

Virginia: At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, July 12, 2018 at 7:00 p.m.

Present: Honorable Gary L. Heninger, Mayor Presiding; Councilors Donna S. Blevins, Billy L. Clear, Alan W. Counts, Charles E. Doane, Emily B. Dungan and F. Brent Foster.

Absent: None.

Also Present: Mr. John E. B. Clark, Jr., Town Manager; Mrs. Marlene Henderson, Clerk/Treasurer, MMC; Messrs. Trent Crewe, Town Attorney; Stephen Price, Police Chief; Jay Keen, Public Works Director; David Haynes, Fire Chief and Randy Sturgill, Building Official.

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

Approval of Minutes:

Motion by Brent Foster, second by Alan Counts Council adopts the regular June 14, 2018 and continued June 28, 2018 meeting minutes as written. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

Citizens Time:

Lynn Pease, Chairman of the Planning Commission, appeared before Council to give an update on the revision of the Comprehensive Plan. The Planning Commission and a representative of Mount Rogers Planning District Commission will meet August 2, 2018 at 5 p.m. for a final review. The Comprehensive Plan will be presented to Council for review during the August 9, 2018 meeting.

There is one more event for the summer children's program at the Library scheduled for Thursday, July 19, 2018. The programs have been successful with a lot of attendance.

Cathy Smith, 149 Crestwood Drive, appeared before Council to express her disappointment in the Town Council as well as the Smyth County Board of Supervisors for approving the amending of the deed to allow a Farmer's Market structure. She stated that Warrior Park is the only green space owned by the Town. The cost of the structure of \$232,000 and the land valued at \$300,000 combined is half a million dollars and the plan is ill conceived or not put together well as it could be. Mrs. Smith inquired as to how much the matching money is and the expense of maintaining the structure and security. It will be a financial burden to the Town. Will it be an attractive structure or a horse shed? Ms. Smith expressed concerns with digging into the bank at Warrior Park and developing Environmental Protection Agency issues. There are a lot of considerations that were not thought of during the planning.

Gwen Beattie, 525 West Lee Highway, appeared before Council to oppose the Farmer’s Market structure. There are concerns of the perception of the free grant money and when in fact no grant money is entirely free. There is no accounting for ongoing maintenance or utility cost within the information provided or the in-kind donations the Town will make in labor and the land. Ms. Beattie’s main concern is finances and she briefly discussed the estimated cost of the structure versus grant funding. As currently planned the Town could owe \$132,000 and Ms. Beattie would like to know where the money would come from. The Council members were reminded that they are elected representatives of the people and make decisions on behalf of the citizens of Chilhowie.

Reorganization of Town Officials:

- Election of Vice Mayor –

Motion by Charlie Doane, second by Alan Counts Council reappoints Brent Foster to serve as Vice Mayor. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Abstain

Organizational Appointments:

- Town Manager -

Motion by Brent Foster, second by Donna Blevins Council reappoints John E.B. Clark, Jr. to serve as Town Manager. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

- Town Attorney –

Motion by Charlie Doane, second by Bill Clear Council reappoints Cassell and Crewe to serve as Town Attorney. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

- Clerk/Treasurer –

Motion by Donna Blevins, second by Charlie Doane Council reappoints Marlene Henderson to serve as Clerk/Treasurer. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

- Chief of Police –

Motion by Alan Counts, second by Brent Foster Council reappoints Stephen Price to serve as Police Chief. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

Committee Appointments:

The current Committee appointments are as follows:

Finance and Personnel

Alan Counts – Chair
Brent Foster
Donna Blevins

Public Works

Charlie Doane – Chair
Alan Counts
Emily Dungan

Fire and Police

Brent Foster – Chair
Charlie Doane
Bill Clear

Wellness and Parks

Bill Clear – Chair
Donna Blevins
Emily Dungan

Motion by Charlie Doane, second by Donna Blevins Council appoints all Committee members to remain the same. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

Old Business:

- Update on Downtown Revitalization Project Including Demolition Portion, Streetscape Portion and Façade Portion – D.H. Griffin completed the environmental phase of the Old Superior Mills Demolition Project and removed 642 gallons of non-regulated liquids of oil and water, light bulbs and light ballasts. D.H. Griffin project manager indicated that the building will be substantially torn down by the end of July 2018.

Boring Contractors of Abingdon was the low bidder for the Streetscape portion of the project and has ordered five decorative street lights that were paid for through grant funding. The street lights will be 150 watt high pressure sodium Wadsworth lights that will be 18 feet tall.

The Façade portion of the project will be bid out on July 29, 2018 with an advertisement in the Bristol Herald Courier. The pre-bid conference will be held on August 8, 2018 and the bid opening will be on August 28, 2018. The Community Development Block Grant has \$140,000 earmarked for this portion.

- Presentation of Pay Request Number 1 on Demolition Project – D.H. Griffin has submitted the first Pay Request for the Demolition of the Old Superior Mills building in the amount of \$32,015.00.

Motion by Charlie Doane, second by Brent Foster Council approves Pay Request Number 1 on Demolition Project in the amount of \$32,015.00. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

- Update on Mill Creek Regional Water Treatment Plant Project and Presentation of Pay Request Number 16 - Bobby Lane, The Lane Group, reported Pay Request Number 16 is in the amount of \$39,034.61. The Pay Request is for work completed in the building and at the site. The Contractor is aware that they are over time for completion by 24 days at this time. The Contractor has been made aware of in writing of defective items. All remaining work is Water Treatment Plant work. The Lane Group recommends payment of Pay Request Number 16. When inquired as to why the Town should pay when the project is behind schedule it was stated the contract documents call for monthly pay requests, but Council does have the right to disagree with the recommendation of the Engineer. The Contractor is making an effort by increasing the workforce on the project but is not making the level of effort The Lane Group would like to see. The Pay Request was submitted by contract and it is for completed work only.
- Authorization to Proceed with Advertising Recreation Coordinator – A job description for a part time Events Coordinator/Recreation Director has been put together. The job description as budgeted in the 2018-2019 Budget and will be advertised once approved by Council. Once a candidate pool is created the Parks and Recreation Committee will be consulted.

