

Virginia: At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, May 13, 2021 at 7:00 p.m.

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

Absent: Donna Blevins.

Also Present: Mr. John E.B. Clark, Jr., Town Manager; Mrs. Marlene Henderson, MMC, Clerk-Treasurer; Messrs. Paul Cassell, Town Attorney; Jay Keen, Director of Public Works; Andrew Moss, Police Chief; Brandon Moore, Assistant Fire/EMS Chief; Randy Sturgill, Building Official and Ron Cahill, Recreation/Special Events Coordinator.

The meeting was held in the Council Chambers. Social Distancing due to the COVID-19 pandemic was observed.

Mayor Heninger called the meeting to order. Randy Sturgill gave the Invocation. The Pledge of Allegiance was recited.

Approval of Minutes:

Motion by P.J. Wolfe, second by Julie Sturgill Council adopts the regular April 8, 2021 and continued April 22, 2021 meeting minutes. The motion was approved with following recorded vote:

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

National Police Week Presentation:

Mr. Andrew Moss, Chief of Police, appeared before Council announcing National Police Week is May 9, 2021 through May 15, 2021. In 1962, President John F. Kennedy signed a proclamation which designated May 15th as Peace Officers Memorial Day and the week in which that date falls as Police Week. Currently, tens of thousands of law enforcement officers from around the world converge on Washington, DC to participate in a number of planned events which honor those that have paid the ultimate sacrifice.

Chief Moss presented Gage Prater with the Law Enforcement Officer Certification.

Presentation of the 67th Chilhowie Community Apple Festival Master Plan:

Mrs. Rebecca Wilkinson-Smith appeared before Council to report the 2021 Chilhowie Community Apple Festival Master Plan is basically the same as previous years prior to COVID-19. The Apple Festival Committee has dropped the Beauty Pageant from the Agenda due to COVID-19, but the rest of the Master Plan is the same as previous years.

Mr. Paul Cassell, Town Attorney, reviewed the Chilhowie Community Apple Festival Master Plan and found no issues.

Motion by Lewis Shortt, second by P.J. Wolfe, Council approves the 2021 Chilhowie Community Apple Festival Master Plan. The motion was approved with following recorded vote:

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

Citizen Time:

Ginger McMahan appeared before Council to express the parents of the Senior Class of 2021 heart felt gratitude to the Town for the assistance provided for Prom 2021 on Main Street. Linsey McMahan also stood before Council to express the Senior Class of 2021 gratitude to the Town.

Rose Likins, Smyth County Public Library, appeared before Council to give the Library report. The Libraries reopened on April 19th and a lot of patrons have been utilizing all the Library branches. Each Library branch will continue to offer curbside service indefinitely.

The Citizen Science month during April was successful. The Library has added two new subscriptions to the digital resources, news bank that provides online access to 12,000 newspapers around the country and added another digital app Hoopla that has 900,000 items from E books, movies, music and TV shows. Mrs. Nellie Harmon has recently joined the Library Board. The Board meeting for May will be held in Chilhowie at the Old High School on Thursday, May 20, 2021 at 5:30 p.m.

Public Hearing:

- Proposed 2021-2022 Budget Proposal and Rate Increases – Mrs. Marlene Henderson presented the following:

NOTICE OF PUBLIC HEARING
2021-2022 BUDGET PROPOSAL
TOWN OF CHILHOWIE, VIRGINIA

Pursuant to Section 15.2-2506 of the Code of Virginia (1950), as amended, Council for the Town of Chilhowie will conduct a public hearing on the proposed fiscal year 2021-2022 town budget beginning at 7:00 p.m. Thursday, May 13, 2021 in Council Chambers, 325 East Lee Highway, Chilhowie, Virginia.

This synopsis is published for information and planning purposes only and will serve as a guide to earmark expenditures and allocate revenues. The proposed budget in no way obligates the Town of Chilhowie to any expenditure. Any citizen is invited to attend the public hearing on the budget proposal and state their views thereon. A copy of the proposed budget is on file and may be examined in the office of the Clerk located in the Municipal Building, 325 East Lee Highway, Chilhowie, Virginia 24319.

