

**Virginia:** At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, July 8, 2021, at 7:00 p.m.

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

**Absent:** Brent Foster.

**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; David Haynes, Fire/EMS Chief; Randy Sturgill, Building Official and Jeff Smarr, 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 Lewis Shortt, second by P.J. Wolfe Council adopts the regular June 10, 2021, meeting minutes. The motion was approved with following recorded vote:

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

**Citizen Time:**

Heather Carter, Chilhowie Library, appeared before Council to express her gratitude for the increase of funding for the Library from the Town. Ms. Carter stated currently the Library is open on a limited schedule and hopes to be fully open by August 1, 2021. The Summer Reading Program is being held at the Will Walker Farmer's Market and Community Pavilion. The Summer Reading Program has partnered with Hungry Mother Park and Loaves and Fishes Food Pantry. The Loaves and Fishes Food Pantry serves a hot meal to any participant of the Summer Reading Program and sends home a week's worth of shelved food items. The program is very successful, and Ms. Carter would like to continue to host the program at the Will Walker Farmer's Market and Community Pavilion in the future.

**Old Business:**

- Update on Downtown Project and Presentation of Pay Request – Mr. Randy Sturgill, Building Official, reported the Downtown Project is 85% complete. The Contractor stated the project may be completed by the first of August. An issue may occur while the Contractor is working on the west side due to the size of the lift and traffic, that matter must be resolved between the Contractor and the Virginia Department of Transportation. Mayor Heninger stated the C is smaller than the rest of the letters of Chilhowie Hardware that is currently being painted on the building and needs to be corrected. The property owner is dissatisfied with the color of the Piggly Wiggly sign that was revamped on the building, but the sign was included in the specifications.

Pay Request Number 22 is in the amount of \$11,426.87. Hurt and Proffitt Invoice for construction administration is in the amount of \$1,050 and Wallberg Construction for construction completed is in the amount of \$10,376.87 for the total of \$11,426.87.

Motion by P.J. Wolfe, second by Bill Clear Council approves Pay Request Number 22 in the amount of \$11,426.87. The motion was approved with following recorded vote:

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

Pay Request Number 23 is in the amount of \$12,806.88. Wallberg Construction submitted an invoice for construction completed in the amount of \$11,306.88 and Mount Rogers Planning District Commission submitted and invoice for Administration Expense for Contract Monitoring in the amount of \$1,500 for a total of \$12,806.88.

Motion by Donna Blevins, second by P.J. Wolfe Council approves Pay Request Number 23 in the amount of \$12,806.88. The motion was approved with following recorded vote:

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

- Presentation of Pay Request Number 2 on East Lee Highway II Pedestrian Project – The advertisement for bid for the East Lee Highway II Pedestrian Project will be January or February 2022. Pay Request Number 2 is for Thompson and Litton for professional services provided in the amount of \$6,309.10.

Motion by P.J. Wolfe, second by Julie Sturgill Council approves Pay Request Number 2 in the amount of \$6,309.10. The motion was approved with following recorded vote:

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

- Update on Sewer System Evaluation Study (SSES) Grant Application – The Sewer Evaluation Study identified \$2.1 million in improvements as a result of the first phase of the study completed this spring. The Department of Environmental Quality is accepting eight applications from select localities that completed the Sewer System Evaluation Study, and the grant application will be submitted during the month of July 2021. The grant will involve a 50% principal forgiveness, but it is not disclosed how much a locality can apply for. Mr. John Clark, Town Manager, requested Hurt and Proffitt to apply for \$2.1 million. Currently planning is being done for a second study in the Seven Mile Ford area, the grant application will only incorporate the second phase.
- Report of Completion of Fishing Pier – Mr. Jay Keen, Director of Public Works, reported the fishing pier was completed before July 4, 2021. The Public Works Department is currently removing tires and brush from the river.
- Presentation of 2020-2021 Highway Safety Initiative – Mr. Andrew Moss, Chief of Police, reported year to date the Highway Safety Initiative has brought in \$96,944.55 in fine revenue while \$15,094.38 has been paid out to Officers working the Highway Safety Initiative. Chief Moss stated that he will continue to review and tweak the program and would like to close the gap between wages paid and fine revenue to ensure the Town of Chilhowie is not policing for profit.

