Virginia: **At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, April 10, 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; David Haynes, Fire/EMS Chief; Stephen Fields; Special Events and Recreation, Chris Johnson, Foreman Building, Grounds, and Streets; and Tyler Keen, Assistant Public Works Director**

Mayor Heninger called the meeting to order Reverand Bob Biermann, Trinity Chapel, gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by P.J. Wolfe, second by Shannon Donnelly Council approves the regular March 13, 2025, Council meeting minutes 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

Special Presentation:

Mr. Eddie Shelton, Safety Specialist with Virginia Risk Sharing Association, appeared before Council to discuss the partnership the Town has with Virginia Risk Sharing Association to provide a safe work environment. Every year Virginia Risk Sharing Association offers a Risk Management Grant that provides two thousand dollars to Localities to purchase safety equipment the Locality may need. The Public Works, Water Department, and Wastewater Department receives weekly Toolbox Talks, that includes topics of safety.

Approximately two months ago Virginia Risk Sharing Association made a safety video with the Chilhowie Fire Department. The Chilhowie Fire Department worked with Virginia Risk Sharing Association to mitigate risk in the workplace and to protect the health and safety of their employees. Over the past few years, the Fire Department has implemented several initiatives to protect their Firefighters. The Fire Department purchased a Solo Rescue Cleaner for their Self-Contained Breathing Apparatus equipment. The Solo Rescue Cleaner not only decontaminates more effectively, but it also eliminates the extra exposure faced when cleaning the equipment by hand. The Virginia Risk Sharing Association released the video throughout the entire Commonwealth.

In October 2024 the Public Works Department and Wastewater Department participated in a 5-hour training session. This training session covered multiple Occupational Safety and Health Administration requirements that an employee may be exposed to. In December 2024 the Virginia Risk Sharing Association conducted a fork-lift training that included hands on and educational training. Three employees, two Public Works and one Building and Grounds, attended an Occupational Safety and Health Administration 10 certification class, gaining national recognized certificate course. The Virginia Risk Sharing Association is currently working with the Town to bring a regional Occupational Safety and Health Administration 10 course to Chilhowie. Mr. Shelton thanked Council for their support in a safer and healthier place for their employees.

Old Business:

- Update on Removal or Repair of Identifies Unsafe (Burned Out) Structures – Under the Virginia Property Maintenance Code, a Notice of Unsafe Structure for the property located at 1404 West Lee Highway, 232 Overlook Drive, and 307 West Lee Highway was posted, and the Notice of Unsafe Structure and the Right of Appeal was Certified Mailed to the property owners. The house at 307 West Lee Highway was demolished in the Fall of 2024 and the house at 1404 West Lee Highway was recently demolished. The owner of 232 Overlook Drive sold the property. The new owners have demolished the burned-out structure with the intent of building a house. The Town is working with Mr. Paul Cassell, Town Attorney, to place a lein on 1404 West Lee Highway and 307 West Lee Highway properties for demolition work completed by the Town.

  A notice of Unsafe Structure and the Right of Appeal was mailed to 1487 Old Stage Road in February 2025, but the letter was returned. Another notice of Unsafe Structure and the Right of Appeal was mailed to a new address on March 31, 2025. The Unsafe Structure Notice gives the property owner thirty days to begin cleaning the property up before the Town takes action.

  Mr. Haynes, Building Official, is working with the property owner at 201 Popular Avenue. The property owner keeps the yard mowed, and trash or clutter is not present. At this time the Town does not have legal standing to send a Notice of Unsafe Structure and the Right of Appeal to the property owner.

- Update on Sewer Infiltration and Inflow Project and Approval of Pay Request Number 10 - The Infiltration and Inflow Project came in under the anticipated budget. Town staff is working with Hurt and Proffitt to identify additional areas within the Town to utilize the remaining funds to further improve the sewer collection system. Change Order Number Two will reline a section of sewer line behind H&R Block that goes under the river to the Sewer Plant. Change Order Number Two will also consist of the rehab of two-man holes; one on Lyons Gap Road and one in Seven Mile Ford. Mr. Martin respectfully requested Council to approve Pay Request Number Ten in the amount of $60,471.54

Motion by Brent Foster, second by Bob Jeter Council approves Pay Request Number Ten in the amount of $60,471.54. 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 now complete with repairs related to the Town's water system. All the debris at the Shop has been removed and the fence at Widner and Reid's Pump Station has been replaced. Chief Haynes, Fire and EMS Chief, is continuing to work with a vendor for the door and related fire prop system at the Fire Training Center.

  The biggest and most extensive repair to the Town's infrastructure is still not complete, but things are moving forward. The design of the replacement crossing for the three Arial has been completed. The Arial Crossing designs have been submitted to the Federal Emergency Management Agency for review and approval. Mr. Martin has signed the Joint Permit Application and submitted to the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and other pertinent Federal and State regulatory agencies. The review process can take between sixty and ninety days and once approved the Town can advertise for bids.