By Order of the Chilhowie Town Council – John E.B. Clark, Jr., Town Manager

Estimated Revenues

Property Tax	\$257,409
Business License Tax	105,000
Utility Tax	100,000
Communication Tax	35,000
Consumption Tax	9,000
Sales Tax	70,000
Meals Tax	625,000
Cigarette Tax	100,000
Other Taxes	80,200
Fines	86,265
Law Enforcement Funds	69,500
Rolling Stock Tax	2,600
Miscellaneous	31,250
Garbage	140,000
Recreation	15,000
Building Inspection	3,500
Transfer	160,354
Water Billing, Penalties, Fees	
Connections	1,757,300
Fire Protection Hydrant	
Replacement	26,520
Sewer Billing, Fees,	
Connections	698,375
Smyth County Sewer	
Reimbursement	200,000

Proposed Expenditures

Administration Wages, Fringe	\$302,618
Contract Services	33,000
Community Development	55,423
Building Inspection	3,170
Operations, Utilities	186,444
Capital Outlay	5,000
Wellness & Community Development	
Wages, Fringe	23,000
Operations	31,800
Capital Outlay	13,500
Building & Grounds Wages	43,965
Operations, Utilities	137,700
Capital Outlay	62,500
Garbage	146,268
Public Safety Wages, Frings	475,150
Operation	145,289
Capital Outlay	30,000
Water Wages, Fringe	585,590
Operations, Utilities	521,424
Fire Protection, Hydrant	
Replacement	26,520
Debt Service	552,293
Capital Outlay	38,000
Sewer Wages, Fringe	304,086
Operations, Utilities	215,000

Fire/EMS Billing	355,000	Debt Service	407,850
Fire/EMS Grants	218,300	Capital Outlay	57,000
Smyth County Training Center	11,403	Fire/EMS Wage, Fringe Operations, Supplies-	437,491
Miscellaneous	4,865	Fire/EMS	277,305
Revenues	\$5,161,841	Capital Outlay	16,650
		Smyth County Fire/Rescue Academy	5,835
		Debt Service	21,970
		Expenditures	\$5,161,841

NOTE:

This budget includes:

Effective October 1, 2021:

- Outside Corporation Water Rate Increase 2.5%
- Inside Corporation Water Rate Increase 5.0%
- Outside Corporation Sewer Rate Increase 0.0%
- Inside Corporation Sewer Rate Increase 5.0%

Effective January 1, 2022:

- Cigarette Tax Increase to \$0.40

Mayor Heninger opened the Public Hearing at 7:22 p.m.

No one wished to speak.

Mayor Heninger closed the Public Hearing at 7:23 p.m.

Old Business:

- Council/Staff Response from Public Hearing – With no comments made a response was not required. During the regular Council meeting scheduled June 10, 2021, the Proposed 2021-2022 Budget can be adopted.
- Fire/EMS Chief on Fire Hydrant/Protection Project and Funding – The program was instituted in fiscal year 2019-2020 and involves each connection pay \$1.00 per month to cover the service. Four hydrants were replaced during the fiscal year 2019-2020. This fiscal year the money from the Fire Hydrant/Protection Project plus Mount Rogers Planning District Commission funds will be utilized for the 1,100 feet of water line and two hydrants for the Lyons Gap Project.

Mr. Brandon Moore, Assistant Fire/EMS Chief, presented the “Frequently Asked Questions” that was included in Council’s packet. For 2021-2022 the plan proposes using the funds for eleven hydrants on the system, of which seven are inside corporate limits and four outside. Four are projected to be replacement hydrants and seven new hydrants.

- Notice of Dedication, May 18th, of Will Walker Farmer’s Market and Lucas Dowell Park – The Dedication is scheduled for Tuesday, May 18, 2021 at 5:30 p.m. with Mr. Craig Barbrow, Rural Development, serving as the Key-Note Speaker.
- Statement on Tourism Authority Terminating Lease on H.L. Bonham Building and the Chamber of Commerce of Smyth County Occupying the Building July 1 – Mr. John Clark, Jr., Town Manager, reported an elected official made a comment that the reason the Smyth County Tourism Association is leaving the H.L. Bonham Building is because the cost is increasing which is absolutely untrue. The Tourism Association cost for utilities have not increased. A cost sharing agreement was proposed at one time for the Localities to participate, but if unable they would revert back to the \$2.00 per capita to help over the cost of the building.

The Chamber of Commerce of Smyth County has accepted the revised lease to move into the H.L. Bonham Tourism Center. The Chamber is planning to move into the building on July 1, 2021.

Mrs. Amanda Livingston, Smyth County Tourism Director, appeared before Council and stated the mission and goals have not changed and the tactics have not changed. The marketing plan is strong and will be successful. The issue with the building is one means to an end, there are different opinions about the building and the relationship with tourism. Mrs. Livingston reported that she will not be able to make everyone happy and that is okay. As years go on and she grows into this role she hopes time will prove that they are successful with the program and they are able to make a real difference in the economy and the community. The new tourism website www.visitsmythcountyva.com has been launched and has been live for three weeks.

