

Virginia: At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, September 12, 2019 at 7:00 p.m.

Present: Honorable Gary L. Heninger, Mayor presiding; Councilors Donna 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. Randy Sturgill gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by Brent Foster, second by Alan Counts Council adopts the regular August 8, 2019 meeting minutes with a correction. The motion was approved with following recorded vote:

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

Citizens Time:

Brian Martin appeared before Council to express his appreciation to the Chilhowie Police Department for enforcing school traffic safety each day within the school zone. Mr. Martin also expressed his appreciation for the Veterans Memorial and stated Veterans Day is around the corner and suggested to consider providing transportation for Veterans that require assistance such as those that reside at Valley Health Care.

Mayor Heninger reported that an order has been recently processed for the purchase of fourteen additional bricks for the Veterans Memorial.

Jeff Pease, 752 Skyview Drive, appeared before Council to give the Library update for August 2019. The Library staff has been weeding adult and juvenile non-fiction sections of the Library to make room for new material. A new display for the most recent DVD arrivals has been created as well. Circulation of materials has increase by 36%. The total and average daily people count has increased approximately 20% compared to last year. The Library did not hold any children's programs during August but did host a couple of adult programs such as a

pressure canning class for adults. The staff is working to prepare reading programs and crafts for the fall story time schedule that begun in September after the Labor Day Holiday.

Travis Hill and James Schwartz, coaches for 12 and 13 year old baseball travel teams, appeared before Council to express their appreciation of the Town's support for the past three years. Mr. Hill requested the Town's continued support by allowing them to use the field for team practices on Monday, Wednesday and Friday at the Town's Recreation Park. Mr. Hill and Mr. Schwartz stated they are willing to work with the Chilhowie Middle School Baseball Club as well as Little League for the scheduling of the field. Councilwoman Emily Dungan suggested using a shared calendar such as Google Calendar for scheduling of the field.

Sarah Gillespie, Executive Director of Smyth County Chamber of Commerce, appeared before Council to announce the Town and County Barbeque is scheduled for September 26, 2019 at the W-L Hanger. Smyth County is also hosting the Southwest Virginia Legislative Breakfast on November 22, 2019. Additional information will be sent out closer to the date of the event.

Ms. Gillespie reported the Small Business Boot Camp is nearing an end with five of the seven participates competing for funding. Business plans from the Small Business Boot Camp participates are due September 30, 2019. Council members are invited to judge the business plans.

Old Business:

- Update on Farmers Market Project and Presentation of Pay Request Number 6 – Dennis Amos, Hurt and Proffitt, reported a Progress Meeting was held August 22, 2019. The project is progressing nicely. Work remaining for the Contractor to complete includes masonry, completion of the roof installation and electrical. The latest pay request from the Contractor reflects 85% completion. The Contractor estimates completion of the project in October 2019.

Mr. Amos reported the latest pay request submitted by the Contractor is for \$99,512.11, and the latest invoice from Hurt and Proffitt is in the amount of \$724.50 for a total pay request of \$100,236.61.

Motion by Brent Foster, second by Donna Blevins Council approves Pay Request Number 6 for the Farmers Market Project in the amount of \$100,236.61. The motion was approved with following recorded vote:

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

Mr. John Clark, Town Manager, reported the Apple Festival Committee had been hopeful to use the Farmer's Market Structure to sell produce during the Apple Festival. Bobby Taylor, Contractor, submitted paperwork that states the project could possibly be done prior to Apple Festival. The Town does not own the building until the Contractor reaches substantial completion. A decision will be made Wednesday, September 25, 2019 during the next progress meeting.

- Update on Mill Creek Regional Water Treatment Plant Project – John Clark, Town Manager, reported a change order removing the controls from the current Contractor and awarding the controls to another Contractor never materialized. This matter is still being discussed. The Contractor cannot be paid until substantial completion is reached and substantial completion cannot be reached until the controls are completed and then \$150,000 in liquidated damages becomes involved.

