

Virginia: At the regular meeting of the Council of the Town of Chilhowie held at the Municipal Building, October 14, 2021, at 7:00 p.m.

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

Absent: None.

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. Mr. 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 September 9, 2021, and September 16, 2021 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

Citizen Time:

No one wished to speak.

Public Presentation:

- Mrs. Ginger McMahan on Apple Festival Award for Recreation Cheer and Football Program – Mr. Jeff Smarr, Recreation/Special Events Coordinator, introduced Mrs. Ginger McMahan as the Cheerleading Director. The recreation football and cheerleading float won second place in the Apple Festival parade for the youth division. The fifth and sixth grade cheerleaders presented the Mayor with the second-place ribbon and prize money.

Public Hearing:

- Amending Sections 22-41, 22-42, 22-43, 22-44, 22-45 and 22-46 of the Code of the Town of Chilhowie and to be Replaced by 22-41 Weed and Clutter Abatement - Mrs. Marlene Henderson presented the following:

Public Hearing Notice

To Amend Sections, 22-41, 22-42, 22-43, 22-44, 22-45 and 22-46 of the Code of the Town of Chilhowie and to be replaced by Section 22-41 Weed and Clutter Abatement

The Chilhowie Town Council will be holding a Public Hearing on proposed revisions to the above ordinances and replace with a new ordinance entitled Weed and Clutter Abatement. Copies of the old ordinances, and the proposed new one, are on file and available for public inspection at the Chilhowie Town Hall, 325 East Lee Highway, Chilhowie, Virginia 24319. The Public Hearing will be held on Thursday, October 14, 2021 at 7:00 p.m. at the Chilhowie Town Hall where members of the public are invited to appear and speak thereon.

By the Authority of the Mayor and Town Council.

John E.B. Clark, Jr.
Town Manager

Mayor Heninger opened the Public Hearing at 7:07 p.m.

No one wished to speak.

Mayor Heninger closed the Public Hearing at 7:08 p.m.

- Amending and Recreating Section 3.1 and 3.2 of the Charter of the Town of Chilhowie Regarding the Date of Elections – Mrs. Marlene Henderson presented the following:

Public Hearing Notice

An Ordinance Amending and Recreating Section 3.1 and 3.2 of the Charter of the Town of Chilhowie, Virginia Regarding the Date of Elections

The Chilhowie Town Council will be holding a Public Hearing on amending the charter to allow new election dates for the Mayor and Council members, as decreed by recent action by the Virginia General Assembly. A copy of the proposed new ordinance is on file and available for public inspection at the Chilhowie Town Hall, 325 East Lee Highway, Chilhowie, Virginia 24319. The

Public Hearing will be held on Thursday, October 14, 2021 at 7:00 p.m. at the Chilhowie Town Hall where citizens of the Town are invited to appear and speak thereon.

By the Authority of the Mayor and Town Council,

John E.B. Clark, Jr.
Town Manager

Mayor Heninger opened the Public Hearing at 7:09 p.m.

No one wished to speak.

Mayor Heninger closed the Public Hearing at 7:10 p.m.

Old Business:

- Council/Staff Comments Following Public Hearing on Weed and Clutter and Council Action – Mr. Paul Cassell, Town Attorney, stated this is to update the Town Code to include the Clutter that has been authorized by State Code.

Motion by P.J. Wolfe, second by Brent Foster Council updates the Town Code by adopting the Weed and Clutter Ordinance. 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

- Council/Staff Comments Following Public Hearing on Changing Date of Election and Council Action – Mr. Paul Cassell, Town Attorney, stated the change of the Date of Election is required by State Code.

Motion by Brent Foster, second by Donna Blevins Council adopts the Date of Election Change. The motion was approved with following recorded vote:

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

- Presentation of East Lee Highway Streetscaping, Planting Proposal – Mr. Nathaniel Brown, Barrington Landscape Architects, appeared before Council to discuss a planting proposal to beautify the Town by planting on East Main Street from Second Avenue to near Advance Auto on both sides of East Lee Highway. The proposal consists of 101 trees, consisting of Redbuds, Flowering Dogwoods and Winter King Hawthorns which are all suitable for urban plantings and powerline compliant. Mr. Brown also discussed the plan

for shrubs and grasses. The grasses can be planted in existing drainage ditches. Mr. Brown is submitting the information to the Virginia Department of Transportation for approval. Once the project is bid the plantings could begin late 2021. The estimated cost of the East Lee Highway Streetscaping is \$25,000.

Motion by Brent Foster, second by Donna Blevins Council will move forward with the project if approved by the Virginia Department of Transportation and authorizes the Town Manager to advertise for bids. 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:

- Presentation of Potential Debt Refinancing – Mrs. Marlene Henderson, Clerk-Treasurer, and Mr. John Clark, Town Manager, has been in contact with R.T Taylor, Davenport and Company, for discussion of refinancing the Town’s debt. The Town has worked with Davenport and Company several times to refinance the Town’s debt. At this time Davenport and Company feel the interest rates are very low. Based on Davenport and Company’s review of the Town’s debt portfolio, Davenport has identified an opportunity for the Town to potentially refund certain outstanding obligations for debt service savings, given the historically low interest rate environment. Mr. Taylor reviewed the 2009 United States Department of Agriculture Rural Development Loan. The loan currently has a principal outstanding amount of \$1,670,414 with an interest rate of 4.125%. The final maturity is slated for Fiscal Year 2049. Mr. Taylor stated this loan could be refinanced and cut eight to ten years off the life of the loan.