**New Business:**

- Introduction of Mr. Jeff Smarr as the New Special Events/Recreation Coordinator – Mr. Jeff Smarr, Special Events/Recreation Coordinator, appeared before Council to express his gratitude for the opportunity to continue to work with the people in the community. Mr. Smarr stated he is currently working on registration for Football and Cheerleading, requesting quotes for football jerseys, and participating as the Farmer’s Market Manager. Mr. Smarr shared ideas with Council on how to improve the Recreational Park, Recreation Programs, and events.
- Approval of Appropriation Resolution for Fiscal Year 2021-2022 – Mrs. Marlene Henderson, Clerk-Treasurer, 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 May 13, 2021, for presentation and citizen comment on the proposed fiscal year 2021-2022 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 2021-2022 Town Budget on June 10, 2021;

**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 2021-2022 Town Budget be appropriated on an as needed basis for the fiscal year beginning July 1, 2021.

**RESOLVED**, this 8<sup>th</sup> day of July 2021 by vote of the Chilhowie Town Council.

Record of vote:

Aye: 5  
Nay: 0  
Absent: 1

**Acknowledged and signed:**

\_\_\_\_\_  
**Gary L. Heninger, Mayor**

\_\_\_\_\_  
**Marlene L. Henderson, Clerk**

Motion by P.J. Wolfe, second Donna Blevins Council adopts the Appropriation Resolution as presented. The motion was approved with following recorded vote:

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

- Set Tax Levy for 2021-2022 –

**RESOLUTION**

**Tax Levy for  
Fiscal Year 2021-2022**

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 home in the Town of Chilhowie, Virginia, \$0.30 cents per \$100.00 of assessed valuation. Minimum tax: \$5.00

Upon motion of P.J. Wolfe, second by Donna Blevins and passed Council hereby adopts and sets the foregoing tax levy for the fiscal year 2021-2022.

Record of vote:

Aye: 5  
Nay: 0  
Absent: 1

**Acknowledged and signed:**

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**Gary L. Heninger, Mayor**

\_\_\_\_\_  
**Marlene L. Henderson, Clerk**

- Adoption of all Changes from General Assembly Effective July 1, 2021 – The Town of Chilhowie adopts all changes from General Assembly effective July 1, 2021, annually.

Motion by Donna Blevins, second by Bill Clear Council adopted all changes from General Assembly effective July 1, 2021. The motion was approved with following recorded vote:

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

- Presentation of Bid Information for Old High School Roof – Advertisement in the Smyth County News for bid information for the Old High School Roof is scheduled for the July 10<sup>th</sup> and July 17, 2021, editions. The pre bid conference will be held at the Old High School on July 20, 2021, at 9 a.m. Bids are due by 4 p.m., July 29, 2021, and then opened.
- Presentation of American Rescue Act – Based on population the Town is to receive funding in the amount of \$882,927 for economic recovery. The funds cannot be spent on existing

debt services. It was suggested to hold a special meeting to allow staff to present suggestions as to how the funds can be spent to benefit each department. The first annual report is due October 31, 2021.

- Ratification of American Electric Power Contract – The VML and VACO meet and negotiate for localities and sets rates for Appalachian Electric Power Company. The agreement was due prior to Council meeting and Mr. John Clark, Town Manager signed the four-year contract upon Mr. Paul Cassell’s, Town Attorney, recommendation.

Motion by Julie Sturgill, second by Donna Blevins Council ratifies the contract. The motion was approved with following recorded vote:

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

- Presentation of Multi-Jurisdictional Household Hazardous Waste Collection Proposal – Smyth County is working toward a Multi-Jurisdictional Household Hazardous Waste Collection. Residents of Smyth County would take any hazardous waste to the Smyth County Landfill and the County is to hire a special collector that collects the waste and hauls it to a special landfill. Smyth County is requesting funding assistance from each Locality within the County. Smyth County’s portion is \$20,000, the Town of Saltville is requested to fund \$3,000, Town of Chilhowie is requested to fund \$3,000 and the Town of Marion is requested to fund \$6,500.

Motion by Donna Blevins, second by P.J. Wolfe Council contributes \$3,000 to the Multi-Jurisdictional Household Hazardous Waste Collection. The motion was approved with following recorded vote:

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

- Transition of Smyth County Chamber of Commerce to Bonham House and Presentation of Lease – The Town had the inside of the H.L. Bonham House and restroom area deep cleaned and the outside of the building has been pressure washed. The Smyth County Chamber of Commerce has begun to move into the building with the intention of opening the building to the public by August 1, 2021.

Mr. Paul Cassell, Town Attorney, presented Council with the proposed revised lease agreement to be presented to the Smyth County Chamber of Commerce for the lease of the H.L. Bonham House. The proposed lease is for ten years and states the Town of Chilhowie

is responsible for structural maintenance and the Smyth County Chamber of Commerce is responsible for interior maintenance.

