

Virginia: At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, September 13, 2018 at 7:00 p.m.

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

Absent: Councilor Charlie Doane.

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

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

Approval of Minutes:

Motion by Donna Blevins, second by Brent Foster Council adopts the regular August 9, 2018 and Special Called August 16, 2018 meeting minutes as written. The motion was approved with following recorded vote:

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

Citizens Time:

Jeff Pease, 752 Skyview Drive, appeared before Council to report the Library is showing the movie "E.T." on September 22, 2018 at 6 p.m. Mr. Pease expressed his gratitude for the Town's support for the Library.

Public Hearing:

- Joint Public Hearing with the Chilhowie Planning Commission on New Comprehensive Plan –

Virginia: At the Joint Public Hearing with the Chilhowie Town Council and the Chilhowie Planning Commission held Thursday, September 13, 2018 at 7:00 p.m.

Present: Donna Blevins, Jim Bonham, Josh Lewis and Lynn Pease.

Absent: Jim Paine.

Also Present: Felicia Eller, Secretary.

Marlene Henderson presented to following:

Town of Chilhowie Joint Public Hearing Notice

The Chilhowie Town Council and Chilhowie Planning Commission will be holding a Joint Public Hearing to consider adopting a new Comprehensive Plan for the Town that has been formulated in conjunction with the Mt. Rogers Planning District Commission. The proposed Plan is slated to replace the 2013 document. The Joint Public Hearing will be held on Thursday, September 13, 2018 at the Chilhowie Town Hall at 7:00 p.m. Any Citizen of the Town or other interested citizen is invited to appear and speak thereon. Signed written comments will also be accepted and read aloud. A copy of the proposed Comprehensive Plan is available for review at the Town Hall at 325 East Lee Highway and on-line at www.chillhowie.org.

By Authority of the Mayor and Town Council,
Gary L. Heninger

By Authority of the Chilhowie Planning Commission,
Lynn Pease, Chairman

Smyth County News: Published in the August 29 and September 5, 2018 editions.

Mayor Heninger opened the Public Hearing at 7:04 p.m.

Councilman Brent Foster stated he had reviewed the Comprehensive Plan and found it to be very informative and well written.

Having no further public comment, Mayor Heninger closed the Public Hearing at 7:05 p.m.

Chairman, Lynn Pease reported the Code of Virginia requires the Comprehensive Plan to be revised every five years with the last revision being in 2013. The Planning Commission has been working with Aaron Sizemore and Rocky Warren of Mount Rogers Planning District Commission for almost a year reviewing and editing each section of the Comprehensive Plan.

Planning Commission Action:

Motion by Jim Bonham, second by Josh Lewis the Planning Commission accepts the Comprehensive Plan as written and recommends the Comprehensive Plan to Town Council for adoption. The motion was approved with following recorded vote:

Donna Blevins	Aye	Jim Bonham	Aye
Josh Lewis	Aye	Jim Paine	Absent
Lynn Pease	Aye		

Having no further business, upon motion by Jim Bonham, second by Josh Lewis unanimously passed, the Planning Commission adjourned the meeting at 7:09 p.m.

Old Business:

- Planning Commission Recommendation to Council on Adoption of Comprehensive Plan-

Motion by Donna Blevins, second by Brent Foster Council adopts the 2018 Comprehensive Plan as presented. The motion was approved with following recorded vote:

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

- Presentation of Pay Request Number 10 on East Lee Sidewalk Project – Pay Request Number 10 is in the amount of \$3,341.02 for Thompson and Litton Engineering services.

Motion by Brent Foster, second by Alan Counts Council approves Pay Request Number 10 in the amount of \$3,341.02 for East Lee Sidewalk Project. The motion was approved with following recorded vote:

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

- Update on East Lee Highway Sidewalk Project – All Bonds has been secured and the Notice of Award has been issued. The Notice to Proceed is September 24, 2018 with 120 days to substantially complete the project. The project has begun by relocating the gas line. A sewer line will also have to be relocated within the project area. The project has been budgeted partially for this year. The Pay Request process is based on a reimbursement system. The Town makes the payment and then is reimbursed by the Virginia Department of Transportation. This process can take up to six weeks for the Town to be reimbursed. A request was made to send a Request for Proposals to the local banks for a line of credit in the amount of \$300,000. The Town will be able to pay the contractor then submit a reimbursement request to the Virginia Department of Transportation; once the reimbursement is received the Town can pay the line of credit.

