

Virginia: At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, July 11, 2019 at 7:00 p.m.

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

Absent: Donna Blevins and Emily Dungan.

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. Randy Sturgill gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by Alan Counts, second by Brent Foster Council adopts the regular June 13, 2019 and continued June 27, 2019 meeting minutes as presented. The motion was approved with following recorded vote:

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

Citizens Time:

Jeff Pease, 752 Skyview Drive, appeared before Council to give the Library report for June 2019. Mr. Pease reported the circulation numbers were up for the month of June. The summer reading program kicked off with twelve programs presented during the month of June. The Friends of Library expressed their appreciation for the continued support from the Town of Chilhowie.

Rob Farmer, Director of the Smyth County Library, appeared before Council to report the Chilhowie Library remains very active. Mr. Farmer expressed his gratitude for the financial support, use of facilities and services provided by the Town. Council members were invited to attend the upcoming Library Board meeting scheduled for July 25, 2019 at 5:30 p.m.

New Business:

- Presentation of the Fiscal Year 2017 Audit – Juan Garcia, Hicok, Brown and Company, CPAs, appeared before Council to give the 2017 Audit report. Mr. Garcia reported there were two letters provided to the Council. The first letter is written in standard wording

explaining the engagement and process of conducting the audit. The second letter contains four suggestions concerning light items for management to address such as the approval process for accounts payables and receivable. These items have been addressed by staff. No weakness was found within the Fiscal Year 2017 Audit and is considered a clean audit.

Old Business:

- Update on Farmer’s Market Project – Dennis Amos, Hurt and Proffitt, reported the notice to proceed was granted to the contractor on June 27, 2019 and work is underway. They are currently exploring the opportunity for a second restroom without additional cost by changing the metal roof from 20 gauge to 24 gauge.

Motion by Lewis Shortt, second by Bill Clear Council authorizes Town Manager to approve modifications that do not increase the overall cost of the project. The motion was approved with following recorded vote:

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

Mr. Amos reported to Council that there is a four month waiting period to obtain the same color and style of brick as the Chilhowie Baptist Church. Brick samples and metal roof colors were presented to Council.

Motion by Brent Foster, second by Lewis Shortt Council hereby accepts recommendation by the Engineer for the brick as presented and color of the metal roof to be southern green. The motion was approved with following recorded vote:

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

- Update on Water Treatment Plant – The Lane Group stated within an email provided to Council that they did not know when the project would be complete. The project is \$158,000 to \$200,000 in liquidated damages behind. John Clark, Town Manager, proposed to collect the liquidated damages in addition if the contractor does not complete the project in suitable time. Also there is a performance bond that will go against the contractor. Paul Cassell, Town Attorney, recommends granting the Town Manager the authority to take action as he deems appropriate in regards to the contract which includes liquidated damages and other provisions regarding the various bonds associated with the contract.

Motion by Brent Foster, second by Lewis Shortt Council grants authority to the Town Manager to take action he deems appropriate regarding contract bonds associated with the Mill Creek Water Treatment Plant. The motion was approved with following recorded vote:

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

- Update on Downtown Facades Project – The plan is to obtain proposals during the late summer for work to be done in the fall. This project is part of a grant and this function must be performed. The Town has bid the project out twice formally and obtained quotes. Randy Sturgill, Building Inspector, reported there are currently two contractors interested in the project.
- Update in 2018-2019 / 2019-2020 Paving Project – The paving project is complete with the paving of Loaves and Fishes parking area, Terrace Avenue, Pendleton Avenue and Williams Street. The project was completed in a timely manner and exceeded the budget by \$79.
- Update of Recreation Park Improvement Through Upper Tennessee Roundtable – The project is almost complete; 64% of the project was in-kind match services done by the Town. At this time there are ongoing discussions considering the Upper Tennessee Roundtable purchasing the material for a handicap fishing pier and the Town build and install the pier.

New Business:

- Adoption of Appropriation Resolution for Fiscal Year 2019-2020 – Mrs. 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 June 13, 2019 for presentation and citizen comment on the proposed fiscal year 2019-2020 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 2019-2020 Town Budget on June 27, 2019;

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 resolved that the funds for the contemplated expenditures budgeted in said 2019-2020 Town Budget be appropriated on an as needed basis for the 2019-2020 fiscal year beginning July 1, 2019.

