

Virginia: At the special called meeting of the Council of the Town of Chilhowie held at the Municipal Building, August 16, 2018 at 7:00 p.m.

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

Absent: Councilors Donna S. Blevins and Alan W. Counts.

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

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

Approval of Minutes:

Motion by Brent Foster, second by Bill Clear Council adopts the regular July 12, 2018 meeting minutes as written. The motion was approved with following recorded vote:

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

Citizens Time:

Buddy Blevins appeared before Council to support the Farmer's Market structure stating it would be a great asset to the Town. He stated it would be a very regrettable decision not to accept the grant funds. A covered venue is a great asset for the Town not only for Farmer's Market but as well for local artisans such as himself. He stated the structure would be used more than people realize.

Jeff Pease, 752 Skyview Drive, appeared before Council to express his support for the Farmer's Market structure. Mr. Pease stated he has been attending all of the recent Council meetings while the Chilhowie representative on the Smyth County Board of Supervisors has not attended one meeting. He stated a covered structure would be wonderful for the area and would assist patrons of the Farmer's Market by providing a shelter.

Jacob Blevins, 108 Rector Avenue, appeared before Council to propose a No Air brakes or Jake Brakes sign be installed on West Lee Highway. He stated tractor and trailers traveling through the area are notorious for using air brakes or jake brakes as early as 5 am most mornings. He has noticed a lot of speeding within the area as well. Mr. Blevins suggested the Town Police set up radar in the west end of Chilhowie.

Motion by Charlie Doane, second by Brent Foster Council authorizes the Town Manager to write a letter to the Virginia Department of Transportation requesting a No Jake Brake sign be placed on West Lee Highway. The motion was approved with following recorded vote:

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

Lynn Pease, 752 Skyview Drive, appeared before Council to give the Library update. The Library had a great summer with a total of 1,182 people attending the programs with Snakes Alive bringing in the most patrons. The Dino program placed second with attendance numbers and the Dare Devil Dogs placed third. The Library has also received a new sign in front of the building and the books for sale are no longer priced individually, they are now purchased by donation.

Mr. Pease also commented on the Farmer's Market structure stating it is the thing to do. He stated it may not please everyone but it is not a perfect world and the grant funds specify the location of the market. He stated that if the grant funds are not accepted it may be a very long time before the Town is awarded any grant funds. Mr. Pease stated if a community is to grow it has to start some place and it would be foolish not to move forward with the project.

Old Business:

- Presentation of Pay Request Number 2 on Demolition Project – Dennis Amos, Hurt and Proffitt, presented Pay Request Number 2 for D.H. Griffin Wrecking Company in the amount of \$42,092.12. The contractor will finish during the month of September with one additional pay request. Once the demolition work is complete the concrete slab will be removed.

Motion by Brent Foster, second by Bill Clear Council approves Pay Request Number 2 for the amount of \$42,092.12. The motion was approved with following recorded vote:

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

- Presentation of Pay Request Number 8 on Streetscape Project – Dennis Amos, Hurt and Proffitt, reported Pay Request Numbers 1 through 7 was submitted prior for engineering and administration by Mount Rogers. Boring Contractors have started construction beginning at the Recreation Park preparing to bore under the railroad. Pay Request Number 8 is for the amount of \$43,171.90.

The Virginia Department of Transportation is currently working with the contractor to avoid closing Main Street by using a parking lane during construction. The Virginia Department of Transportation suggested using stamped asphalt when paving Main Street. A barrier will also be placed on the end of the storm water drainage pipe to prevent anything from crawling up into the pipe.

Motion by Brent Foster, second by Bill Clear Council approves Pay Request Number 8 for the amount of \$43,171.90. The motion was approved with following recorded vote:

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

- Presentation of Pay Request Number 9 on East Lee Sidewalk Project – Pay Request Number 9 is for engineering provided by Thompson and Litton in the amount of \$1,104.98. These funds are to be paid with Town Funds instead of grant money.

Motion by Brent Foster, second by Bill Clear Council approves Pay Request Number 9 in the amount of \$1,104.98. The motion was approved with following recorded vote:

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

- Approval of Low Bid on East Lee Sidewalk Project and Project Update – The lowest bid submitted was from Boring Contractor in the amount of \$426,865. This has been submitted to the State but has not received approval at this time. The project is expected to begin by the middle of September 2018.