Motion by Brent Foster, second by Bill Clear Council authorizes the Town Manager to send all local banks a Request for Proposal for a line of credit in the amount of \$300,000. The motion was approved with following recorded vote:

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

- Presentation of Pay Request 3 on Demolition Project – Dennis Amos, Hurt and Proffitt, reported that the Demolition Project has a request for a Change Order. A small building was locked when the property was inspected and while demolition occurred it was found to have asbestos which is an additional \$500 to remove.

Motion by Brent Foster, second by Bill Clear Council accepts Change Order 1 in the amount of \$500. The motion was approved with following recorded vote:

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

Pay Request Number 3 is in the amount of \$123,822.88 which is the full payment owed, including retainage, to D.H. Griffin Wrecking Company. The building is demolished completely. The Building Department submitted a letter to Council stating the contracted work has been completed and approved by the Building Official and the Director of Public Works.

Motion by Brent Foster, second by Donna Blevins Council approves Pay Request Number 3 in the amount of \$123,822.88. The motion was approved with following recorded vote:

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

- Presentation of Pay Request Number 9 on Downtown Revitalization Project – Dennis Amos, Hurt and Proffitt, reported Pay Request Number 9 is in the amount of \$84,818.49 which includes additional storm drainage pipe installation and also the installation of the Railroad bore; that is now complete. The Contractor will begin work on Main Street within two to three weeks. The Virginia Department of Transportation has met with the Contractor to develop a plan of action that will address the traffic flow while work is being performed in the Main Street area.

Motion by Alan Counts, second by Brent Foster Council approves Pay Request Number 9 in the amount of \$84,818.49. The motion was approved with following recorded vote:

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

- Update on No Façade Bids Received on Revitalization Project and Future Course - The project was re-bid and no bids were submitted. The Department of Housing and Community Development requests the project be bid out one more time. A local contractor has stated they will bid on the project if it is bid out again.
- Response from Virginia Department of Transportation on “Jake Braking” – Town Manager, John E.B. Clark, Jr., submitted a letter to the Virginia Department of Transportation concerning the placement of a “No Jake Brake” sign on West Lee Highway. The Virginia Department of Transportation responded by stating engine brakes are legal equipment which truck drivers sometimes find necessary in order to quickly decelerate therefore the installation of a Jake Brake sign on West Lee Highway is prohibited.

- Presentation on Pay Request 19 on Mill Creek Regional Water Treatment Plant Project – Bobby Lane, The Lane Group, reported the Virginia Department of Health inspected and approved the use of the second membrane system. The units are operated in series and the chlorination system should be completed within the next week. The membrane manufacturers are scheduled to begin training operators for the water system August 25, 2018. The Contractor expects to be complete by October 31, 2018. Pay Request 19 is in the amount of \$86,799.18. The Lane Group submitted two invoices for Construction Inspection in the amount of \$5,967.50 and Construction Administration in the amount of \$2,799.00. Frizzell Construction Company revised the Application for Payment Number 17 in the amount of \$78,032.68.

Motion by Brent Foster, second by Alan Counts Council approves Pay Request Number 19 revised amount of \$86,799.18. The motion was approved with following recorded vote:

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

- Presentation on Loan Resolution for Mill Creek Regional Water Treatment Plant – The following Resolution is a standard Loan Resolution from Rural Development that is required for closing documents. The interim financing with the Bank of Marion will mature on September 10, 2018. The Bank of Marion has granted a two week extension to allow the Town to complete all closing documents.

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CHILHOWIE AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING AND/OR EXTENDING ITS WATER FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Chilhowie (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$1,852,000 pursuant to the provisions of Public Finance Act – Code of VA; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an Ordinance or Resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.

2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute and comply with Form RD 400-4, "Assurance Agreement," and Form RD400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to debase the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue

cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for the required audit thereof as required by the Government, to provide the Government copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$1,852,000 under the terms offered by the Government; that the Acting Town Manager and _____ of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas_____

Nays_____

Absent_____

IN WITNESS WHEREOF, the Town Council of the Town of Chilhowie has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this _____, _____ day of _____.

