change Order on Bonham Avenue is progressing with completion scheduled within the next couple of weeks. The Sewer Infiltration and Inflow Project is continuing to progress steadily. There are several places identified that were previously relined or the line is in good condition 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. Pay Request Number Eight is in the amount of $243,172.58.

Motion by Brent Foster, second by P.J. Wolfe Council approves Pay Request Number 8 in the amount of $243,172.58. 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 the Seven Mile Ford Water Line and Meter Replacement Project is at a standstill until the Fisal Year 2022-2023 Audit is complete. Mr. Martin recommended to Council to table this Agenda item until the Fiscal Year 2022-2023 Audit is received.

Motion by Bill Clear, second by Brent Foster Council tables the Agenda item concerning Seven Mile Ford Water Line and Meter Replacement Project until Fiscal Year 2022-2023 Audit is received. 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 Hurricane Recovery – The Town is continuing to work with the Federal Emergency Management Agency (FEMA). The design work for the Aerials is complete.

Mr. Martin stated he is hopeful the Town will begin the bid process for the Aerials within the next sixty to ninety days.

- Adoption of Proposed Ordinance, Real Property Tax Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty – Mr. Martin encouraged Council to approve the Real Property Tax Exemption for Surviving Spouses of Certain Persons Kill in the Line of Duty Ordinance.

Motion by Brent Foster, second by Shannon Donnelly Council adopts the Real Property Tax Exemption for Surviving Spouses of Certain Persons Killed in the Line of Duty Ordinance as presented. 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

New Business:

- Presentation of Proposed Makerspace for Smyth County to be Located in Old High School – Mrs. Rose Linkins and Ms. Heather Carter appeared before Council to discuss creating a space for A Makerspace for Smyth County. The Library Board of Trustees approved the Makerspace for Smyth County at their January 2025 meeting. The Makerspace will be a hands-on experience learning on how to use a 3-D Printer, Sublimation Printer, Cricut Cutting Machine, Sewing Machine, Serger Machine, and Adobe Creative Cloud. Some of the benefits of having a Makerspace is it allows the community members to learn new skills, opportunities for collaboration, creative outlet for self-expression, provides small businesses with access to equipment too specialized/expensive to own, and hands-on exploration of new technology with guidance and support.

  The Chilhowie Library has created a community around the seed library, community garden, cooking classes, and sewing classes over the past few years making the Old High School the ideal place to house the Makerspace. If Council agrees to allow the Makerspace to be housed in the Old High School, the Library will begin to apply for grants to purchase equipment and supplies. Mr. Martin wrote a support letter to the Wellspring Foundation of Southwest Virginia expressing the Town's support for the Smyth County Public Library's Makerspace.

Motion by Brent Foster, second by P.J. Wolfe Council accepts the Smyth County Public Library's Makerspace to be located in the Old High School with an agreement to be prepared by the Town's Attorney. 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 for Smyth County Tourism Association – Mrs. Amanda Livingston, Smyth County Tourism Association, appeared before Council to discuss the promotional video of Chilhowie. The promotional video is posted on the Smyth County Tourism Association Facebook page. The video contains footage from the Hunter Reedy Memorial Rodeo, Chilhowie Community Apple Festival, Historic Downtown, and H.L. Bonham House. The video will be available to share on the Town's website and the Smyth County Chamber of Commerce website.

- Adoption of Proposed 2025 Mount Rogers Regional Hazard Mitigation Plan – Every five years the Mount Rogers Planning District Commission updates the Hazardous Mitigation Plan. The update identifies all the potential man made and natural disasters that could impact the Localities.

Motion by Shannon Donnelly, second by P.J. Wolfe Council adopts the 2025 Mount Rogers Regional Hazard Mitigation 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

- Proposed Change for Disposal of Bio-Solids -The Department of Environmental Quality monitors 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. Per- and Polyfluoroalkyl Substances are a class of persistent synthetic chemicals used worldwide in consumer products. The Wastewater Treatment Plant sees a potential issue when it comes to the Per- and Polyfluoroalkyl Substances and land applications. The Town is being proactive and trying to secure a disposal service to haul the biosolids prior to regulations ending land use applications. The Town has been approved to use LUSK Disposal Services. LUSK Disposal Service will haul the biosolids to Ham Landfill located in Princeston, West Virginia. The Town has reduced the amount of biosolids by fifty percent and plans to continue to become more efficient in the future. The estimated cost for LUSK Disposal Services to haul the biosolids would be a yearly rate of $8,831.