Motion by Brent Foster, second by Bill Clear Council approves the advertising of a part time Event Coordinator/Recreation Director position. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

- Report on Board of Supervisors Meeting on Farmer’s Market Building – The Mayor, Vice-Mayor and Town Manager appeared before the Smyth County Board of Supervisors during the regular Board meeting, July 10, 2018. The Smyth County Board of Supervisors was requested to amend the deed to Warrior Park to allow a Farmer’s Market structure. The Smyth County Board of Supervisors approved the request with a four to one vote. The Chilhowie Representative on the Smyth County Board of Supervisors, Curtis Rhea, voted against the amendment of the deed.

New Business:

- Resolution to Appropriate Funds for Fiscal Year 2018-2019 – Marlene Henderson 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 May 10, 2018 for presentation and citizen comment on the proposed fiscal year 2018-2019 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 2018-2019 Town Budget on June 14, 2018;

NOW, THEREFORE BE IT RESOLVED that 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 2018-2019 Town Budget be appropriated on an as needed basis for the 2018-2019 fiscal year beginning July 1, 2018.

RESOLVED, this 12th day of July 2018 by vote of the Chilhowie Town Council.

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

Record of vote:

Aye: 6

Nay: 0

Absent: 0

Acknowledged and signed:

Gary L. Heninger, Mayor

Marlene L. Henderson, Clerk

Motion by Brent Foster, second by Donna Blevins Council adopts the Resolution to Appropriate Funds for Fiscal Year 2018-2019. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

- Resolution to Levy Tax Rates for 2018-2019 - Marlene Henderson presented the following:

RESOLUTION

**Tax Levy for
Fiscal Year 2018-2019**

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, \$0.30 cents per \$100.00 of assessed valuation. Minimum tax: \$5.00

Upon all machinery and tools within the Town of Chilhowie, Virginia, \$0.30 cents per \$100.00 of assessed valuation. Minimum tax: \$5.00

Upon all mobile homes in the Town of Chilhowie, Virginia, \$0.30 cents per \$100.00 of assessed valuation. Minimum tax: \$5.00

Upon motion of Charlie Doane, second by Alan Counts and passed Council hereby adopts and sets the foregoing tax levy for the fiscal year 2018-2019. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

Record of vote:

Aye: 6

Nay: 0

Absent: 0

Acknowledged and signed:

Gary L. Heninger, Mayor

Marlene L. Henderson, Clerk

- Adoption of All Virginia State Code Changes that Became Effective July 1, 2018 –

Motion by Brent Foster, second by Bill Clear Council adopts all Virginia State Code Changes that became Effective July 1, 2018. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

- Notice of Release of East Lee Highway Sidewalk Project to Bid – The project bid was advertised in the Bristol Herald Courier on July 8, 2018, the pre-bid conference will be held July 18, 2018 at 10:00 a.m. Bid opening is scheduled for August 1, 2018 at 2:00 p.m.

- Notice of Municipal Clerk Certification Training Authorization – Marlene Henderson reported that Felicia Eller, Finance Clerk II – Human Resources, has applied for a scholarship from the Virginia Municipal Clerks Association to assist with the expense of pursuing a Clerk’s certification.
- Notice of New Procedures on Civil War Trail Program – Civil War Trails started in Virginia and has spread to several other states including Maryland and North Carolina. There are several hundred trail sites in Virginia, including one in Marion and three in Saltville. In order to keep the program viable a \$200 fee per sign is being initiated throughout the state. The Town of Chilhowie paid the \$200 fee. In return for the fee the program will market the locality and replace signage every five years.

Department Reports:

The evaluation for Town Manager, John E.B. Clark, Jr. is due. A blank evaluation form was provided to Council. Once completed Council will submit their evaluation to Marlene Henderson, Clerk/Treasurer to compile the data.

Building Inspector, Randy Sturgill, reported the renovations to the motel are moving along great.

Any Other Council Business:

Councilman Clear requested to sell the outdated and unusable recreation football helmets. The face mask and chin straps will be removed prior to being sold.

Motion by Bill Clear, second by Brent Foster Council approves the selling of outdated and unusable recreation football helmets. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

Closed Session:

- Frizzell Construction Response to Owner Intend to Defective Work/Time Overage, Justification Section 2.2-3711(A)(7) of the Code of Virginia, as amended

Upon motion of Brent Foster, second by Alan Counts and unanimously passed Council hereby enters into Closed Session for Frizzell Construction Response to Owner Intend to Defective Work/Time Overage, Justification Section 2.2-3711(A)(7) of the Code of Virginia, as amended. The motion was approved with following recorded vote:

Upon motion of Brent Foster, second by Donna Blevins and unanimously passed Council hereby enters into Open Session. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	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)(7) 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 certifies 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:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

Motion by Brent Foster, second by Donna Blevins Council approves Pay Request Number 16 in the amount of \$39,034.61 for the Mill Creek Regional Water Treatment Plant Project. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

Motion by Alan Counts, second by Brent Foster Council adjourns this meeting at 8:48 p.m. The motion was approved with the following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Charlie Doane	Aye
Emily Dungan	Aye	Brent Foster	Aye

Gary L. Heninger

Mayor

Marlene L. Henderson, MMC

Clerk