

Virginia: At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, January 9, 2020 at 7:00 p.m.

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

Absent: Council Member Emily B. Dungan.

Also Present: Mr. John E.B. Clark, Jr., Town Manager; Mrs. Marlene L. Henderson, Clerk/Treasurer, MMC; Messrs. Paul Cassell, Town Attorney; Jay Keen, Director Public Works; Stephen W. Price, Police Chief; C. David Haynes, Fire/EMS Chief; C. Randy Sturgill, Building Official and Ron Cahill, Recreation/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 Donna Blevins, second by Alan Counts Council adopts the regular December 12, 2019 meeting minutes. The motion was approved with following recorded vote:

Donna Blevins	Aye	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 present the Library report for December 2019. The Chilhowie Library experienced 1,601 visitors during the month of December 2019. The Library has received a large shipment of new books and DVDs. Adult circulation has increased by 41%. Children's books circulation has decreased by 22%. The Friends of the Library has purchased security cameras and is awaiting an electrician to install electrical outlets before the security cameras can be installed. The Chilhowie Library hosted several events during the month of December such as Christmas Storytime with Santa for the children and a jam making class for adults.

Old Business:

- Update on Mill Creek Regional Water Treatment Plant – A meeting was held December 19, 2019 concerning the Mill Creek Water Treatment Plant. Representatives from Frizzell Inc., T&B (sub-contractor affiliated with Frizzell), Memcore/Evoqua (membrane manufacturer), The Lane Group, Washington County Service Authority and the Town

were in attendance. During the meeting the Set Off of Pay Request Number 22, Liquidated Damages and the 90 Day Owners Acceptance Test was discussed. During the December 2019 Council meeting Council approved the time extension request for the 90 Day Owners Acceptance Test contingent upon the Bond Companies and Rural Development. The Bond Companies and Rural Development approved the time extension. The final 90 Day Owners Acceptance will begin February 5, 2020 ending March 5, 2020. If the plant fails during this time the bond can be called upon to address the situation.

Concerning Liquidated Damages the Contract provisions states \$560 per day for Liquidated Damages for the project not being completed on time for a total of Liquidated Damages of \$270,860. A representative from Frizzell stated the Town and Washington County Service Authority had suffered much less real damages. Frizzell submitted a letter dated for December 12, 2019 countering the Town's assessment of the Liquidated Damages for the amount of \$12,000. The staff of the Town and Washington County Service Authority, including Attorneys, will discuss the counter offer presented by Frizzell within the near future.

- Report on Downtown Facades and Management Team Meeting – A Management Team meeting was held Tuesday, January 7, 2020 following a compliance meeting held with the Department of Housing and Community Development. The Department of Housing and Community Development has requested changes be made within the By-Laws of the Facade Improvement and Program Design and move forward with the quotes received for the project.

Motion by Brent Foster, second by Alan Counts Council accepts the changes to the Facade Improvement and Program Design document as requested by the Department of Housing and Community Development. The motion was approved with following recorded vote:

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

The Department of Housing and Community Development also requested a change in Section 6 of the By-Laws stating electronic vote can be used in the event a decision or approval is needed and a meeting cannot be called, a vote may be taken by email poll of the Facade Committee.

Motion by Brent Foster, second by Donna Blevins Council approves the change made in the By-Law Section 6. The motion was approved with following recorded vote:

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

Wallberg Construction submitted a revised bid for the Downtown Facade Project in the amount of \$80,595. Work will begin on the North side of Main Street. Building Official Randy Sturgill will serve as the Inspector for the project.

Motion by Donna Blevins, second by Brent Foster Council approves the revised bid from Wallberg Construction for the Downtown Facade Project in the amount of \$80,595. The motion was approved with following recorded vote:

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

Paul Cassell, Town Attorney, has reviewed the Five Year Facade Easement Agreement between the Town and property owners and found no issues.

Motion by Alan Counts, second by Bill Clear Council accepts the Facade Easement Agreement. The motion was approved with following recorded vote:

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

- Report on 4th Quarter Highway Safety Initiative – During October 1, 2019 through December 31, 2019 the Chilhowie Police Department issued 421 Summons. The lowest speed recorded that was issued a citation was 80 miles per hour and the highest speed was 95 miles per hour. Fines paid to the Town during this Quarter were \$26,413.14. Total traffic stops initiated this quarter was 436. Other duties performed during the Highway Safety Initiative was answering calls while on duty officers were busy, backing up on duty officer, assisting other Departments, assisting Chilhowie Fire Department, assisting motorist and searching vehicles and consent search of persons.
- Report on Sewer Vactor Truck Repair – The repaired Vactor Truck was delivered Monday, January 6, 2020. The truck is working well. Jay Keen, Director of Public Works, expressed his appreciation to the Town of Saltville for assisting the Town of Chilhowie with sewer issues during the repair of the Town’s Vactor Truck.

- Report on Winter Preparations on Town Streets – Salt is in stock and the salt spreader is repaired and working. The Town of Chilhowie is ready for the first snow event.

New Business:

- Report on VML/VACO Steering Committee on APCO Rates - John Clark, Town Manager, attending a VML/VACO Steering Committee meeting on December 2, 2019 in Rocky Mount. The Steering Committee deals with American Electric Power and/or Appalachian Power Company for Localities west of Richmond. The Committee deals with electric rates and each Locality is charged on a kilowatts used basis. The Steering Committee was organized in 1978. The Town has been paying an assessment of \$905 per year, but collection rates from Localities have fallen to 67%. Many Elected Officials and Managers do not know the purpose of the Steering Committee and its importance. The contract the Steering Committee negotiates is for a term of four years and the current contract ends June 30, 2020.
- Invitation from Chilhowie Fire/EMS Department to the 2019 Awards Ceremony on January 25, 2020 - The Fire/EMS Department is hosting a 2019 Awards Ceremony on Saturday, January 25, 2020 at 6 p.m. at the Old High School.

Committee Reports:

- Report on Landscaping Request at Tourism Center – The Public Works Committee met prior to the Council meeting to discuss the request from the H.L. Bonham Tourism Center for funds to landscape in the amount of \$2,550. Public Works Committee Chairman, Lewis Shortt, reported the Committee recommends to Council to fund the landscaping and incorporate the existing Boxwoods into the landscaping design.

Motion by Lewis Shortt, second by Donna Blevins Council approves the H.L. Bonham Tourism Center request for funds for landscaping in the amount of \$2,550. The motion was approved with following recorded vote:

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

Department Reports:

Steve Price, Police Chief, reported an Officer was processing evidence and was exposed to narcotics. The Officer was transported and treated at Johnston Memorial Hospital. Virginia State Police Hazmat Team was contacted and responded.

Councilwoman Emily Dungan entered the meeting at 7:39 p.m.

Chief Price requested a Fire and Police Committee meeting be scheduled to review the requirements for the 2020-2021 DMV Grant. The Grant process has new reporting requirements and limited access to any equipment purchased with grant funds.

Ron Cahill, Recreation Director/Special Event Coordinator, reported he attended a County wide Census 2020 meeting. The Committee is still scattered with ideas of how to assist collecting Census data within the area. A Job Fair for Census Numerators is scheduled for February 6, 2020 at the Old High School. The online Census data collection site is scheduled to go live March 15, 2020.

Closed Session:

- Council Action on Police Chief Evaluation as Allowed by Section 2.2-3711(A)(1) of the Code of Virginia, as amended –

Motion by Lewis Shortt, second by Bill Clear and unanimously passed the Council of the Town of Chilhowie hereby enters into Closed Session to discuss Police Chief 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:

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:

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:

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

Motion by Brent Foster, second by Lewis Shortt Council adjourns at 9:05 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