There was a failure during the owner acceptance test and the ninety days will start over. Jay Keen, Public Works Director, reported the Plant is producing water but there have been issues with the automatic transfer switch. A valve also created a failure therefore time will start over again for the ninety day acceptance.

- Presentation of Bids on Downtown Façade Program – Bids was opened on August 27, 2019 with two bids. The lowest bidder was Walberg Construction of Glade Spring for an amount of \$78,575. The Walberg bid appears to be within budget and is for buildings on the north side of Main Street.

Dennis Amos, Hurt and Proffitt, reported a meeting will be held with Walberg Construction to review the bid and negotiate to move forward with the project. The Contractor has stated he would like to complete the work in the fall.

- Report on Alternative Transportation Program for Protective/ Detention Orders – Steve Price, Police Chief, reported that he attended a meeting held Thursday, September 5, 2019 concerning the Alternative Transportation. The roll out date for the program to become active is October 1, 2019 at 12 noon. This program is to reduce the number of transports for protective and/or detention orders by 50%.

New Business:

- Report on Unveiling LOVE Sign at Tourism Center – Councilwoman Donna Blevins, who also serves on the Smyth County Tourism Association, reported the unveiling of the LOVE sign at the Tourism Center was successful. Mrs. Blevins reported the LOVE sign was designed and created by five students spanning from Marion Senior High, Chilhowie

High and Northwood High Schools. Barbara McCullum, an Art Teacher, headed the project. Mrs. Blevins stated the sign is beautiful and the students along with Mrs. McCullum did an excellent job.

- Request to Participate in Landscaping the Tourism Center – Mr. John Clark, Jr., Town Manager, reported the Tourism Center has requested the Town to financially assist with the landscaping of the Tourism Center. Haynes Greenhouse submitted a quotation in the amount of \$2,550. Smyth County as well as the Towns of Chilhowie, Marion and Saltville each pay Per Capita to the Smyth County Tourism Association. Mayor Heninger suggested the cost be divided between the three localities and the County. The Town provides maintenance for the facility and grounds.

Motion by Brent Foster, second by Bill Clear Council authorizes the Town Manager to send letters to the other Towns and Smyth County requesting to divide the cost for the landscaping of the Tourism Center since the cost is not included in the 2019-2020 Budget. The motion was approved with following recorded vote:

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

Mr. John Clark, Jr., Town Manager, requested Council to direct him to send a letter to the Tourism Director, Mr. Ron Thomason, directing him to contact the other Towns and Smyth County requesting the cost for the landscaping of the Tourism Center be divided among the localities.

Motion by Brent Foster, second by Bill Clear Council amends the previous motion to include authorizing the Town Manager to send a letter to the Tourism Director, Mr. Ron Thomason, to direct him to send a letter to the other Towns and Smyth County requesting the cost be shared for the landscaping of the Tourism Center. The motion was approved with following recorded vote:

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

- Report on Historic Usage of \$2 Fee on Utility Bills – Mrs. Marlene Henderson, Clerk-Treasurer, reported a citizen complained during the August Council meeting concerning the \$2 Capital Outlay Set Aside fee that is billed each month with the utility billing. The \$2 Capital Outlay Set Aside fee was enacted in 2011 and as of April 2016 the Town had collected \$257,881. During that time is when the Mill Creek Water Treatment Plant went offline and the Town was unable to produce water therefore began purchasing water from Washington County Service Authority. During the May 2016 Council meeting Council

approved the amount of money spent for the purchase of water be taken from the Capital Outlay Set Aside fund. As of July 2019 the Town has taken in a total of \$172,064.00 in the Capital Outlay Set Aside fund and has paid Washington County Service Authority for the purchase of water in amount of \$191,174.62 for a variance of \$19,110.62.

At the time of the Mill Creek Water Treatment Plant going off line there was no other choice than to purchase water from Washington County Service Authority who sold the water at a cost of \$1.41 per gallon. The Capital Outlay Set Aside fund has been used during the water emergency to provide the citizens of Chilhowie with clean water during the time the water treatment plant was inoperable.