  Mrs. Eller provided information on the reimbursement status with the Federal Emergency Management Agency. Mrs. Diane Thompson, Federal Emergency Management Agency, is working diligently to provide reimbursement to the Virginia Department of Emergency Management for the Town to draw down. Mrs. Eller discussed the amount of money the Town has expended in Hurricane Helene repairs thus far.

- General Board of Appeals Vacancy Nomination Mr. Nick Deskins - The General Board of Appeals has a vacancy due to a Board Member relocating outside the Town limits. The General Board of Appeals serves as a Board for Citizens if the Planning Commission has denied a Zoning Application, or a request for a variance is made. Mr. Nick Deskins expressed interest in serving on the General Board of Appeals.

Motion by Julie Sturgill, second by Brent Foster Council accepts the nomination of Mr. Nick Deskins to serve an unexpired term for the General Board of Appeals. 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

- Board of Zoning Appeals Vacancy - The Board of Zoning Appeals currently has a vacancy due to a Board Member relocating outside the Town limits. The Board of Zoning Appeals addresses things such as variance requests. Mr. Paul Cassell, Town Attorney, stated a Council member cannot serve on the Board of Zoning Appeals. Mrs. Eller sought recommendations from Council for suggestions as to who would want to serve on the Board of Zoning Appeals.

New Business:

- Memorialize Cost of Debris Removal at Public Works Location –Due to Hurricane Helene the Shop accumulated a significant amount of debris. The Town worked with Federal Emergency Management Agency to hire an approved vendor to mulch the debris. The Shop accumulated brush for the past fifteen years due to not being able to burn it. Advanced Land Management and Tree Removal were able to mulch the fifteen-year pile. The quote for the work came in at $17,000, but once work was started it took an additional ten hours to complete the work. The final total for the mulching came in at $20,873.17. The Shop has implemented utilizing the chipper or burn debris once per week to prevent another massive pile up.

Motion by P.J. Wolfe, second by Brent Foster Council ratifies the Cost of Debris Removal at the Public Works Location in the amount of $20,873.127. 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

- Presentations of Annual Drinking Water Quality Report – The Virginia Department of Health requires an Annual Drinking Water Quality Report. The Annual Drinking Water Quality Report informs citizens of the drinking water quality. The 2024 Annual Drinking Water Quality Report has been posted to the Town's website and a notice has been posted on customers' water bills. Also, a copy of the Annual Drinking Water Quality Report can be picked up at the Town Hall.

- United Way Impact Awards and Dinner – The Town of Chilhowie won the 2024 Impact Award for their contribution to the Celebrity Bagging Event. The United Way Impact Awards and Dinner will be held on Wednesday, April 30, 2025, from 5 p.m. to 8 p.m. at the Southwest Virginia Higher Education Center.

- Household Hazardous Waste Collection - The Household Hazardous Waste Collection Day is scheduled for Saturday, April 19, 2025, from 8 a.m. to 1 p.m. at the Smyth County Career

and Technology Center. Each locality contributes to the event. It is an excellent service to the community and the Town is promoting it as much as possible.

- Proposal of Payoff of Sidewalk Line of Credit – The Town worked with the Bank of Marion to receive a Line of Credit for the Sidewalk Project. The Town exhausted the Line of Credit in May 2023 for the project. Interest only was paid from May 2023 to October 2023. October 2023 to June 2024 the Town began paying $5,000 each month applying the extra to the principal. The Fiscal Year 2024-2025 Budget allowed the Town paid $2,500 each month, applying the extra to the principal. The Pre-Auditor alerted Mrs. Eller that a Locality is not to carry a Line of Credit from one fiscal year to the next.

  Mr. Martin and Mrs. Eller have worked with the Bank of Marion to seek other options. The Sidewalk Line of Credit could be converted to a two-year loan with the monthly payment estimated at $4,738.09 or a forty-month loan with the monthly payment estimated at $3,000. Council requested Mr. Martin and Mrs. Eller to gather more information from the Bank of Marion and present at the May Council meeting.

- Paving of Aker Avenue – The paving project of Aker Avenue has been carried over from the Fiscal Year 2023-2024 Budget to the Fiscal Year 2024-2025 Budget. The project is currently in the Budget in the amount of $60,000. Mr. Martin is respectfully requesting to advertise for Bid for the paving of Aker Avenue.

