

Virginia: At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, September 10, 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; Jay Keen, Director of Public Works; Aaron Smith, Acting 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. Randy Sturgill gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by Brent Foster, second by Donna Blevins Council adopts the regular August 13, 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:

Michael Nash appeared before Council to request the reopening of Little League Baseball Fields as well as the Recreation Park Baseball Fields in order to hold tryouts and off-season workouts for the Spring Baseball Club team. Mr. Nash stated that they intended following all of Phase III of the Governor's Orders and the fields are requested for practices only. Mr. Jay Keen, Public Works Director, reported the Little League fields were closed due to safety concerns due to the twin maple trees which have since been removed. Mr. Paul Cassell, Town Attorney, stated any person or program utilizing the facilities must comply with the Governor's Orders including practicing social distancing and wearing face masks. He suggested any person or program shall submit a plan for the Town's approval stating how the Governor's Orders shall be followed.

Motion by Brent Foster, second by Lewis Shortt Council authorizes the Town Manager and Ron Cahill, Recreation and Special Events Coordinator, to approve any plans submitted stating how the Governor's Orders shall be followed. 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

Old Business:

- Update on CARES Act Funding including Business Development – Based on population the Town of Chilhowie is receiving \$297,272 of the CARES ACT funding. Mr. David Haynes, Fire and EMS Chief, gave an update on proposed items to purchase with the CARES Act funds. Chief Haynes reported that he has submitted the proposal to Smyth County and it was approved.

Motion by Brent Foster, second by Bill Clear Council accepts the ratification of the CARES Act Funding Allocation. 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. Sarah Gillespie, Executive Director of the Chamber of Commerce of Smyth County, appeared before Council to report on the Business Development Program and workshop series known as Smyth Strong for businesses affected by COVID-19. The Chamber of Commerce of Smyth County requested the Town of Chilhowie to set aside \$22,000 from the CARES Act funds for grant funds Chilhowie businesses can apply for. Chilhowie businesses will also be eligible for CARES Act funds provided by Smyth County. Grant applications will be accepted until September 25th and awards will range from \$1,000 to \$10,000.

Motion by Brent Foster, second by P.J. Wolfe Council approves the participation in the Chamber of Commerce Business Development Program for businesses within the corporate limits of Chilhowie. 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

- Update on Lease with Tourism Association – Mr. Paul Cassell, Town Attorney, prepared a revised lease with the Smyth County Tourism Association. The Tourism Association is scheduled to meet Monday, September 14, 2020. Sarah Gillespie, Executive Director of

the Chamber of Commerce of Smyth County Inc. stated the Chamber is excited to have an office space in Chilhowie once the Tourism Association agrees.

- Update on Request for Proposal on East Lee Pedestrian Connector II – The East Lee Pedestrian Connector II will connect Church Street to Walton Avenue to Main Street. Council authorized the Town Manager to advertise Request for Proposals during the August Council meeting. Proposals are due September 17, 2020. The proposals will go before the Public Works Committee to be scored and be brought before Council during the October 8, 2020 Council meeting.

Motion by Brent Foster, second by Donna Blevins Council refers this matter to the Public Works 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

- Update on Request for Proposal on Sewer System Evaluation Study – The Department of Environmental Quality has awarded funding for a one-year study that will be conducted during dry and wet seasons to locate inflow and infiltration problem areas. The grant funds are in the amount of \$90,000 with a 20% match. The proposals may go before the Public Works Committee to be scored and be brought before Council during the October 8, 2020 Council meeting.

Motion by Donna Blevins, second by Lewis Shortt Council refers this matter to the Public Works 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 Number 19 on Phase I Downtown Facades Project and Update – Pay Request Number 19 is for the total amount of \$7,435. Wallberg Construction submitted and invoice for work completed in the amount of \$5,035 and Mount Rogers Planning District Commission submitted an invoice for administration expense in the amount of \$2,400. The Town has also received an invoice from Hurt and Proffitt in the amount of \$1,890 that the Town will remit payment outside of grant funds.

Mr. Randy Sturgill, Building Official, reported the Contractor will be cleaning the surface of the repointed brick and the project is 97% complete. Twenty-two weather days have been added to the deadline for substantial completion.

Motion by Donna Blevins, second by P.J. Wolfe Council approves Pay Request Number 19 in the amount of \$7,435. 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

- Update on Police Chief Search – The deadline for Police Chief application was Thursday, September 10, 2020 at 4 p.m. Thirteen applications were received. Within the upcoming days the applications will be scanned and submitted to the Virginia Association of Chiefs of Police and Council for review. Town Council was requested to complete a survey for the Virginia Association of Chiefs of Police stating what they are looking for in a Police Chief.
- Update on Fire/EMS Applications – As a result of Smyth County increasing funding for the Fire/EMS Department by approximately \$87,000 Council approved the Department to hire three full time employees during the August 2020 Council meeting. The application for employment deadline was Friday, September 4th at 5 p.m. The Department received five applications. The applicants will be given a written test Thursday, September 17th and an oral review and physical review on Friday, September 18th. A recommendation will be given to the Town Manager.
- Update on Mill Creek Regional Water Treatment Plant Proposed Retrofit Using Existing Rural Development Funds – Each skid cartridge contains thousands of fibers in each and when one cartridge is taking in air a small pin is used to determine which cartridge within the skid. The testing is very time consuming and the whole skid is out of operation until the testing is complete. At the cost of \$23,500 a specialist from Pall will come to the site and conduct a study to determine if a retrofit of the Evoqua Membrane System with Pall Membranes can correct the ongoing issues with the skids. The cost of \$23,500 will come from Rural Development grant funds and the Washington County Service Authority will also share the cost.

