

Town of Pennington Gap
Council Meeting
August 21, 2023

Record of attendance:

6:00 PM

Mayor:

Larry Holbrook

Council:

Doug Alsup
Jeff Martin-by phone
Gary McElyea
Terry Pope
Jimmy Warner
Keith Harless
Brian Skidmore
Tina Rowe
Greg Edwards
Karen Maggard
Jesse Jones
Rick Watson
none

Town Manager:

Assistant Manager:

Town Treasurer:

Town Attorney:

Town Clerk:

Police Chief:

Powell Valley News:

Citizens:

1. Mayor Holbrook called the meeting to order at 6:01 PM.
2. Tina Rowe led prayer and the Pledge of Allegiance
3. **Agenda-** Gary McElyea made a Motion to approve the agenda with the addition of the Health Wagon under new business. Terry Pope seconded the Motion. Roll call vote as follows:

Doug Alsup Aye
Gary McElyea Aye
Larry Holbrook Aye
Jeff Martin Aye
Terry Pope Aye
Jimmy Warner Aye

4. **Approval of Minutes-** Terry Pope made a Motion to approve the minutes of July 17, 2023. Gary McElyea seconded the Motion. Roll call vote as follows:

Doug Alsup Aye
Gary McElyea Aye
Larry Holbrook Aye
Jeff Martin Aye
Terry Pope Aye
Jimmy Warner Aye

5. **Pay bills-** Larry Holbrook made a Motion to pay the bills as presented. Gary McElyea seconded the Motion. Roll call vote as follows:

Doug Alsup Aye
Gary McElyea Aye
Larry Holbrook Aye
Jeff Martin Aye
Terry Pope Aye
Jimmy Warner Aye

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6. **Citizen's Recognitions**-none

7. **Unfinished business**: none

8. **New business**:

- a) The Health Wagon will set up in the campground, using 10 sites for trailers and the welcome center September 8th to serve the citizens with dental and health services similar to the RAM clinics of past. We will assist with security and other services as needed. They are requesting donations. Discussion did not bring a Motion.

9. **Monthly Reports**: Monthly Reports – Water, Sewer, Treasurer, Public Works, Police Dept., Fire Dept. Lee Theatre, Parks & Recreation (reports in council packets). Jesse reported the Robinson Street cleanup is in progress, was not on the included report. The speed trailer will be on Oakwood now that school is in.

10. **Administrative Reports**- Mayor Larry Holbrook/Keith Harless/Tina Rowe/Brian Skidmore.

- a) **Treasurer**-Tina's report in packet. She will need an RFP for bond counsel service for the water plant upgrades in the future as our current one is retiring. Terry Pope made a Motion to advertise for bond counsel. