

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

Present: Honorable Gary L. Heninger, Mayor presiding; Councilors Donna S. Blevins, Billy L. Clear, F. Brent Foster, Lewis W. Shortt, Jr., Julie Sturgill and P.J. Wolfe.

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 W. Price, Police Chief; C. David Haynes, Fire/EMS Chief; Randy Sturgill, Building Official and Ron Cahill, Recreation/Special Events Coordinator.

The meeting was held in the Community Room in order to practice Social Distancing due to the COVID-19 pandemic.

Mayor Heninger called the meeting to order and welcomed the newly elected Council members Julie Sturgill and P.J. Wolfe.

Mr. Bobby Dunn gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by Donna Blevins, second by Brent Foster Council adopts the regular June 11, 2020 and continued June 18, 2020 meeting minutes. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Citizens Time:

No one wished to speak.

Old Business:

- Report on Smyth County Fire/EMS Proposal at Smyth 12 Meeting – The Smyth County Board of Supervisors is aware of the ongoing issue with Fire and EMS service within the County. Two years ago, Smyth County advertised for Request for Proposals to cover the entire County with EMS services. The lowest cost estimate came in at the \$5,000,000. The Smyth 12 Group met Tuesday, June 16, 2020, Charlie Harrington, County Emergency Services Director, presented a report entitled “Smyth County Fire and EMS Proposal.” It

proposed Chilhowie Fire and EMS Department serve the western part of the County while Marion Fire and EMS Department serve the eastern part of the County.

The Chilhowie Fire and EMS Department would require funding from Smyth County in the amount of \$869,919 and the Town of Marion Fire and EMS Department would require funding in the amount of \$946,862 for a total amount of \$1,816,781. Mr. Harrington will be presenting the “Smyth County Fire and EMS Proposal” to the Smyth County Board of Supervisors.

- Report on H.L. Bonham Building Regarding Chamber and Tourism Association and Resignation of Mr. Ron Thomason – A letter was sent to Mr. Ron Thomason, Executive Director of Smyth County Tourism Association, requesting one room for office and meeting space at the H.L. Bonham Tourism Center for the Chamber of Commerce of Smyth County. Mr. Thomason submitted a letter announcing his retirement date effective June 30, 2020.

Tuesday, July 7, 2020, Mayor Gary Heninger, Town of Chilhowie, John Clark, Chilhowie Town Manager, Donna Blevins Chilhowie Town Council member and Mayor David Helms, Town of Marion met at H.L. Bonham Tourism Center. No decisions were made, and the matter will be discussed at the Smyth 12 meeting scheduled for Tuesday, July 21, 2020.

- Report on Additional Budgeted Funds from Board of Supervisors and Potential Use – The Smyth County Board of Supervisors approved their 2020-2021 Budget June 30, 2020. The approved budget includes funds for the Chilhowie Fire and EMS Department in the amount of \$185,000, which includes \$92,500 for Fire and \$92,500 for EMS for an increase of funding in the amount of \$85,000.

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

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Presentation of Pay Request on Facades Project and Bid on Phase II – Randy Sturgill, Building Official, reported that most of the repointing is complete and work on the masonry ban around the top of the buildings is to begin Monday. Railing for the handicap ramp is delivered and installation will begin soon. The project completion date is September 10, 2020 plus any rain days. The bulk of the project is complete. Pay Request Number 17 is in the amount of \$29,782.50 to Wallberg Constriction for work completed.

Bid openings for Phase II of the Facades Project was held July 1, 2020 with no bidders. Wallberg Construction did not submit their bid prior to the time limit therefore the bid was not accepted. Angela Wolfe, Mount Rogers Planning District Commission, is preparing for another bid process that will be due August 5, 2020.

Motion by Donna Blevins, second by Brent Foster Council approves the Pay Request in the amount of \$29,782.50. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Report on Potential Sewer System Evaluations Study Through Department of Environmental Quality – Mr. Clark is working with Hurt and Proffitt on an application for a Sewer Evaluation System Study through the Department of Environmental Quality. The project would be a comprehensive analysis of the Town’s entire sewer system for infiltration/inflow and capital needs planning. The 2020-2021 Budget includes \$10,000 for matching funds. The timetable of the comprehensive study will be over eighteen months during wet and dry times. The Department of Environmental Quality will announce the awards of funding August 2020.