Motion by Brent Foster, second by Lewis Shortt Council sets a Public Hearing for the leasing of the H.L. Bonham Tourism Center to the Chamber of Commerce of Smyth County during the regular scheduled Council meeting June 10, 2021. The motion was approved with following recorded vote:

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

- Report on Phase II of Downtown Revitalization Project and Approval of Pay Requests – Currently the Berry’s building is being painted, extensive brick pointing is being done on the old Curve’s building. On the north side painting is being done on all window seals and three windows at the old Lowe’s building are being restored. All these activities are being paid for by the grant and the property owners matching funds.

The arch on top of the old Lowe’s building is being removed. The contractor removed eight courses of brick that made the arch and removed the pad at no extra cost. The Pay Request Number 22 is in the amount of \$52,491.75.

Motion by Brent Foster, second by Julie Sturgill Council approves Pay Request Number 22 in the amount of \$52,491.75. The motion was approved with following recorded vote:

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

- Report from Town Attorney on Land Sale Procedure, if Warranted, on Lot on River Road – Mr. Paul Cassell, Town Attorney, suggested that in order to proceed with the land sale the Town must first declare the property as surplus and ensure through the Public Works Department there are no easements for the property that needs to be worked through, request sealed bids with the right to reject all bids; and if a bid is acceptable, draft an Ordinance conveying the property to be considered after the Public Hearing.

Motion by Brent Foster, second by Bill Clear Council declares the property located at 160 River Road as surplus and authorizes Town Manager to advertise for sealed bids. The motion was approved with following recorded vote:

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

- Approval of Pay Request Number 1 on East Lee II Project – Thompson and Litton, INC., submitted Pay Request Number 1 for the design, bidding assistance, construction contract administration, construction engineering inspection and surveying in the amount of \$23,068 for the East Lee II Project.

Motion by Brent Foster, second by Julie Sturgill Council approves Pay Request Number 1 on East Lee II Project in the amount of \$23,068. The motion was approved with following recorded vote:

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

- Report on Fire/EMS Training Building – Mr. Brandon Moore, Assistant Fire Chief, reported the feasibility report for the training building returned higher than expected and are currently looking at other avenues for funding as well as local financial options.
- Resignation and Appointment Expiring 09/30/2021 to General Board of Appeals – Mr. Randy Sturgill, Building Official, reported H.C. Carter is willing to fill the unexpired term for the General Board of Appeals.

Motion by Lewis Shortt, second by Brent Foster, Council appoints H.C. Carter to fill an unexpired term on the General Board of Appeals. The motion was approved with following recorded vote:

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

New Business:

- Presentation of Labor/Equipment Bids on Lyons Gap Water Project – The invitation to bid for the Lyons Gap Water Project was advertised with one bid submitted from Teater’s Trucking in the amount of \$64,000. The Town is purchasing materials at the cost of \$28,000. Engineering cost is in the amount of \$7,000. The Town’s budget for the project is in the amount of \$37,750 and Mount Rogers Planning District Commission is granting \$37,750 for a total of \$71,500. There is a shortfall of funds in the amount of \$24,000. Through the Budget, funds have been saved from capital purchases that will cover the shortfall of funds. The project is to begin the end of May and will be completed within twenty-one (21) days.

Motion by Brent Foster, second by P.J. Wolfe Council accepts the bid from Teaters Trucking in the amount of \$64,000 and continues with the project. The motion was approved with following recorded vote:

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

- Notice of Resignation of Recreation/Special Events Coordinator Ron Cahill and New Hire Process – Mr. Ron Cahill, Recreation/Special Events Coordinator, submitted his resignation effective June 25, 2021. The job position hiring notice is being advertised and will close on June 1, 2021 at 4:00 p.m.
- Presentation of Resolution and Information Supporting Passenger Service to Bristol from Senator Todd Pillion – Mrs. Marlene Henderson presented the following:

WHEREAS, the Commonwealth of Virginia continues to support the expansion of passenger rail service as a means of economic development and transportation innovation;

WHEREAS, on October 31, 2017, the closest passenger rail station available to Southwest Virginia residents opened in Roanoke with service provided by the Amtrak *Northeast Regional*;

WHEREAS, on February 27, 2021 the Virginia General Assembly passed an amended state budget that includes \$83,500,000 to extend passenger rail service from Roanoke to the Blacksburg-Christiansburg area and increase the frequency of passenger rail service along the I-81/Route 29 Corridor from Washington, D.C.;

WHEREAS, the 2021 Transportation Funding Initiative also adopted in the amended state budget requires the Secretary of Transportation to study the impact of a possible future extension of passenger rail service to Bristol, Virginia;

