



## **TOWN OF CHILHOWIE**

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**Police Chief:** Stephen W. Price  
**Director – Public Works:** Jay Keen  
**Fire Chief:** C. David Haynes

### **TOWN MANAGER'S REPORT TO MAYOR AND TOWN COUNCIL October 8, 2015**

#### Board of Zoning Appeals (BZA) Decision on Proposed Heath Brothers Trailers on West Lee Highway

The BZA met on September 30 on the Heath Brothers Trailer issue on West Lee Highway. As you recall the permit for the trailers was signed by the previous Town Manager. The Powell's, an adjoining property owner, appealed to have the permit over turned by the BZA. The BZA overturned the issuance of the permit finding in the Powells favor. The Heaths then appealed that decision to the Smyth County Circuit Court. The court then ruled on the case and basically sent it back to the BZA with instructions to rule on specific tenants.

The BZA had the public hearing on the issue on August 19. The public spoke on the issue and both attorneys made their presentations. The BZA set a September 16 deadline to for written submissions by attorneys for both sides.

At the BZA meeting on September 30 the BZA was directed by Attorney Paul Cassell to rule on points set down by the Circuit Court. These included "was the use of the property in violation of the now existing zoning regulations?", "was the use of the property lawful at the time of the enactment of the zoning regulations?" The BZA was also tasked to "take into account that a mere factual cessation of use, without more (that is, absent an intent to abandon), will not constitute a legal abandonment (discontinuance) of the nonconforming use". Additionally, the Board was directed to determine "if Mr. Heath removed a valid nonconforming manufactured home from a mobile home park and replaced the home with a comparable manufacture home that meets the current HUD manufactured housing code.

After the Board came to a consensus on those four points above then a vote was taken. The BZA voted 4 -1 to overturn the previous decision of the BZA and issue the permit to the Heaths. This three year process seems now to have come to an end. I know their decision was a difficult one. Special thanks to them for shouldering this responsibility and for the efforts of Chairman Lynn Pease and Attorney Paul Cassell for "scoping" the voluminous amount of evidence and testimony, and the reams of evidence, into concise points for the BZA to make their decision.

#### Restart of Mill Creek Regional Water Treatment Plant

As we have reported over the months, our long journey of providing water to our citizens and customers after the failure of the Mill Creek Regional Water Treatment Plant (WTP) on or about March 4 appears to be over.

As I reported in last month's Town Manager's Report, the final set of Koch canisters was put in on August 31. The Koch representatives arrived at the WTP late on March 14 and worked with the Washington County Service Authority (WCSA) and Town personnel on the 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> in recalibrating the plant electronics, servicing new and old valves, etc. etc. Most importantly, they worked with our personnel setting turbidity detection devices at the springs and plant to detect turbidities at designated levels so as to shut off the plant before turbidity reaches the plant, as happened in

March that clogged the filters at the WTP. Now if the plant is shut off we can more easily access water from the WCSA because of the interconnection completed using Mount Rogers PDC money and Town and WCSA forces.

The WTP began producing water during the week days beginning on September 18 when WCSA and the Town had personnel on the site as a precaution for the test run. The plant ran with no major incidents on the 18<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup>. On September 24 the plant was let loose and ran on a 24 hour, seven day a week basis.

#### Proposed Health Department Loan on Proposed Interconnect with WCSA along Lee Highway

As I have reported the last several months the Town received an offer from the Health Department of \$291,000 at 1.8% to 2.6% at 20 years for a line along Lee Highway going on Lee Highway into Washington County. You have various documents in your agenda packet including the Health Department's June 30 letter to me with the offer, my July 20 letter requesting an extension for decision, etc.

We had a meeting with the Health Department Personnel on August 18 to discuss this issue. The proposed terms in the June 30 letter were discussed and I asked any possibility of "principal forgiveness" (Health Department language for loan), or even a no interest loan. Unfortunately Dale Kitchen of the Health Department, whom I have worked with on water projects in the past, said they could not offer better terms than what was stated. He said that was because there was no eminent health threat involved (although an argument could be made of a need backup interconnection water source as we have obviously experienced the last six months).

After discussing this potential project with Lane Group Personnel, the WCSA and our staff I am going to recommend to Council that we decline the offer for a variety of reasons. First and foremost, when this project was applied for several years ago and before I came in July of 2014, we had not made the interconnect at the Mill Creek Plant using Mt. Rogers PDC money WCSA and Town forces. As we have discussed that project was completed about a month / six weeks ago. With that interconnection the need /importance of the Lee Highway interconnection dropped dramatically.

Additionally, the WCSA was not interested in any cost sharing, and about 80% of this line would have been in Washington County. Both the WCSA and the Lane Group told me that pumping facilities at other locations would have to be installed in addition to proposed new line for it to be an effective interconnect. The Interconnection Study Lane Group is now working on could identify other areas more useful for the use of this money.

The line was slated to go on Lee Highway from around Snap's Trading Post to a point around the intersection of Industrial Park Road on the west side of town. If a large industrial concern that demanded large quantities of water would locate at the old American Furniture Site, and need additional water, we could borrow this money from a commercial bank at about the same rate (or perhaps even get a grant from another source) and meet this contingency.

#### Internal Advertisement for Police Lieutenant and External Advertisement for Police Officer

You have in your agenda packet copies of advertisements for two positions as a result of Assistant Chief Rick Romans retirement on November 1. The Police Officer I position was advertised externally in the Bristol Herald Courier three times and with the Virginia Employment Commission. Its deadline is October 5.