Motion by Bill Clear, second by Brent Foster Council accepts the lowest bid submitted by Boring Contractor in the amount of \$426,865. The motion was approved with following recorded vote:

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

There are expected to be three to four pay requests submitted for this project from \$75,000 to \$150,000 that the Town will have to pay and then request reimbursement from the Virginia Department of Transportation which may take three to six weeks. Atmos Energy is working toward the relocation of the gas lines in the project area.

- Report on Mill Creek Regional Water Treatment Plant Project and Contractor Pay Request – Bobby Lane, The Lane Group, reported one membrane has been in operation for a while and doing well. The contractor has completed the assembly and hook up of the second membrane filter and it has been inspected and approved by the Virginia Department of Health to be used in the filtration of water. The filtration capacity is now at 3.1 million gallons per day. The chlorination system needs to be finished and made operational. Substantial completion should be met during September 2018.

The contractor has completed the break tank, tested it and placed it into service. The contractor is currently working on the programming of the operation of the existing finished water pumps. There is a pay request from the contractor but The Lane Group felt they could not recommend approval for the pay request.

A request to increase the contractor administration by \$35,200 was discussed.

Motion by Brent Foster, second by Bill Clear Council continues the request to increase the contractor administration by \$35,200. The motion was approved with following recorded vote:

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

Change Order Number 7 is in the amount of \$3,482.50 and is needed to enhance the efficiency of the Water Treatment Plant and the contractor is installing at cost.

Motion by Brent Foster, second by Bill Clear Council approves Change Order Number 7 in the amount of \$3,482.50. The motion was approved with following recorded vote:

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

Inspection services provided by The Lane Group at the amount of \$7,837.50 are included in Pay Request Number 18 for a total amount of \$48,443.84. It is not recommended to pay the Pay Request Number 18 to the contractor but it is recommended to pay The Lane Group for inspection services provided.

Motion by Brent Foster, second by Bill Clear Council approves payment to The Lane Group for inspection services provided in the amount of \$7,837.50. The motion was approved with following recorded vote:

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

Change Order Number 8 in the amount of \$8,472.71 for chemical feed equipment and to make chemical handling safer was discussed.

Motion by Brent Foster, second by Charlie Doane Council approves Change Order Number 8 in the amount of \$8,472.71. The motion was approved with following recorded vote:

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

- Report on Rural Development Farmer's Market Grant – The Town received a grant from Rural Development in the amount of \$232,280 and is required to obligate the money before September 30, 2018. A Request for Proposal from architectural/engineering firms will be advertised in the Smyth County News. Once Council accepts an architectural/engineering firm they will have ninety days to design a structure.

Concerning announcing the grant amount of \$232,280 prior to requesting bids, Rural Development requires the money to be public knowledge, but the Town has the right to reject any and all bids.

Motion by Bill Clear, second by Brent Foster Council accepts Rural Development grant funding in the amount of \$232,280 for a Farmer's Market structure. The motion was approved with following recorded vote:

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

New Business:

- Presentation of Comprehensive Plan – The Planning Commission has held ten meetings to review the Comprehensive Plan working closely with Mount Rogers Planning District Commission staff Aaron Sizemore and Rocky Warren. Lynn Pease, Chairman of the Planning Commission reported the Comprehensive Plan is updated every five years and a lot of changes have been made to the Plan to make it easier to use. A Joint Public Hearing with the Planning Commission is required prior to adoption.

Motion by Brent Foster, second by Bill Clear Council will hold a Joint Public Hearing with the Planning Commission regarding the Comprehensive Plan during the regular scheduled meeting September 13, 2018. The motion was approved with following recorded vote:

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

- New Notices of Inoperable Vehicles – Chief Price reported the Police Department has recently found twenty inoperable vehicles within Town that are in violation of the Ordinance. Letters were sent on August 2, 2018 to those in violation giving a deadline of October 1, 2018 to become compliant. Two of the twenty inoperable vehicles in violation are previous offenders.
- Resolution Concerning Temporary Detention Orders – Chilhowie Police Officers has been required to execute transports for mental health issues as far as Williamsburg, Lynchburg and Galax. Once an Emergency Custody Order is issued for mental health issues the officer must stay with the person at the hospital while they are being evaluated and then transport the person to whatever facility is able to accept the person. This matter is a civil process and very expensive as well as an issue for smaller departments.