- Report on Meeting with Republic Services Inc. on Solid Waste Issues – A joint meeting was held August 11, 2019 with Republic Services, Town staff and the Town of Saltville staff. The first issue for the Town is the count of trash cans. The Town is showing 841 trash cans and Republic is showing 1,019 trash cans. The count is to be revised to 908 the beginning of September.

The second issue is the location Republic is dumping the trash from the two Towns. During the month of June Republic did not dump trash from either Town in the Smyth County Landfill therefore eliminating that monthly revenue stream to the County. Nonuse of a home county's landfill can impact the Town's collection of consumer utility tax. The Town of Chilhowie consumer utility tax is approximately \$100,000 per year. After addressing this matter with Republic they have begun using the Smyth County landfill even though the \$56 per ton they are charged is more than what they are charged at landfills in the Tri Cities area.

- Request to Procure Ambulance and Turnout Gear in 2019-2020 Budget – David Haynes, Fire Chief, reported the EMS Department has been awarded a grant for the purchase of a new ambulance. Chief Haynes has been notified that at the end of the month the cost of the manufacture of a new ambulance is going to increase. Once ordered the delivery and first payment is not expected until January 2020. Chief Haynes requested to move forward to procure a new ambulance to avoid the increase in cost. The price is also increasing for the annual turn out gear purchase and Chief Haynes requested to move forward with this purchase as well. Both items are included in the 2019-2020 Budget.

Motion by Brent Foster, second by Lewis Shortt Council approved the request to procure a new ambulance and turn out gear. The motion was approved with following recorded vote:

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

- Selection of Date/Time for Conflict of Interest and Ethics Training – Paul Cassell, Town Attorney, reported a new law became effective July 1, 2019 that requires all elected officials to view a fifty-five minute video concerning Conflict of Interest and Ethics. The Clerk must obtain proof of the Elected Officials of completing the training and since there are no certificates provided to the person upon completion the best solution is to complete the training as a whole. This training must be completed prior to December 30, 2019. The Council can set a date for the Conflict of Interest and Ethics training during the regular scheduled Council meeting in October.
- Notice of Chamber of Commerce Town and County Barbeque - Mrs. Marlene Henderson, Clerk – Treasurer, informed Council the Annual Town and County Barbeque is scheduled for September 26, 2019 at the W-L Hanger.
- Notice of Planned Downtown Dedication – Mr. John Clark, Jr., Town Manager, notified Council a Downtown Dedication is scheduled for October 3, 2019 at 6 p.m. The Downtown area merchants are requesting the dedication be held. Refreshments will be provided by the Riverfront Café. Hurt and Proffitt is assisting with the cost of the light refreshments.
- Report on Sewer Vector Truck Repairs – Jay Keen, Public Works Director, reported the vector truck is used to unstop sewers and is in need of repairs or replacement. Mr. Keen requested the matter be referred to the Finance and Personnel Committee to discuss the different options.

Motion by Brent Foster, second by Emily Dungan Council refers this matter to the Finance and Personnel Committee. The motion was approved with following recorded vote:

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

Department Reports:

Mr. Jay Keen, Public Works Director, reported the Public Works Department is currently patching potholes on Town maintained streets prior to the Men Behind the Smiles 5K and Apple Festival.

Any Other Council Business:

Councilwoman Donna Blevins requested the recreation department equipment be either organized or removed from the Museum room at the Old High School. Apple Festival utilizes

that room each year to meet their needs during the Festival. Mr. Keen stated he would have the equipment removed and place it in the storage room for recreation equipment that is above the Little League concession stand.

Closed Session:

- To discuss Town Manager Evaluation as allowed by Section 2.2-3711(A)(1) of the Code of Virginia, as amended

Motion by Donna Blevins, second by Brent Foster and unanimously passed the Council of the Town of Chilhowie hereby enters into Closed Session to discuss Town Manager Evaluation, 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:

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

Motion by Donna Blevins, 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:

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| 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)(1) 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:

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

Motion by Emily Dungan, second by Brent Foster Council adjourns this meeting at 8:32 p.m.
The motion was approved with following recorded vote:

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|---------------|-----|--------------|-----|
| 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