Motion by Brent Foster, second by Donna Blevins Council ratifies the submission of the application for the Department of Environmental Quality Sewer Evaluation System Study grant.

The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Report on Old High School Roof Situation – During heavy rains over the past few weeks the Old High School roof has leaked excessively with at one time water running down the walls. The current flat roof is eighteen years old with a ten-year warranty. A Contractor sealed areas of trouble on the roof but stated it is possible it will not hold for long. A new roof for the Old High School is not included in the budget. The Old High School Committee may be able to assist financially. The Old High School Committee will be notified of the Finance and Personnel Committee to discuss this matter.

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

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Report on Potential Funding Opportunity for Emergency Vehicles Through Rural Development – Rural Development currently has a funding opportunity through the USDA’s Community Facilities Loan and Grant Program. This program will fund up to 55% for a police vehicle and up to \$50,000 for a fire apparatus. The interest rate through Rural Development for this program is 2.375%

Motion by P.J. Wolfe, second by Donna Blevins Council refers this matter to the Fire and Police Committee. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Submission of Town Manager Evaluation Form – The yearly evaluation of the Town Manager, which is completed by the Town Council, is open during the month of July. Council received the evaluation papers which needs to be completed and submitted to Mrs. Marlene Henderson, Clerk-Treasurer, by August 1, 2020.
- Report on Virginia Municipal League Virtual Newly Elected Officials Meeting – Newly elected members are required to attend a newly elected officials meeting. The training gave a good overview of Local Government as well as good information of the Freedom of Information Act.
- Appointment of Elected Official to Serve on Downtown Management Team – The Downtown Management Team is a Committee required by the Department of Housing Community Development that meets once a month. The Committee consists of the Mayor, Vice Mayor, Council member and three citizens. The Council member that served on the Committee did not seek re-election. Mrs. Julie Sturgill volunteered to serve on the Downtown Management Team.

New Business:

- Resolution to Appropriate Funds for Fiscal Year 2020-2021 – 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 11, 2020 for presentation and citizen comment on the proposed fiscal year 2020-2021 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 2020-2021 Town Budget on June 18, 2020:

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 resolves that the funds for the contemplated expenditures budgeted in said 2020-2021 Town Budget be appropriated on an as needed basis for the fiscal year beginning July 1, 2020.

RESOLVED, this 9th day of July 2020 by vote of the Chilhowie Town Council.

Record of vote:

Ayes: 6

Nay: 0

Absent:0

Acknowledged and signed:

Gary L. Heninger, Mayor

Marlene L. Henderson, Clerk

Motion by Brent Foster, second by Donna Blevins Council adopts the Resolution as presented.

The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Resolution to Levy Tax Rates For 2020-2021 – Mrs. Marlene Henderson presented the following:

RESOLUTION
Tax Levy for
Fiscal Year 2020-2021

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 Donna Blevins, second by Brent Foster and passed Council hereby adopts and sets the foregoing tax levy for the fiscal year 2020-2021.

Record of vote:

Ayes: 6

Nay: 0

Absent:0

Acknowledged and signed:

Gary L. Heninger, Mayor

Marlene L. Henderson, Clerk

- Adoption of All Virginia State Code Changes That Became Effective July 1, 2020 – All Virginia State Code Changes that became effective July 1, 2020 were passed by the Virginia Legislature.

Motion by Donna Blevins, second by Bill Clear Council adopts all Virginia State Code changes that became effective July 1, 2020. The motion was approved with following recorded vote:

Donna Blevins Aye
Brent Foster Aye
Julie Sturgill Aye

Bill Clear Aye
Lewis Shortt Aye
P.J. Wolfe Aye

Department Reports:

Mrs. Marlene Henderson reported the Tracking Devices have been ordered and are expected to arrive within ten working days.

Mr. Randy Sturgill, Building Official, requested permission to proceed with the procurement process for the purchase of a building official half ton truck for building inspections.

Motion by Brent Foster, second by Julie Sturgill Council grants permission to begin the procurement process for a half ton truck for the Building Official Department. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Mr. Stephen Price, Chief of Police reported that officer Gage Prater completed the 1.5 mile run and agility test and may begin the Police Academy Monday, July 13, 2020.