**RESOLUTION CONCERNING TEMPORARY
DETENTION ORDER (TDO) TRANSPORTATION**

WHEREAS, safe, recovery-oriented transportation is a critical need for individuals involved in the civil commitment process, offering a less traumatizing experience and facilitating more positive outcomes for individuals and their families; and

WHEREAS, historically, within the civil commitment process, law enforcement has provided transportation to inpatient facilities, in addition to providing a constant presence throughout the crisis evaluation process; and

WHEREAS, the current system of law enforcement providing transportation for ECO's and TDO's is an unfunded mandate and results in undue financial and operational challenges to local municipalities and creates additional stress and trauma for the individual and the families of the person being transported by law enforcement; and

WHEREAS, the current system creates a risk to maintaining safe communities by reducing the number of hours in which officers are patrolling their communities due to the TDO/ECO transport duties, and creates an increased risk to those being transported because they are often alone in the back of a patrol car without proper monitoring of physiological and psychological symptoms while in transport, in some cases for up to six hours; and

WHEREAS, In 2009, legislation was passed allowing magistrates to designate someone other than law enforcement to provide transportation under an Emergency Custody Order (ECO) or a Temporary Detention Order (TDO) if this could be accomplished safely, and it's perceived that alternative transportation would have a substantial positive impact on individuals, families, and law enforcement, by allowing law enforcement to focus on their primary responsibilities, and by de-stigmatizing and promoting a more recovery-oriented civil commitment process;

NOW, THEREFORE BE IT RESOLVED, this 16th day of July, 2018, the Town of Chilhowie, VA requests the Virginia Legislature continue to develop, and adequately fund, and alternative transportation system for individuals involved in the civil commitment process, recognizing the demographic and geographical challenges that rural areas in Virginia have concerning travel distances, the effect those challenges have on the emotional and financial impact of the families, and the financial distress incurred by all parties involved; and

BE IT FURTHER RESOLVED that the Virginia Legislature review and grant exemption for the Southwest Virginia Mental Health Institute from the "place of last resort" requirement under current law; recognizing that it is commitment process, and that increasing the capacity at Southwest Virginia Mental Health Institute through increased state and local financial support would ultimately result in cost savings to the overall mental health arena.

SIGNED:

ATTEST:

Gary L. Heninger, Mayor

Marlene L. Henderson, Clerk

Motion by Bill Clear, second by Brent Foster Council adopts the Resolution Concerning Temporary Detention Order (TDO) Transportation. The motion was approved with following recorded vote:

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

- Notice of Interviews with Wellness and Parks Committee on Recreation /Special Events Coordinator – The Wellness and Parks Committee met on Tuesday, August 14, 2018 and interviewed five candidates. The Committee was very pleased with those who interviewed and each had good suggestions. The Committee voted and unanimously selected Ron Cahill who is a retired teacher and coach. Mr. Cahill starts on Monday, August 27, 2018.

Department Reports:

Mr. Clark reported Speyside Bourbon Cooperage, Inc. is opening a manufacturing site in Smyth County. A celebration is scheduled for Friday, August 17, 2018 at 1 pm.

A letter was received from Charles Michael Williams, Executive Director of Mountain Community Action Program, Inc. concerning the lease agreement for the Head Start building located at the Town’s Recreation field. The regional office of Head Start informed Mountain Cap that they would not be in negotiations to continue the Head Start Program for Smyth, Wythe and Bland counties. On December 1, 2018 the Interim Grantee will be responsible for Head Start. It can only be assumed that the Interim Grantee will want to continue to use the current facilities.

Mrs. Henderson reported Felicia Eller received a scholarship in the amount of \$525 from the Virginia Municipal Clerks Association to attend the Virginia Municipal Clerk’s Institute for training. The training is scheduled for October 9, 2018 through October 12, 2018 at the Sheraton Oceanfront Hotel in Virginia Beach.

Fire Chief David Haynes reported the ambulance ordered is almost complete and is expected to be in service by Apple Festival.

Police Chief Stephen Price reported Officer Reedy has completed his sixth week in the Academy and doing well. The Police Department has received a DMV Grant for 450 overtime hours for DUI enforcement.

Motion by Charlie Doane, second by Brent Foster Council adjourns this meeting at 8:11 p.m.
The motion was approved with the following recorded vote:

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

Gary L. Heninger

Mayor

Marlene L. Henderson, MMC

Clerk