Mr. Taylor reviewed the 2012 Virginia Resources Authority in the amount of \$2,365,000 with final maturity within eight to nine years. The bond has two interest rates of 2.0% to 5.0%. With interest rates at a forty-year loan the Town could potentially shorten the debt by approximately ten years and save \$101,337 of debt service annually in Fiscal Year 2041. Additionally, the United States Department of Agriculture requires the Town to set aside the equivalent of one year’s debt service which may be potentially freed up for other uses if refunded.

Davenport and Company would like to coordinate with Town staff and the Bond Counsel in order to assess obtaining funds through a dual track approach. Davenport and Company would take the lead in drafting and distributing a Request for Proposals to local, regional and national banking institutions seeking proposals for a Direct Bank Loan through a competitive process and take the lead in assisting the Town with applying to participate in

the Virginia Resources Authority 2022 Spring Pooled Financing Program. Davenport and Company will prepare an analysis and summary memorandum comparing the results of the Bank Request for Proposals process to a Current Market estimate for the 2022 Virginia Resource Authority Spring Pool. Potential results of a successful refunding can save considerable dollars in avoiding future interest payments, free up over \$100,000 from the Debt Service Reserve Fund set aside originally required by the United States Department of Agriculture, and potentially shorten the life of the loan.

Motion by Brent Foster, second by P.J. Wolfe Council will move forward with the potential debt refinancing. 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 Old High School Roof – LaFerney Commercial Roofing Company submitted the lowest bid for the Old High School roof replacement in the amount of \$88,820. Mr. John Clark, Town Manager, signed the proposal from LaFerney Commercial Roofing and requested a certificate of insurance and a valid Virginia Contractor’s License. Mr. Clark also requested work to begin within eight weeks. In response Mr. Travis Taylor, LaFerney Commercial Roofing, stated materials could not be obtained within eight weeks. Mr. Clark requested to be periodically updated on the construction time frame.
- Update on Grant Awards and Contract Presentation for Phase II Sewer System Evaluation Study – The Town has received two grants for the second Sewer System Evaluation Study II. The first is in the amount of \$64,125 from the Department of Environmental Quality and the second is the required 25% match from Mount Rogers Planning District Commission in the amount of \$21,325. Phase II of the Sewer System Evaluation Study will require no direct funding from the Town. Hurt and Proffitt has submitted a contract in the amount of \$85,500. The project will involve smoke testing, inspection of 25 manholes and camera work covering up to 13,250 feet of lines. The contract is slated to be completed by April 2022.

Motion by Brent Foster, second by Donna Blevins Council approves the Contract with Hurt and Proffitt for the Phase II Sewer System Evaluation Study. 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 4 on East Lee Pedestrian II Project – Thompson and Litton have submitted Pay Request Number 4 in the amount of \$2,980.07 for engineering services provided for the East Lee Pedestrian II Project. The design is 90% complete and will be submitted to the Virginia Department of Transportation. A walk through for the project was conducted resulting in the addition of a drop inlet near the Fire Department.

Motion by Julie Sturgill, second by P.J. Wolfe Council approves Pay Request Number 4 in the amount of \$2,980.07. 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 16 on Downtown Revitalization Project – Hurt and Proffitt submitted Pay Request Number 16 in the amount of \$630.00 for professional services provided for the Downtown Revitalization Project. The next Pay Request will occur during the month of November releasing the retainage.

Motion by Brent Foster, second by Donna Blevins Council approves Pay Request Number 16 in the amount of \$630.00 for the Downtown Revitalization Project. 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 Purchase Orders on Two Fire Trucks and Financing Thereof – Mr. David Haynes, Fire and EMS Chief, reported a purchase order was issued on September 30, 2021 to avoid price increase. Delivery date is expected to be March 2023. The total cost is estimated at \$2.1 million. The financing is estimated at \$2.5 million. February or March 2023 the money is expected at delivery; either \$130,000 per year or \$11,000 per month. During Budget years 2022-2023 the money must be incorporated for four or five months in the budget. In-kind savings are expected but cash must be available when delivered. Mrs. Henderson, Clerk-Treasurer, reported Davenport and Company will investigate if rates for new money for Fire Trucks can be incorporated for a lower interest rate.
- Update on Detention Orders Affecting Police/Law Enforcement Departments – Mr. Andrew Moss, Chief of Police, reported Valley Health Care Center is accepting geriatric patients from the Southwest Virginia Mental Health Institute. The Chilhowie Police Department is now executing Emergency Custody Orders and Temporary Detention Orders for patients at Valley Health Care Center. Several Virginia Delegates have signed a letter addressed to the Commissioner of the Department of Behavioral Health and

Development Services expressing their concern for the system and requested the situation to be addressed during the 2022 General Assembly Session.