Mr. Aaron Smith, Deputy Chief of Police, reported on the Highway Safety Initiative Quarterly Report. During this quarter 170 summons were issued. Total hours Officers worked was 88 hours with a total of 176 traffic stops. Other duties performed during Highway Safety Initiative includes providing back up for on duty officer, assisting other Departments, assisting motorist, searching vehicles as well as consent search of person. Total of fines paid to the Town during this quarter is \$2,777.28.

Mr. Ron Cahill, Recreation Director and Special Events Coordinator, reported Mount Rogers Regional Adult Education is requesting to resume the Adult GED classes at the Old High School. The classes will be held Tuesdays and Thursdays 12:00 p.m. until 3:00 p.m. Council also delayed the renting of shelters at the Recreation Park as well as the Community Room for another month. Council instructed Mr. Cahill to post signage at the shelters in the Recreation Park concerning social distancing and wearing masks to be compliant with the Governor's mandates.

Motion by Brent Foster, second by Bill Clear Council approves the request from Mount Rogers Regional Adult Education to resume the Adult GED classes at the Old High School and will comply the Governor's Mandates. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Mr. David Haynes, Fire/EMS Chief reported the Chilhowie Fire Department was chosen by the Virginia Fire Chief Association for a recruitment and retention program for volunteer fire fighters.

Mr. Jay Keen, Director of Public Works, reported he is seeking bids for tree removal located at the Little League Fields behind the batting cage. The tree is rotten and is a liability. Mr. Keen also reported the Farmer’s Market is ready for the sewer pump installation at the lift station.

Closed Session:

- For consultation with legal counsel regarding appointments as allowed by Section 2.2-3711(A)(8) of the Code of Virginia, as amended.

Motion by Brent Foster, second by P.J. Wolfe and unanimously passed the Council of the Town of Chilhowie hereby enters into Closed Session for consultation with legal counsel regarding appointments as allowed under Section 2.2-3711 (A)(8) of the Code of Virginia as amended. The motion was approved with the following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Motion by Brent Foster, second by P.J. Wolfe 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
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	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)(8) of the Code of Virginia requires a certificate by the Council 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
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Reorganization of Town Officials:

- Election of Vice Mayor –

Motion by Donna Blevins, second by P.J. Wolfe Council elects Brent Foster to serve as Vice Mayor. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Town Manager –

Motion by Brent Foster, second by Lewis Shortt Council appoints John Clark to serve as Town Manager for a two-year term. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Town Attorney

Motion by Brent Foster, second by P.J. Wolfe Council appoints Cassell & Crewe, PC to serve as Town Attorney for a two-year term. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Clerk – Treasurer –

Motion by Brent Foster, second by Bill Clear Council appoints Marlene Henderson to serve as Clerk-Treasurer for a two-year term. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

- Chief of Police –

Motion by Donna Blevins, second by Julie Sturgill for Council appoint Stephen Price to serve as Chief of Police for a two-year term. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Nay
Brent Foster	Nay	Lewis Shortt	Nay
Julie Sturgill	Abstain	P.J. Wolfe	Nay

Mrs. Julie Sturgill abstained from the vote due to a personal relationship.

- Town Committee Appointments

Finance and Personnel

Donna Blevins – Chair
Brent Foster
Julie Sturgill

Public Works

Lewis Shortt – Chair
Julie Sturgill
P.J. Wolfe

Fire and Police

Brent Foster – Chair
Lewis Shortt
Bill Clear

Wellness and Parks

Bill Clear – Chair
Donna Blevins
P.J. Wolfe

Motion by Brent Foster, second by Bill Clear Council accepts the Committees assigned. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Any Further Council Business:

Mrs. Julie Sturgill, Councilwoman, inquired as to who would serve as the Police Chief until Council can advertise the position. Mr. Clark responded the Deputy Chief may act as Chief of Police until Council can advertise the position.

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

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Mrs. Donna Blevins, Councilwoman, stated she felt Council has been terrifically unfair to Stephen Price.

Motion by Lewis Shortt, second by Brent Foster Council adjourns this meeting at 8:46 p.m. The motion was approved with following recorded vote:

Donna Blevins	Aye	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Gary L. Heninger Mayor

Marlene L. Henderson, MMC Clerk