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Fire Chief: C. David Haynes

Town Manager's Report to Mayor and Town Council December 12, 2019

Situation with Owner's Acceptance Test with Mill Creek Regional Water Treatment Plant (WTP)

You have in your agenda a letter dated November 19 from Bobby Lane of The Lane Group to Mark Jackson of Frizzell Construction Company concerning the 90 Owner's Acceptance test requirement at the Mill Creek Regional WTP. Bobby Lane and I spoke about this situation and testing at the November 14 meeting of Council, and I wrote about it in my Manager's Report in November.

As you can see by the letter the water membranes at the WTP must perform without any failure for a 90 day period, routine maintenance checks withstanding. The testing period began on the Substantial Completion date of February 20, 2019. The contractor has 13 months to achieve this goal, so there can be no unscheduled shutdowns after December 22, 2019 (that final 90 day period would be on or around March 20, 2019, 13 months from the Substantial Date). As the letter future states, if the 90 day testing period is not achieved within those 13 months, then the owner may goes against the contractor's bond on the project. Obviously, the contractor's time to meet this requirement is just around the corner.

I spoke to Bobby Lane recently and he said that Mr. Jackson had called him and asked for an extension on the time to meet. Bobby said he asked that the reasons for the extension be put in a letter form for it to be evaluated by him before he could make a recommendation to the owners, the Town of Chilhowie and the Washington County Service Authority (WCSA). I am not received that letter at this writing, but perhaps will have that communication before the December meeting (since that writing I did receive an emailed letter from Bobby from Frizzell dated November 20).

Going against the bond, when necessary, is called for and allowed in the contract documents. We want to be fair with the contractor but the contractor has to be held accountable to the customers of the Town and WCSA on the agreed upon contract documents for the million dollar plus project. If there is merit for an extension beyond the December 22, 2019 deadline, assuming it does not pass within the 90 days of that deadline, then Frizzell's request will be dealt with fairly.

Letter from Tourism Authority on Landscaping in Front of H.L. Bonham Tourism Center

You have in your agenda pack a November 22 letter from Ron Thomason, Director of Tourism, in response to my letter of September 25 when I informed him of Council's wishes to have all four localities to participate in that cost. The Tourism Authority paid for the landscaping around the new LOVE sign, and the sidewalk leading to it, at a cost of \$1,280, and Ron asked the Town pay \$2,550 for landscaping around the front porch behind the LOVE sign.

I had read in the minutes of the Tourism meeting in October that the Board had denied that request. I called Ron and asked he send me a letter back on that action.

In that letter Ron attached the agreement between the Town and the Tourism Authority that the Authority would maintain the inside of the building and the Town the outside. The agreement states "and the Town agrees to assume the up-keep of the exterior of the house and grounds". Although it could be argued that new landscaping would not qualify as "upkeep" (although there is existing landscaping there now), Council may want to revisit this issue. I suggest that particularly in light of the fact that the Center is at the main gateway of the Town and any improvements there can only help the impression of the Town.

Smyth County Broadband Study

Building Official Randy Sturgill and I attended a meeting with Smyth County officials, all Towns and other State Agencies on December 2 to discuss a study the County is conducting with a consultant on broadband needs. As I understand it, the study will identify broadband needs within the County through a planning grant process with the Department of Housing and Community Development (DHCD).

The end result of the study will identify unserved or underserved areas in the County. Then in conjunction with the County's consultant, CIT, a grant application will be formulated to utilize construction funds to address the needs. It is my understanding that there is or will be approximately \$20,000,000 in Community Development Block Grant (CDBG) funds available for this purpose in the near future. Tobacco Commission funds may also be available. That is really not much CDBG money considering that money will presumably have to cover all the rural areas, and small cities in the Commonwealth. However, if that is an annual allotment for the foreseeable future that will allow for future, comprehensive prioritization of construction funds.

It is my understanding that the committee formed from the December meeting will meet at least once a month. I believe the study is to be submitted by a deadline in the Spring of 2020.

Appointments and Reappointments to General Board of Appeals

You have in your agenda packet letter to Mr. David Blevins and Mr. Doug Bachuss appointing them to the General Board of Appeals. The Board would act on appeals from contractors and / or property owners on building and fire code provisions issued by the Town's building department.

I had asked Chief David Haynes and Building Official Randy Haynes to have an orientation meeting with the new member sometime next month. I further asked that on an annual basis to call a meeting of the five member board and go over all permits issued in the previous years. This will accomplish at least two

Important things, in my opinion. It will give the Board members an orientation regarding their duties, and it will help establish an advocacy to the work the department is doing.

Respectfully Submitted
and Merry Christmas,

John E. B. Clark, Jr.
Town Manager