Town of Chilhowie

By:

John Clark

Title: Acting Town Manager

(SEAL)

Attest:

Marlene Henderson

Title: Clerk -Treasurer

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as Marlene Henderson, Clerk-Treasurer of the Town of Chilhowie hereby certify that the Town Council of such Association is composed of _____ members, of whom, _____ constituting a quorum, were present at a meeting thereof duly called and held on the _____ day of _____; and that the foregoing resolution was adopted at such meeting by the vote shown above, I further certify that as of _____, the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been rescinded or amended in any way.

Dated, this _____ day of _____

Marlene Henderson

Title: Clerk-Treasurer

Motion by Donna Blevins, second by Brent Foster Council adopts the Loan Resolution as presented. The motion was approved with following recorded vote:

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

- Staff Recommendation on Additional Engineering on Mill Creek Regional Water Treatment Plant for Amendment 6A – Bobby Lane, The Lane Group, Amendment Number 6 requests additional payment for construction administration and construction

inspection due to the contract has taken twice as long as originally anticipated. Everyone associated with the project has had to spend additional money. The project is now 90 days over contract time with 118 days added to the contract. Liquidated damages are incurring \$580 per day. The Contractor suggested reimbursing the Town for water purchased during construction. The liquidated damages will not cover all additional expenses.

Motion by Brent Foster, second by Alan Counts Council approves Amendment 6A in the amount of \$35,200. The motion was approved with following recorded vote:

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

- Presentation of Mount Rogers Planning District Commission Contract on Administration of Rural Development Farmer’s Market Project – The grant funds awarded for the Farmer’s Market structure is the largest ever allocated for this type of project in the State of Virginia.

Motion by Brent Foster, second by Bill Clear Council approves the Town Manager to sign the Memorandum of Understanding between the Mount Rogers Planning District Commission (PDC) and the Town of Chilhowie (Town) on Council’s behalf. The motion was approved with following recorded vote:

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

New Business:

- Presentation from U.S. Fish and Wildlife and Upper Tennessee River Roundtable on Proposed Park Improvement and Land Owner Agreement – Corey Kanuckel, U.S. Fish and Wildlife, appeared before Council during the March 2018 meeting and presented the Chilhowie Town Park Habitat Restoration Project. The project consists of placing large root wads into the bank of the river for bank restoration and stability, boulder clusters to enhance the fishery and aquatic life, a fishing platform and cutting the edge of the stream bank to allow for more river and/or flood capacity.

Mr. Kanuckel appeared before Council to present the Partners for Fish and Wildlife Program – Landowner Agreement that provides an overview of the project and participant responsibilities. The budget shows a total improvement of \$93,532 with the Town’s in-kind match of \$31,600 by cutting and hauling the material off from excavation of the edge of the stream bank. All permits required have been obtained.

Motion by Donna Blevins, second by Bill Clear Council Authorizes the Mayor to sign the Partners for Fish and Wildlife Program – Lane Owner Agreement. The motion was approved with following recorded vote:

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

- Appointment to the Building General Board of Appeals – A General Board of Appeals member Wayne Trivette’s term is expiring September 30, 2018. Mr. Trivette has been contacted and would like to be reappointed.

Motion by Brent Foster, second by Bill Clear Council reappoints Wayne Trivette to serve on the General Board of Appeals. The motion was approved with following recorded vote:

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

- Notice of Chamber of Commerce Dinner September 18, 2018 – Smyth County Chamber of Commerce annual Town and Country Dinner is scheduled for September 18, 2018 at 6 p.m. at the Chilhowie Land Company’s Airplane Hangar. Council will be contacted on September 17, 2018 as a friendly reminder.
- Request from Police Chief on Rural Health Opioid Consortium – Chief Price attended a meeting with Smyth County Community Hospital. Smyth County Community Hospital has offered to assign a sharps container to every patrol car throughout the County. Once the sharps box is full the officer will take it to the Hospital for disposal.
- Notice of Kentucky Colonel Award to Clerk-Treasurer – Marlene Henderson was nominated and has recently been awarded the Kentucky Colonel Award. There are few people within the State that have received this award. The award is given for an individual’s contribution to his or her community, state or nation.
- Notice from Recreation Director/Special Events Coordinator of Cruise-In at Warrior Park – Felicia Eller reported a Car Cruise In has been scheduled for September 22, 2018 from 5 p.m. to 9 p.m. at Warrior Park. The Apple Festival has a Car Cruise In scheduled for Saturday, September 29, 2018.
- Report from Steering Committee on Additional Services at Mill Creek Water Treatment Plant – The Steering Committee met the previous Tuesday to discuss proposals received on additional work required at the Mill Creek Water Treatment Plant. The Steering Committee is reviewing the finished water pumps and some additional changes to the chlorine and fluoride system. All work would be conducted during the end of the project which is covered by grant funds.