Motion by Brent Foster, second by Julie Sturgill Council accepts the study and go forward with the retrofit. 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

New Business:

- Notice of Grant Award from Department of Criminal Justice Service – The Department of Criminal Justice Service provided a COVID–19 grant opportunity for Police Departments to assist the officers with the ability to social distance. The Chilhowie Police Department has been awarded \$13,219.83 for the purchase of three Panasonic Toughbook Tablets that will allow the officers to complete all reporting requirements from their police vehicle.
- Report on Bids on Farmer’s Market Paving – Five bids were received for paving of the Farmer’s Market location. AAA Paving and Sealing of Princeton, West Virginia, was the lowest bid in the amount of \$35,230. Rural Development funds for this project is \$31,000 leaving a balance of \$4,230 the Town will be responsible for. Mr. Jay Keen, Public Works Director, reported there will be an additional cost of \$4,500 for drainage pipe and stone.

Motion by Brent Foster, second by Donna Blevins Council accepts the low bid from AAA Paving and Sealing in the amount of \$35,230. 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

- Proposed Dedication Date of September 29th for Farmer’s Market - The Dedication date of September 29th has been changed to September 30th at 5:30 p.m. The Metal Art created by Smyth County Machinery for Will Walker and Lucas Dowell will be completed by this date and unveiled during the Dedication.

Motion by Donna Blevins, second by Brent Foster Council accepts the date of September 30, 2020 at 5:30 p.m. for the Dedication of the Farmer’s Market. 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

- Update on Funding and Construction of Fishing Pier – The USFWS Partners for Fish and Wildlife Program awarded funds in the amount of \$6,278.40 for the cost of materials to construct a fishing pier at the Chilhowie Recreation Park. The fishing pier will be located near Shelter 1 and will be handicap accessible. The Town will hire a contractor to construct the pier.

- Presentation of Fire/EMS Revised Fee Schedule – Mr. David Haynes, Fire and EMS Chief, reported the fee schedule was last revised 2017-2018. Within the proposed fee schedule the Town resident fees were not changed.

Motion by Brent Foster, second by P.J. Wolfe Council sets a Public Hearing for the proposed fee schedule for October 8, 2020. 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

- Appointment to Mount Rogers Planning District Commission Board – The Mount Rogers Planning District Commission Board meets annually. Cathy Smith serves as the Chilhowie representative and her term has expired.

Motion by Brent Foster, second by Lewis Shortt Council appoints John E. B. Clark, Jr. to serve on the Mount Rogers Planning District Commission Board for one 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

Department Reports:

Mr. John E.B. Clark, Jr. reported the Smyth 12 meets Tuesday, September 15, 2020 at 4 p.m. Mr. Clark is also giving a presentation for the Chilhowie Christian Church Tuesday, September 15, 2020 at 6 p.m. at the Riverfront Café. Mr. Clark also reported that he witnessed at the Community Yard Sale held Saturday, September 5, 2020, no masks were worn. He suggested utilizing social media to inform the public of that requirement.

Mrs. Marlene Henderson, Clerk – Treasurer, reported that Felicia Eller has recently received the Certified Municipal Clerk Designation from the International Institute of Municipal Clerks. Mrs. Henderson also reported that the Warrior WIFI is available to the public at the Town Hall. Innovative Computer Solutions is currently working on the Warrior WIFI at the Farmer’s Market, Old High School, Little League Fields and Recreation Park.

Mr. David Haynes, Fire and EMS Chief, reported the EMS Department Medical Director, Doctor Bruzzo, is concerned about his status as an employee and if he is covered by the Town’s Liability Policy. Doctor Bruzzo is requesting to be made a part time employee of the EMS Department to reinforce his status with the Town with a pay of \$50 per month.

Motion by Lewis Shortt, second by Brent Foster Council accepts Doctor Bruzo as a part time employee with pay of \$50 per month. 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. Aaron Smith, Acting Police Chief, reviewed the Police Activity for the month of August. During August the Department conducted two check points, issued 110 summons and made two arrests.

Mr. Ron Cahill, Recreation Director – Special Events Coordinator, reported the next Road Cruise is scheduled for Saturday, September 19, 2020 at 4:30 p.m. This Road Cruise will travel to Rural Retreat. Mr. Cahill reported that he will have a report for Council during the October meeting on how the Town’s Facebook page is doing. He also reported the Farmer’s Market is doing well.

Closed Session:

- Update on Mill Creek Water Treatment Plant Contract Situation – Justification 2.2-3711(A)(7) of the Code of Virginia, as amended –

Motion by Lewis Shortt, second by Donna Blevins and unanimously passed the Council of the Town of Chilhowie hereby enters into Closed Session to discuss an update on Mill Creek Water Treatment Plant Contract Situation as allowed under Section 2.2-3711 (A)(7) 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 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
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)(7) 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

Motion by Donna Blevins, second by Brent Foster Council authorizes Mayor to sign the Mutual Tolling Agreement and submit upon recommendation of the Town Manager and Town Attorney.

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

Motion by Julie Sturgill, second by Brent Foster Council adjourns this meeting at 8:45 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