Motion by Brent Foster, second by Shannon Donnelly Council approves to move away from land application and transition to Ham Landfill utilizing LUSKS disposal of Biosolids. 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

- Presentation of Southwest Virginia Youth Football League – The Southwest Virginia Youth Football League was interested in expanding their football league, due to birth rates and school enrollments dropping during Covid. Currently the Chilhowie Recreation Football Program averages 20-25 players per team, while some schools average 8-9 players per team. Chilhowie is then forced to play with limited players making it difficult to ensure each player receives playing time.

  The Southwest Virginia Youth Football League wanted to create an "I-81 League." The I-81 League would include Virginia High, John Battle, Abingdon, Patrick Henery, Holston, Northwood, Marion, and Chilhowie. The winner of the I-81 League would play the winner of the Northern Counties of Southwest Virginia. Unfortunately, at this time the Southwest Virginia Football League decided not to expand.

  Mr. Fields met with Recreation Football representatives from Marion, Patrick Henery, and Holston to discuss ways of improving their football league to ensure each team has enough players to play. This will provide adequate playing time for each player.

- Potential Surplus Equipment – Mr. Fields is working on cleaning up the Old High School and has compiled a list of items the Town no longer uses. The list consists of 2 JVC 32-inch televisions, 1 Emerson DVD Player, 8 antique student desks, 1 antique teacher work desk, 2 Rolls Microphone/Line Mixers, and miscellaneous electronic equipment cables. Mr. Fields requested to list these items as surplus and place on GovDeals to sell.

Motion by Brent Foster, second by P.J. Wolfe Council deems 2 JVC 32-inch televisions, 1 Emerson DVD Player, 8 antique student desks, 1 antique teacher work desk, 2 Rolls Microphone/Line Mixers, and miscellaneous electronic equipment cables as surplus and list on GovDeals to sell as an aggregated lot. 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

- Recognition of Snow Removal Process – Mr. Martin expressed appreciation to the Public Works Department for the excellent work they have done with the Virginia Department of Transportation concerning snow removal. Mr. Martin and Mayor Heninger have received numerous compliments from citizens on how well the Public Works Department has done keeping the roads and streets cleared in Town during all the snow events.

- Amended Police Schedule – Chief Moss reported the Police Department is short staffed. Officer Sessor is enrolled in the Southwest Virginia Criminal Justice Training Academy, Officer Smith is currently injured, and Officer Prater on paternity leave. The Police

Department is down to Chief Moss, Officer Millsaps, and Officer Perry. The department has transitioned from twelve-hour shifts to ten-hour shifts having Smyth County Sheriffs office covering the Town from 2 a.m. to 6 a.m. Councilman Foster expressed his appreciation to all the Police Officers for pulling together and covering the schedule while short staffed.

Department Reports:

Mr. Brian Martin, Town Manager, shared the Community Funding Requests are due on Friday, February 28, 2025. Mr. Martin expressed appreciation to each department and their hard work and dedication to the Town.

Mrs. Felica Eller, Clerk/Treasurer, discussed account balances with Council. The General Board of Appeals has a vacancy due to an individual moving outside the Town limits. Mrs. Eller requested Council to be considering who they can invite to fill the seat until, the term expires in 9/30/2027.

Mr. David Haynes, Fire and EMS Chief, reported Doctor Bruzzo retired as the Operational Medical Director and Mr. Aaron Clampitt is now the Operational Medical Director.

Mr. Andrew Moss, Police Chief, reported the Smyth County Sherriff's Department has changed locations and currently does not have access to the Video Magistrate. The County is utilizing the video magistrate located in the Chilhowie Police Department. The Police Department has been able to assist numerous surrounding Police Departments in solving a crime thanks to the Flock Cameras.

Mr. Stephen Fields, Special Events/Recreation Coordinator, met with the Little League to discuss removing their own trash during the upcoming season. Little League inquired about a trash bin to be on site for $80 a month for four months. The Little League requested the Town to pay for half of the cost for the trash bin, $40 per month.

Motion by Bob Jeter, second by Brent Foster Council approves to pay $40 per month for a trash bin to be placed at the Little League Fields holding the Little League responsible for removing the trash. 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

Closed Session:

- Discussion of a Personnel Matter within Public Works Department and Administrative Staff – Justification 2.2-3711 (A)(1), as Amended

Motion by Julie Sturgill, 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 Personnel Matter within Public Works Department and Administrative Staff. 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 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	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 Julie Sturgill, second by P.J. Wolfe Council accepts the Memorandum of Understanding for consulting services and authorizes the Mayor to sign documents. 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 P.J. Wolfe, second by Shannon Donnelly Council adjourns this meeting at 8:44 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

_____Clerk
Felicia Eller, CMC