Committee Reports:

- Recommendation from Wellness and Parks Committee on Firm to Provide Architectural and Engineering Services for Farmer’s Market Structure – The Wellness and Parks Committee interviewed two firms for the Farmer’s Market structure. The Committee and staff scored the two firms with Hurt and Proffitt scoring the highest.

Motion by Brent Foster, second by Bill Clear Council authorizes the Town Manager to negotiate a contract with Hurt and Proffitt for the Farmer’s Market structure. The motion was approved with following recorded vote:

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

Department Reports:

John Clark, Town Manager, reported the Virginia Town and City Magazine contained an article giving tribute to Attorney Trent Crewe. Also Paul Cassell is running for Commonwealth Attorney for Wythe County.

Marlene Henderson, Clerk – Treasurer, reported a debt service is due October 1, 2018 in the amount of \$365,000. It was requested to cash a Certificate of Deposit in the amount of \$250,000 and replace the Certificate of Deposit once tax revenue is generated.

Motion by Brent Foster, second by Donna Blevins Council authorizes the Clerk-Treasurer to cash a Certificate of Deposit in the amount of \$250,000. The motion was approved with following recorded vote:

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

David Haynes, Fire Chief, reported the new ambulance has been delivered to Roanoke and the Department will obtain the ambulance prior to Apple Festival. The Fire/EMS study will begin soon and the Department is making preparations for the up-coming bad weather.

Aaron Smith, Police Lieutenant, reported the Department is still issuing Inoperable Vehicle notices within the Town and three additional letters are to be sent. Officer Reedy is currently fifth in the class at the Police Academy and Officer Stroupe is attending a thirty-two hour Advance DUI class paid for by Smyth County Commonwealth Attorney’s Office.

Jay Keen, Public Works Director, reported in preparations for bad weather all items in the Park have been removed. He has also checked the water tanks and radio towers.

Closed Session:

- Town Manager’s Evaluation, Justification Section 2.2-3711(A)(1) of the Code of Virginia, as amended

Upon motion of Donna Blevins, second by Brent Foster and unanimously passed Council hereby enters into Closed Session for Town Manager’s Evaluation, Justification Section 2.2-3711(A)(1) of the Code of Virginia, as amended. The motion was approved with following recorded vote:

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

Upon motion of Brent Foster, second by Alan Counts 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	Absent
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)(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 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	Absent
Emily Dungan	Aye	Brent Foster	Aye

Motion by Donna Blevins, second by Brent Foster Council approves the Town Manager’s Evaluation and a pay increase of 2.5% retro-active July 1, 2018. The motion was approved with following recorded vote:

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

Mayor Heninger reported he attended the annual Constitution Week at the Smyth County Court House. The following is the Proclamation presented:

PROCLAMATION
Constitution Week 2018

WHEREAS: on September 17, 1787, following weeks of vigorous debate and compromise, thirty-nine delegates from twelve states, including James Madison, George Washington and John Blair from Virginia, signed the United States Constitution, which ratified the form and function of our nation’s system of government; and

WHEREAS: the Constitution was written to uphold individual liberty and justice for all citizens of the United States, and these principles are reinforced in its first ten amendments, known as the Bill of Rights; and

WHEREAS: the 231st anniversary of this historic event allows us to reflect upon our rights and responsibilities as Americans to celebrate the foresight demonstrated by the framers of the Constitution;

NOW, THEREFORE, WE, officials of Smyth County, Virginia, on this day of September 12, 2018, do hereby recognize the week of September 16-22, 2018, as **CONSTITUTION WEEK** and call this observance to the attention of our citizens.

Smyth County Board of Supervisors

Clerk of the Court

Town of Chilhowie

Town of Marion

Town of Saltville

Motion by Brent Foster, second by Bill Clear Council adopts the Proclamation Constitution Week 2018 as presented. The motion was approved with following recorded vote:

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

Motion by Donna Blevins, second by Bill Clear Council adjourns this meeting at 8:46 p.m. The motion was approved with the following recorded vote:

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

Gary L. Heninger Mayor

Marlene L. Henderson, MMC Clerk