

Virginia: At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, May 9, 2019 at 7:00 p.m.

Present: Honorable Gary L. Heninger, Mayor presiding; Councilors Donna S. Blevins, Billy L. Clear, Alan W. Counts, Emily Dungan, Brent Foster, and Lewis W. Shortt, Jr.

Absent: None.

Also Present: Mr. John E.B. Clark, Jr., Town Manager; Mrs. Marlene L. Henderson, Clerk/Treasurer, MMC; Messrs. Paul Cassell, Town Attorney; Stephen Price, Police Chief; Jay Keen, Public Works Director; David Haynes, Fire Chief; Randy Sturgill, Building Official and Ron Cahill, Recreation and Special Events Coordinator.

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

Approval of Minutes:

Motion by Donna Blevins, second by Emily Dungan Council adopts the regular April 11, 2019, continued April 18, 2019 and continued April 25, 2019 meeting minutes with correction. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Emily Dungan	Aye
Lewis Shortt	Aye	Brent Foster	Aye

Citizens Time:

Lynn Pease appeared before Council to give the Library report for the month of April 2019. Mr. Pease reported the summer activities for 2019 are currently being planned. The monthly movie will not be shown during the month of May, but will reconvene during the month of June and July 2019. The Library is hosting *Scams Against Seniors* on May 23, 2019 and will be presented by a representative from the Federal Better Business Bureau. The Library is currently giving away bookmarks that list different types of books for the summer reading challenge.

Old Business:

- Delivery of Letter to County on Saltville Area EMS Services – A letter was sent to the Smyth County Administrator, Michael Carter, listing the three options presented by the Fire and EMS Department to answer calls within the Saltville area if service ceased to exist in the Town of Saltville. Within the letter it is stated the Town Council reserves the right to negotiate final terms on this issue and the presentation of options does not convey final approval. The Town has not received a response at this time.

Fire Chief, David Haynes, stated Smyth County Board of Supervisors rejected all bids submitted for the County’s Request for Proposals due to cost. A Committee has been appointed consisting of all the Fire and Rescue Chiefs within Smyth County and will begin meeting in the near future.

- Update on Farmer’s Market Project and April 19th Letter Submitted Requesting Additional Funding – A letter was sent to Rural Development requesting additional funding, the Town’s in-kind service provided was demonstrated within the letter. Craig Barbrow, Rural Development, is very positive the Town will receive the additional money requested. The low bidder was Taylor Construction in the amount of \$285,700

and the deadline is approaching for the Notice of Award and the Contractor must be awarded in order to obtain the required bonds.

The revised deed for the Farmer's Market location has been received from Smyth County. It requires signatures by the Mayor and Town Attorney and will then be recorded.

Motion by Brent Foster, second by Lewis Shortt Council authorizes the Mayor and Town Attorney to sign the revised deed for the Farmer's Market location. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Emily Dungan	Aye
Lewis Shortt	Aye	Brent Foster	Aye

- Submission of Pay Request Number 4 on Farmer's Market Project – Pay Request Number 4 is in the amount of \$4,432 for engineering services provided.

Motion by Brent Foster, second by Donna Blevins Council approves Pay Request Number 4 on Farmer's Market Project in the amount of \$4,432. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Emily Dungan	Aye
Lewis Shortt	Aye	Brent Foster	Aye

- Submission of Change Order Number 11 on Mill Creek Water Treatment Plant Project – Change Order Number 11 is for a decrease of \$3,306.66 from the Contract for a decrease in the chlorination cost.

Motion by Brent Foster, second by Alan Counts Council approves Change Order Number 11 on the Mill Creek Water Treatment Plant Project. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Emily Dungan	Aye
Lewis Shortt	Aye	Brent Foster	Aye

- Submission of Pay Request Number 21 on Water Treatment Plant – Pay Request Number 21 is in the amount of \$188,000, but has since been decreased to \$163,950.67. Mr. Bobby Lane, The Lane Group, placed \$25,000 into retainage due to this being the final pay request. During a meeting held Tuesday, May 7, 2019 between the Town's staff, Washington County Service Authority and Attorneys it was suggested to continue Pay Request Number 21 due to the final inspection has not been done with the owner and a final report has not been issued by the engineer. Since these items have not occurred the owner has not given final approval.

Motion by Brent Foster, second by Bill Clear Council does not approve Pay Request Number 21 in the amount of \$163,950.67. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Emily Dungan	Aye
Lewis Shortt	Aye	Brent Foster	Aye

Bobby Lane, The Lane Group, submitted a letter to Craig Barbrow, USDA-Rural Development, protesting that Rural Development at this time is not authorizing Amendment 6A that gives the engineer about \$128,000 more in inspection services and contract administrations. Rural Development has not changed their position; there is

money in the budget to pay once the project is complete. The letter of response submitted by Washington County Service Authority is appropriate.

Motion by Donna Blevins, second by Brent Foster Council authorizes Town Attorney to provide a letter to The Lane Group concerning liquidated damages in the amount of \$153,700. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Emily Dungan	Aye
Lewis Shortt	Aye	Brent Foster	Aye

- Update on Downtown Facades Project and Submission of Pay Request Number 4 – Discussion is occurring that materials for the project be purchased with grant money and property owners pay for the project’s labor. The materials listing cannot be defined until work begins. There are interested contractors and no need to rebid the project. The Grant deadline is April 2020. Pay Request Number 4 is in the amount of \$2,330 for engineering services provided. The Town is responsible for paying this Pay Request.