Motion by Brent Foster, second by Shannon Donnelly Council authorizes the Town Manager to move forward with project and advertise for bids. 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

- Proposal of Window Replacement at H.L. Bonham House – The Smyth County Chamber of Commerce has a Lease Agreement with the Town of Chilhowie. The Lease Agreement states the Town is responsible for the exterior and grounds of the H.L. Bonham House. The Smyth County Chamber of Commerce is responsible for the interior maintenance and improvements of the H.L. Bonham House. The Smyth County Chamber of Commerce has extended an offer to purchase new windows for H.L. Bonham House at the expense of the Chamber of Commerce. Council requested Mr. Martin to converse with the Bonham Family to ensure they are in agreeance with the Smyth County Chamber of Commerce purchasing the windows.

Motion by Brent Foster, second by P.J. Wolfe Council approves the Smyth County Chamber of Commerce to purchase windows with the subject of approval of the Town Manager prior to work being conducted and held to the historic integrity. 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

- Fair Housing Month Proclamation – Mr. Dustin Keith and Ms. Kerri Hope, Southwest Virginia Association of Realtors, appeared before Council to request consideration of Fair Housing Month Proclamation. Southwest Virginia Association of Realtors serves Smyth, Russell, and Washington County with over 470 realtor members. The National Association of Realtors believes in free and open marketplaces for buyers, sellers, and realtors can engage in housing transactions without artificial barriers or constraints. Each April realtors recognize Fair Housing month to commemorate the passage of the Fair Housing Act of 1968. The Fair Housing Act honors the principal that in the United States of America no one should be denied housing because of who they are. The Southwest Virginia Association Realtors humbly requests the Town to consider the Fair Housing Proclamation declaring April 2025 as Fair Housing month.

Mrs. Eller presented the following:

FAIR HOUSING MONTH PROCLAMATION

WHEREAS, The Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and

WHEREAS, The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; and

WHEREAS, Smyth County is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

WHEREAS, Our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; and

WHEREAS, More than fifty years after the passage of the Fair Housing Act, discrimination persists, and many communities remain

segregated; and

WHEREAS, Acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness.

NOW THEREFORE BE IT RESOLVED, that the Town of Chilhowie of Smyth County does hereby declare the month of April 2025 as Fair Housing Month

In Smyth County as an inclusive community committed to fair housing, and to promoting appropriate activities by private and public entities to provide and advocate for equal housing opportunities for all residents and prospective residents of Smyth County.

Dated this 10th day of April, 2025

_____
Mayor

Attest: _____

Motion by Shannon Donnelly, second by Julie Sturgill Council adopts the Fair Housing Month Proclamation 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

- Senator Mark Warner Visit to Smyth County – Senator Mark Warner and his staff will be visiting in Marion on Tuesday, April 15, 2025, from 11:30 a.m. to 12:30 p.m. to meet with citizens and community leaders. The meeting will take place at the Lincoln Theater in Marion.

- Scheduling of FY 2025-2026 Budget Workshop – The proposed Fiscal Year 2025-2026 Budget is balanced and will be submitted to Council. The Budget Workshop was scheduled for Tuesday, April 24, 2025, at 6:00 p.m.

Department Reports:

Mr. Martin, Town Manager, and Mayor Heninger met with the Virginia Department of Transportation to discuss projects within the Town. The Bridge Division is studying feasible options to address the pedestrian safety issues under the Interstate bridge at Exit 35. The replacement of the drain tile on Whitetop Road across from McDonalds is slated to be repaired before July 1, 2025. Virginia Department of Transportation stated the upcoming bridge replacement project on Interstate 81near mile marker 34 is slated to begin in the Spring 2027 with

construction timeline estimated at 30 months. Mr. Martin expressed his concern about response times and travel for First Responders.

Mr. Martin, Mr. Clear, Mrs. Eller, and Mrs. Sturgill attended the Mount Rogers Planning District Commission Annual Meeting on April 3, 2025. The Town expressed their appreciation to Mount Rogers Planning District for their assistance to the Town through Mount Rogers Water/Wastewater Fund. The Town is working with Hurt and Proffitt and the Virginia Department of Environmental Quality to renew the operating permit under the Virginia Pollutant Discharge Elimination System.

The Town hosted nine students on Youth Government Day. The students were introduced to the processes that make the Town operate. The students reviewed the Town Code, toured the Administrative Offices, Chilhowie Police Department, Chilhowie Fire/EMS Department, Public Works, and the Wastewater Treatment Plant.

Mrs. Felica Eller, Clerk/Treasurer, discussed account balances with Council.

Mr. Andrew Moss, Police Chief, reported the Police Department is included with the Virginia Risk Sharing Association training. Virginia Risk Sharing Association provides the Police Department with weekly safety training for the Department to conduct. Chief Moss has requested to be included in the meetings with Valley Health Care and Mount Rogers concerning ECO and TDO events.

Chief Moss reported on the Highway Safety Initiative Quarterly Report. During the past quarter the Town has enforced speed on Interstate 81 at Exit 35. The highest speed during this quarter was 101 miles per hour and the lowest was 82.