RESOLVED, this 11th day of July 2019 by vote of the Chilhowie Town Council.

Record of vote:

Aye: 4

Nay: 0

Absent: 2

Acknowledge and signed:

Gary L. Heninger, Mayor

Marlene Henderson, Clerk

Motion by Alan Counts, second by Brent Foster Council adopts the Resolution as presented.

The motion was approved with following recorded vote:

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

- Adoption of Tax Levy for 2019-2020 – Mrs. Marlene Henderson presented the following:

RESOLUTION

**Tax Levy for
Fiscal Year 2019-2020**

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 Brent Foster, second by Lewis Shortt and passed Council hereby adopts and sets the foregoing tax levy for the fiscal year 2019-2020.

Record of vote:

Aye: 4
Nay: 0
Absent: 2

Acknowledge and signed:

Gary L. Heninger, Mayor

Marlene Henderson, Clerk

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

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

- Adopt Any and All Changes to the Code of Virginia effective July 1, 2019 –

Motion by Alan Counts, second by Bill Clear Council adopts any and all changes to the Code of Virginia effective July 1, 2019. The motion was approved with following recorded vote:

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

- Submission of Application for East Lee Highway Sidewalk/Curb and Gutter – The Town is looking at a project to extend a new sidewalk, curb and gutter from the end of the recently completed project on East Lee Highway at Church Avenue to Walton Avenue and connecting to Main Street. The project will be new construction on a busy arterial route which will score a lot of points for safety improvements as well as connect several significant points and areas. The project is estimated to cost \$346,566. If the project is funded it will occur in fiscal year 2020-2021.

- Report from Fire/EMS Chief on Ambulance Procurement – The Fire/EMS Department has been awarded a Rescue Squad Assistance Fund grant for a new ambulance. The grant requires a 50/50 percent match which is included in the 2019-2020 Budget. David Haynes, Fire/EMS Chief, reported there may be a possibility of obtaining additional grants to offset the required match.
- Report from Recreation/Special Events Coordinator on Fee Schedule – Ron Cahill, Recreation and Special Events Coordinator, reported he would like to revise the Town policies for rental of Town facilities.

Motion by Brent Foster, second by Alan Counts Council refers this matter to the Wellness and Parks Committee. The motion was approved with following recorded vote:

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

- Report on Annual Drinking Water Submission – Jay Keen, Public Works Director, reported the Annual Drinking Water Report has been posted at the Post Office, Town Hall, Old High School and posted on the Town’s website www.chilhowie.org.

Committee Reports:

Lynn Pease, Chairman of the Planning Commission, reported to Council that the Commission has recently reviewed a request for 805 Old Stage Road. The property owner Brian Williams requested permission to remodel the existing house and to construct a new house within the same lot. The lot previously had the existing house as well as a trailer, but the trailer has since been removed. The property falls under the grandfather clause since it existed prior to the Zoning Ordinance adoption in 1972. Mr. Williams will be allowed to reconstruct the existing house as well as construct a new house within the same lot. Mr. Williams fully understands if the lot was to be sold both units would be sold to one buyer.

Department Reports:

John Clark, Town Manager, reported he has received complaints regarding the crosswalk and signage in the Downtown area. Steve Buston, Resident Engineer, may remove two signs leaving two in place.

Mr. Clark also reported he has obtained some framed pictures from the Chilhowie Library to be placed in the Council Chambers.

Randy Sturgill, Building Official, reported all construction occurring at Scholle Packaging is going well.

Steve Price, Police Chief, reported the Police Department has hired Erik Hinchey who is a certified police officer coming from Washington County. Mr. Hinchey has thirteen years of experience and a certified instructor as well as a K9 unit. Chief Price stated Mr. Hinchey will be a great asset to the Department.

Motion by Brent Foster, second by Alan Counts adjourns this meeting at 8:00 p.m. The motion was approved with following recorded vote:

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

Gary L. Heninger Mayor

Marlene L. Henderson, MMC Clerk