- Submission of Letter Requesting Assistance at Mile Marker 34 of Interstate 81 – A letter was sent to Mr. Donald Necessary, Jr., District Administrator of the Bristol District of the Virginia Department of Transportation, requesting a study on Interstate 81 to determine if some action can be taken to reduce the number of traffic accidents along the area of the 34 mile marker. Smyth County is also sending a letter regarding the same issue. Mr. Matthew Lewis, Virginia Department of Transportation is currently scheduling a meeting concerning this matter.
- Update on Solid Waste Contract – After review Mr. John Clark, Town Manager, Mrs. Marlene Henderson, Clerk-Treasurer, and Mr. Paul Cassell, Town Attorney, the proposed contract with GFL Environmental is a fair contract. Town staff did make the request to add to the contract the defining of the pick up boundaries outside the corporate limits to be within one half mile; that only the Smyth County transfer station be utilized; language more concisely defining and timing of the transportation consumer price increase; language more concisely defining cost adjustments beyond the company's control and language more concisely defining the assignment of the contract. The contract is finalized with the beginning date of January 1, 2022 and end December 31, 2024.
- Selection of Date for Continued/Special Meeting on American Relief Plan Act Funding – After some discussion the Continued/Special Meeting on the American Relief Plan Act Funding will be held Thursday, October 28, 2021 at 6:00 p.m.
- Review of Quarterly Planning Commission Meeting in October – Mrs. Donna Blevins, Planning Commission Member, reported the Planning Commission reviewed Zoning Permits issued, one permit being the expansion of the Scholle Plant. The Commission discussed Adam Sturgill's request to relocate Special Interest Auto to the Budget Inn Motel area. The request was denied due to the location not properly zoned for Mr. Sturgill's request. A second letter for notice of violation was sent to Mr. Sturgill and the Budget Inn Motel property owner. The Planning Commission also reviewed the Dollar General sign for the store's new location.
- Notice of Flu Shots at 8:00 a.m. on October 15, 2021 – All Town employees and their families are able to obtain a Flu Shot on Friday, October 15, 2021 at 8:00 a.m. at the Town Hall Community Room.

Department Reports:

Mr. John Clark, Town Manager, reported Rural Development has given the authority to bid out the Chlorine Contact Tank project. The Washington County Service Authority received a \$90,000 grant from Mount Rogers Planning District Commission for use on this project. The Town's remaining portion can be paid with ARPA funds.

Mr. Clark reported the Mount Rogers Cigarette Tax Board will holding a meeting on Friday, October 15, 2021. The Board is beginning the process of hiring a Director.

Mrs. Marlene Henderson, Clerk-Treasurer, reported a vehicle came off of Interstate 81 and ran into the Bonham House. The damage estimate from Virginia Risk Sharing Association is \$4,700, the Town's deductible is \$5,000. The driver of the vehicle that struck the Bonham House did not have insurance nor a title to the car and is also from out of state.

Mr. David Haynes, Fire and EMS Chief, reminded Council Friday, October 15, and Saturday, October 16, 2021 is the Rodeo at the Mega Site. The Fire and EMS Department will have a truck on standby at the event.

Mr. Andrew Moss, Chief of Police, reported an Officer was involved in another high speed pursuit. Once the pursuit entered into Washington County the Washington County Sheriff's Department took over and did stop shortly afterward. National Police week is the week of October 10, 2021. Mr. Lucas Dowell is being honored in Washington D.C. Friday, October 15, 2021.

Mr. Jeff Smarr, Recreation/Special Events Coordinator, reported "On Stage" will present Soul Sandwich at the Recreation Park on Saturday, October 23, 2021. Soul Sandwich will take the stage at 6:00 p.m. A Cornhole Tournament will also be held on Saturday, October 23, 2021 beginning at 5:00 p.m. Mr. Smarr reported how COVID affected the recreation football season. Open play for Cornhole will be held on Thursdays from 5:00 p.m. until 7:00 p.m. at the Will Walker Farmer's Market and Community Pavilion unless the temperature is low then it will be held inside of the Old High School. The open play for cornhole will run through the month of November and the first two weeks of December 2021. Mr. Smarr also reported he is working toward Recreation Basketball registrations.

Mr. Clark reported that the next regular scheduled Council meeting is November 11, 2021, which is Veterans Day that is a national holiday. If the meeting date is changed it must be published in the Smyth County News. Council suggested not to change the meeting date.

Closed Session:

- To discuss Potential Litigation – Justification Section 2.2-3711(A)(7) of the Code of Virginia, as amended-

Motion by P.J. Wolfe, second by Brent Foster and unanimously passed Council hereby enters into Closed Session for discussion of potential litigation 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	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 Open Session. 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

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 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.

Record of vote:

Ayes: 6
Nays: 0
Absent: 0

Motion by Brent Foster, second by Lewis Shortt Council continues this meeting until Thursday, October 28, 2021 at 6:00 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