Motion by Brent Foster, second by Alan Counts Council approves Pay Request Number 4 in the amount of \$2,330. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Emily Dungan	Aye
Lewis Shortt	Aye	Brent Foster	Aye

- Submission of Changes in 2019-2020 Budget Proposal – Concerning expenditures Council discussed the decrease in Water Operation and Maintenance cost of \$33,000 as well as the \$4,000 savings in VRS. The total revenue credit is \$37,000. Concerning revenue Council discussed the increase in garbage revenue of \$11,142 and the decrease of water and sewer revenue with the rate increase deducing from 9% to 7%. The budget surplus total is currently \$24,926.

The Police Department requested an increase of salary for the Officers to improve the Officer Retention program. A five officer increase presented by the Police Department is estimated to be \$7,299 increase per officer that would be an additional impact of the budget of \$77,371.66 based on 2018 overtime hours and fringe benefits. A three officer increase is estimated to be \$7,299 increase per officer and would be an additional impact on the budget of \$49,390.33 based on the overtime hours and fringe benefits. Neither the five officer increase nor the three officer increase includes the 1.75% Cost-of-Living Adjustment.

The Fire Department presented a proposal to begin a hydrant replacement program for the system’s 260 hydrants by billing water and sewer customers an additional \$1.00 per month. With 2,223 customers this would generate about \$26,676 per year. The cost of a hydrant is estimated at \$2,000. This would allow the replacement of 13 hydrants per year and take 19 years to replace all hydrants.

- Update of Recreation Park Improvement Through Park Improvement Through Upper Tennessee Roundtable – Trees have been planted within the Recreation Park as part of this project. Concerning the handicap fishing pier it is being discussed that the Upper Tennessee Roundtable will purchase the required material and the Town’s staff will provide the labor for installation of the pier.

The Contractor for the East Lee Sidewalk project is currently paving side street entrances since cuts were made to install drainage systems in the Project.

New Business:

- Presentation of Material on Short Term Rentals (Airbnb) – The Town of Wytheville is currently considering adopting an Ordinance on Short Term Rentals. Within the Ordinance it is stated the person who owns the property must be present during the rental.

Motion by Brent Foster, second by Donna Blevins Council refers the Short Term Rental (Airbnb) to the Finance and Personnel Committee. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Emily Dungan	Aye
Lewis Shortt	Aye	Brent Foster	Aye

- Announcement of Chamber Luncheon May 22 at Riverfront Café – The annual Chamber Business Appreciation Luncheon is scheduled for May 22, 2019 at 11:30 a.m. at the Riverfront Café.
- Announcement of New Garbage Pickup Schedule by Republic – Beginning the first Tuesday in June 2019 residents west of Highway 107 garbage will be picked up on Wednesdays and residents east of Highway 107 garbage will be picked up on Tuesdays.
- Report on Older Americans Day on May 30, 2019 – The Town is providing the same services for this event as years past. The Older Americans Day event is scheduled for May 30, 2019 from 10 am until 1 pm.
- Report on Options for 2018-2019 and 2019-2020 Paving – A Contractor is currently in Town paving Virginia Department of Transportation streets at a state bid price. The Contractor can pave Town streets that are scheduled to be paved for less cost than bidding the project using the state bid price. The paving can be completed in three weeks. The cost of the paving will be divided between fiscal years 2018-2019 and 2019-2020.

Motion by Brent Foster, second by Emily Dungan Council approves Contractor paving using State Contract price. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Emily Dungan	Aye
Lewis Shortt	Aye	Brent Foster	Aye

Department Reports:

Police Chief, Stephen Price, reported Officer Millsaps will graduate from the Police Academy on May 30, 2019.

Public Works Director, Jay Keen, reported the house the Town obtained on River Road has been demolished and debris has been removed. The lot has been grass seeded and covered with straw.

Recreation Director and Special Events Coordinator, Ron Cahill, reported beginning in May a Car Cruise In will be held the first and third Saturday of each month through October. The Car Cruise In will be held in the parking area behind the Chilhowie Branch of the Bank of Marion and in front of The Smoking Dog. He also reported the Farmer's Market is off to a great start with four vendors attending.

Closed Session to discuss Police Department Personnel, as allowed by Section 2.2-3711(A) 1 of the Code of Virginia, as amended:

Motion by Emily Dungan, second by Bill Clear and unanimously passed the Council of the Town of Chilhowie hereby enters into Closed Session to discuss Police Department Personnel, as allowed by Section 2.2-3711(A)(1) of the Code of Virginia as amended. The motion was approved with the following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Emily Dungan	Aye
Lewis Shortt	Aye	Brent Foster	Aye

Motion by Alan Counts, second by Brent Foster and unanimously passed the Council of the Town of Chilhowie hereby enters into Open Session. The motion was approved with the following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Emily Dungan	Aye
Lewis Shortt	Aye	Brent Foster	Aye

CERTIFICATION OF CLOSED SESSION

The Council of 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) of the Code of Virginia requires a certificate by the Committee 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.

The motion was approved with the following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Emily Dungan	Aye
Lewis Shortt	Aye	Brent Foster	Aye

Motion by Brent Foster, second by Donna Blevins Council continues this meeting until May 16, 2019 at 6:15 p.m. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Alan Counts	Aye	Emily Dungan	Aye
Lewis Shortt	Aye	Brent Foster	Aye

Gary L. Heninger Mayor

Marlene L. Henderson, MMC Clerk