WHEREAS, the Bristol study will require the Secretary of Transportation to provide an assessment of both the total project costs and incremental costs resulting from the extension of passenger rail service in far Southwest Virginia;

WHEREAS, a preliminary study completed in 2019 by the City of Bristol, the Bristol Chamber of Commerce, the Virginia Tobacco Region Revitalization Commission, the U.S. Department of Agriculture, and the Appalachian Regional Commission forecast approximately 23,600 annual riders from a Bristol stop, the direct creation of between 14 and 22 jobs, and estimated between \$360 million and \$32.7 million in needed track improvements;

RESOLVED, that the Town of Chilhowie supports the Bristol study requirement as provided in the 2021 Transportation Funding Initiative and respectfully recommends a full and thorough consideration of the positive impacts of expanded passenger rail service in far Southwest Virginia, including alleviating stress along the Interstate 81 corridor;

RESOLVED FURTHER, that the Town of Chilhowie prepare a copy of this resolution for presentation to the Secretary of Transportation for the Commonwealth of Virginia and appropriate state legislators.

Adopted this 13th day of May 2021.

Gary L. Heninger, Mayor

ATTEST:

Marlene L. Henderson, Clerk-Treasurer

Motion by Brent Foster, second by Julie Sturgill Council adopts the Resolution as presented. The motion was approved with following recorded vote:

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

- Report on Republic’s Exorbitant Stated Increase on Solid Waste Pickup and Meeting with Company – Republic Service has submitted an increase on rates of 50%. The increase is from \$11.76 to \$17.64 per trash can. The Town of Saltville and the Town of Chilhowie held a meeting with Republic Services who agreed to a 3% increase through December 31, 2021. Council discussed the possibility of a Request for Proposal from other solid waste pickup service providers. The Town of Saltville may want to jointly advertise for a Request for Proposal for solid waste pickup. Another option is to jointly create a Trash Authority with the Town of Saltville and purchase a trash truck at the cost \$360,000.

Motion by Brent Foster, second by Lewis Shortt Council authorizes Town Manager to begin the process for the Request for Proposals. The motion was approved with following recorded vote:

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

Committee Reports:

- Public Works Committee on Storage – The Public Works Committee met on Thursday, April 15, 2021 to discuss the possibility of additional storage space in the Community Room. It was suggested to erect a wall within the Community Room providing a 10-foot space with the width of the room for storage and a possible office space for a seventh police officer if needed. If the wall was erected the occupancy level would be reduced to 56 people with table and chairs. Prior to COVID-19 District Three served 25 senior

citizens and the Senior Citizens Club consists of 35 people that utilized the community room. The possibility of offsite storage was discussed.

Motion by Brent Foster, second by Lewis Shortt Council tables this matter. The motion was approved with following recorded vote:

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

Department Reports:

Mrs. Marlene Henderson, Clerk-Treasurer, reported the revenue collections are doing well with the collection of Meals Tax at 94%, collection for water service at 82% and collection for sewer service at 80%. Auditors have been in the office the past two business days and will complete the Audit by June 30, 2021 as required.

Mr. Andrew Moss, Chief of Police, reported he has attended several trainings and Power DMS should be live within the next week.

Mr. Ron Cahill, Recreation/Special Events Coordinator, reported the Fifth Grade Dinner and Dance will be held Friday, May 21, 2021 at the Farmer's Market and Community Pavilion. The Chilhowie Middle School outing is being held on Friday, May 14, 2021 in the Recreation Park.

Mr. Cahill requested to reopen the rental of the shelters of the Recreation Park, rental of the Old High School and the rental of the Community Room. The individuals renting facilities and participants attending must abide by the Governor's restrictions.

Motion by Julie Sturgill, second by P.J. Wolfe Council approves the reopening of facilities on June 1, 2021 with all participants required to abide by Governor's restrictions. The motion was approved with following recorded vote:

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

Closed Session:

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

Upon motion of Brent Foster, second by P.J. Wolfe and unanimously passed Council hereby enters into Closed Session under Section 2.2-3711(A)1 of the Code of Virginia as amended to discuss update on Mill Creek Water Treatment Plant Contract Situation. The motion was approved with following recorded vote:

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

Motion by Brent Foster, second by Lewis Shortt and unanimously passed Council hereby enters into Open Session. The motion was approved with following recorded vote:

Donna Blevins	Absent	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)(1) 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	Absent	Bill Clear	Aye
Brent Foster	Aye	Lewis Shortt	Aye
Julie Sturgill	Aye	P.J. Wolfe	Aye

Motion by Lewis Shortt, second by Julie Sturgill Council adjourned this meeting at 9:03 p.m. The motion was approved with following recorded vote:

Donna Blevins	Absent	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