Motion by Lewis Shortt, second by Julie Sturgill Council approves the lease to be presented to Smyth County Chamber of Commerce. The motion was approved with following recorded vote:

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

**Department Reports:**

Mr. David Haynes, Fire and EMS Chief, reported Smyth County is currently hiring additional dispatchers to transition to an Emergency Dispatch who will advise of selfcare while waiting for EMS service to arrive. The Emergency Dispatch is to become effective January 2022. Chief Haynes also stated a brand of firefighting foam has been determined to cause cancer and there is pending lawsuits at this time. Smyth County is offering funding for proper disposal of the firefighting foam. The Chilhowie Fire Department currently utilizes green foam that does not contain the chemicals that are known to cause cancer.

Mr. Andrew Moss, Chief of Police, reported Sergeant Ben Perry has completed Firearms Instructor School and is now a certified Firearms Instructor. Chief Moss also reported the City of Bristol Police Department funded a Leaders Helping Leaders network for Police Chiefs. Chief Moss reported around Town there have been reports of people tampering with vehicles and the Department is conducting extra patrols throughout Town. The National Night Out with Police is scheduled for Tuesday, August 3, 2021, from 6 p.m. until 9 p.m. at the Chilhowie Recreation Park.

Mr. Jay Keen, Director of Public Works, reported the Lyons Gap Water Project is scheduled to begin Monday, July 12, 2021. The Public Works Department is still addressing the abandonment of an eight-inch water line at the new Dollar General site.

Mr. Paul Cassell, Town Attorney, reported there is a new law concerning property clutter, for example property with mechanical equipment, household furniture, etc., sitting outside of the residence. Mr. Cassell suggested to amend the Town of Chilhowie Ordinance to include this law and will present it to Council during the regular scheduled Council meeting Thursday, August 12, 2021.

**Any Other Council Business:**

Mrs. Julie Sturgill, Councilwoman, requested two sets of concrete steps to be installed at the Farmer's Market for patrons who park on the hill in the grassy area. Mrs. Sturgill fears someone

will fall and get hurt traveling down the bank to the Farmer's Market structure. Mr. Jay Keen, Director of Public Works stated he would look into the matter.

Mr. P.J. Wolfe, Councilman, reported that Walton Avenue is a bypass to the Post Office and a lot of speeding is occurring on Walton Avenue. Mr. Andrew Moss, Police Chief, stated the Police Department would monitor Walton Avenue more.

**Closed Session:**

- Presentation of Mutual Tolling Agreement with Frizzell Construction Company on Water Treatment Plant Project, Justification Section 2.2-3711(A)(7) of the Code of Virginia, as amended-

Motion by Lewis Shortt, second by Julie Sturgill and unanimously passed Council hereby enters into Closed Session for discussion of Mutual Tolling Agreement with Frizzell Construction Company on Water Treatment Plant Project as allowed by Justification Section 2.2-3711(A)(7) of the Code of Virginia, as amended. The motion was approved with following recorded vote:

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

Motion by Donna Blevins, second by P.J. Wolfe and unanimously passed Council hereby enters Open Session. The motion was approved with following recorded vote:

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

**CERTIFICATION OF CLOSED SESSION**

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 on 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.



Record of vote:

Ayes: 5  
Nays: 0  
Absent: 1

Upon motion of Donna Blevins, second by Lewis Shortt Council authorizes John E.B. Clark, Jr., Town Manager, to sign the Mutual Tolling Agreement with Frizzell Construction Company on Water Treatment Plant Project. The motion was approved with following recorded vote:

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

- Evaluation of Town Manager and Scoring – Justification Section 2.2-3711(A)(1) of the Code of Virginia, as amended –

Motion by Lewis Shortt, second by P.J. Wolfe and unanimously passed Council hereby enters into Closed Session for discussion of Evaluation of Town Manager and Scoring as allowed by Justification Section 2.2-3711(A)(1) of the Code of Virginia, as amended. The motion was approved with following recorded vote:

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

Motion by Donna Blevins, second by P.J. Wolfe and unanimously passed Council hereby enters into Open Session. The motion was approved with following recorded vote:

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

#### CERTIFICATION OF CLOSED SESSION

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 on 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.

Record of vote:

Ayes: 5  
Nays: 0  
Absent: 1

Motion by Lewis Shortt, second by P.J. Wolfe Council adjourned this meeting at 9:06 p.m. The motion was approved with following recorded vote:

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

\_\_\_\_\_  
Gary L. Heninger

Mayor

\_\_\_\_\_  
Marlene L. Henderson, MMC

Clerk