Master Police Officer, Gage Prater, was awarded Officer of the year. Chief Moss presented the following:

It is with great pride and appreciation that I formally nominate Master Polcie Officer (MPO) Gage Prater for the 2024 VFW Officer of the Year Award. Master Police Officer Prater's exceptional dedication, investigative initiative, and commitment to the citizens of Chilhowie exemplify the highest standards of law enforcement.

This nomination stems from an incident in which Master Police Officer Prater went above and beyond the call of duty to resolve a recurring issue a local citizen was experiencing with illegal dumping on their property. While many officers would have simply taken the report and scheduled extra patrols, Master Police Officer Prater took a more proactive approach.

Determined to identify the individual responsible, Master Police Officer Prater examined the discarded trash, ultimately finding an address within the refuse. He visited the listed residence and spoke with the homeowner, who was unaware of any connection to the dumping. However, the homeowner, in an effort to cooperate, held a family meeting to investigate further. During the meeting, the homeowner's daughter's boyfriend confessed to being responsible. The young man

admitted he had offered to dispose of the family's trash but instead discarded it unlawfully on his way home.

Rather than taking a purely punitive route, Master Police Officer Prater helped facilitate a meaningful resolution. The young man took accountability for his actions, and the property owner, satisfied with the admission and the subsequent cleanup, chose not to press charges. This outcome turned a frustrating situation for the victim into a teachable moment for the young man, demonstrating Master Police Officer Prater's ability to exercise both sound judgement and compassion. This incident truly reflects the core values of community policing, building trust, promoting accountability, and fostering problem-solving partnerships with citizens.

Beyond this exemplary incident, Master Police Officer Prater's dedication to the community extends even further. In 2024 he took a UAV training course and studied for and passed the test to become a FAA-certified UAS pilot and has utilized the department's UAV to assist not only Chilhowie but surrounding communities as well. His UAV missions have included locating fugitives, finding missing children, and conducting aerial damage assessments after Hurricane Helene.

Additionally, Master Police Officer Prater's skill and initiative have earned him recognition from Smyth County Commonwealth's Attorney for his assistance in locating an individual who fled from Marion Police units. His swift and effective response demonstrated both his technical proficiency and his unwavering commitment to public safety.

Master Police Officer Prater's consistent professionalism, innovative problem-solving, and dedication to the mission of the Chilhowie Police Department – "Through growing our community partnerships, we realize mutually beneficial goals which improve the quality of life for all those who live, work, and visit the Town of Chilhowie" – make him a truly deserving recipient of the 2024 VFW Officer of the Year Award.

Tyler Keen, Assistant Public Works Director, reviewed highlights from the past month. The Public Works Department marked fifty Miss Utilities, repaired ten water leaks, replaced four meters on the requested list and unstopped one sewer line. The Public Works Department had three employees obtain their Occupational Safety Health Association 10 Certification. Mr. Keen is working with Mr. Shelton, Virginia Risk Sharing Association, to correct any hazardous workspace within the department. The Public Works Department assisted the Fire Department on a fire call in Saltville. Mr. Keen had several employees out with the flu at once, so he took that time to clean the Park from Hurricane Helene.

Chris Johnson, Foreman Building, Grounds, and Streets, thanked Mr. Keen for taking care of the Park while he was out with the flu. The Building and Grounds Department conducted work on the H.L. Bonham house. A tree was removed from the grounds of the H.L. Bonham House to allow the Smyth County Chamber of Commerce to install a new sign. The drainage system at the Little League field needs to be cleaned out to help with the drainage that runs onto the fields.

Motion by Brent Foster, second by Bill Clear Council authorizes Building and Grounds Superintendent to clean out the drainage line at the Chilhowie Little League Fields. 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

Stephen Fields, Special Events and Recreation Coordinator, the Splash Pad needs to be repainted prior to the opening of the season. The Eater Egg hunt will be held on Saturday, April 12, 2025, at 11 a.m. in the Town Park.

Closed Session:

- Discussion Delinquent Business License and Consultation with Legal Counsel – Justification 2.2-3711 (A)(8), and Discussion of Public Contract – Justification 2.2-3711(A) (6), as Amended

Motion by Brent Foster, second by Julie Sturgill and unanimously passed Council hereby enters into Closed Session under Section 2.2-3711(A)(8) and Section 2.2-3711(A)(6) of the Code of Virginia as amended, to discuss Personnel Matter within Public Works Department and Discussion of Public Contract. 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)(8) and Section 2.2-3711(A)(6) 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 Brent Foster, second by P.J. Wolfe Council authorizes the Town Manager to convey Council request to amend the Apple Festival Master 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

Any Other Council Business:

A discussion ensued on the two lots behind the First Church of God and how to bring more restaurants to Chilhowie.

Motion by Brent Foster, second by Julie Sturgill Council continues this meeting until April 24, 2025, at 6:00 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