The second advertisement is being done internally. It is being done for Police Lieutenant. That job description is attached along with the notice. The job description was formulated in conjunction with the Pay and Classification Plan adopted by Council in December of 2014. Its deadline is October 9.

As Chief Steve Price discussed last week, he felt it more appropriate to hire a Police Lieutenant at Grade 17 than a more experienced Assistant Police Chief at Grade 18. As an aside, the only other position the Town has classified at Grade 17

is the Water and / or Wastewater Coordinator (held by Bill Rutledge). Grade 18 has the Assistant Police Chief, Assistant Fire Chief (held by Josh Davidson), and Assistant Director of Public Works (held by Billy Joe Testerman).

We will strive to get the open Police Officer position and promotional opportunity position filled as seamlessly as possible and have both occupied by Assistant Chief Romans' retirement on November 1. We will report on the process at the October Council meeting and the end results at the November Council meeting.

### Proposed Updates on Personnel Policy

You have in your agenda packet a copy of the new proposed personnel policy. The Personnel and Finance Committee met on September 29 to review the draft. Clerk / Treasurer Marlene Henderson and I met on the proposed policy numerous times during the month of September. The old policy was archaic and needed updating. We found sections that were not applicable to current standards and addressed them using resources at hand locally and from the Virginia Municipal League (VML).

We made minor changes to the proposed personnel policy so it and language of the adopted pay and classification plan agreed with each other (even though there was no pay and classification plan until Council adopted one in December, 2014). The old policy had several elements, though important, that did not belong in the personnel policy like a fleet maintenance policy, for example. An updated sexual harassment policy was included from the VML, as was an update Workers Compensation Policy. Superfluous language was eliminated, particularly as an introduction to the grievance procedure and several other sections.

Sick and annual leave accumulation was quantified. The Town's transfer of sick leave to an employee who is out of / has not accumulated enough was retained but limited to know more than once every two years. A provision was put in to pay employees / dependents up to 25% of sick leave at a cap of \$3,000 were inserted. This system, or similar type, is used by the Commonwealth for employees, several surrounding towns and the School Board. I believe this new proposed measure helps both the employee and the Town by encouraging the employee to retain his sick time. We also codified the advertising procedure of personnel opening, both externally and internally.

### Proposed E-911 Agreement From Smyth County

You have in your agenda packet an invoice from Smyth County in the amount of \$15,549 from Smyth County for the operation of the E-911 system. The proposed agreement involves all three towns and the county. We have had at least three meetings with the county the past twelve months or so but none since July 8. No preliminary agreement was ever reached between the towns and county by staff members during those meetings to present to their respective governing bodies. As a matter of fact, I thought the issue of towns paying for part of the operation of the E-911 Center died in July when it was acknowledged that the county had budgeted for that expense this fiscal year.

The proposed agreement takes the population of each locality and that percentage is then applied to the stated deficit of operation of the dispatch center at \$280,435, not including the Reverse 911 cost. Initially the county proposed to charge on a formula based on calls of each locality to total cost. That formula had the town paying several thousands of dollars more considering our call totals were just fewer than Marion's and more than Saltville's.

I have changed my thinking on this issue the last several months after hearing from our Police Chief and airing this issue out in the aforementioned meeting and in meetings with staff from other towns. I understand that Smyth County is paying around only \$240,000 for the entire county for fire and emergency medical Services (EMS), including \$46,000 for the Town of Chilhowie. In contrast in fiscal year 2014-15 the Town of Chilhowie spent \$535,427 for fire and EMS services alone, and took in \$435,611 revenue, for a deficit of \$99,816.

In conjunction with those numbers 65.6% of fire and EMA calls were made to Smyth County residents by Town of Chilhowie personnel and equipment in calendar year 2014 (745 alarms out of a total of 1,135) Thus far in calendar year 2015 through August 31 63.2% of fire and EMS calls have been made to Smyth County residents (258 alarms out of a total of 741).

In summation the hard evidence shows the town is running a deficit of around \$100,000 for fire and EMS calls and county calls makes up around 64% of that deficit. The Town of Chilhowie makes no surcharge on calls in the county. Why should we then, on top of that deficit, be asked to make up a deficit in the operation of the county's E-911 dispatch system?

I know that the county has budget issues and we too are county residents and have a stake in that. Additionally, I don't know what the stance of the Town of Marion and Saltville is even though I have met with them on several occasions. We obviously cannot operate our own dispatch system. But, in my opinion if we run a deficit on fire and EMS calls, with the majority of those calls going out of the Town of Chilhowie, then the county can shoulder the deficit in the dispatch office.

#### Second Bids on H.L. Bonham Walking Trail

The bids are due on Walking Trail at 2:00 on October 6 at the Town Hall. The prebid meeting was held on September 22, 2015 at the Town Hall. Four contractors were in attendance, along with Town staff, Jeff Spickard of the Lane Group and three representatives of the Virginia Department of Transportation (VDOT). I had specifically asked for representatives of VDOT to come to the prebid meeting and go over the minority and woman owned business requirements. As I have reported before there is a two percent (2%) bid requirement for those business enterprises that has to be specifically stated in the bids. That is why the low bid was thrown out by VDOT for being noncompliant on August 11.

At this writing the bids have not been received but will be presented to Council for approval at the October 8 meeting.

Respectfully Submitted,

John E. B. Clark, Jr.  
Town Manager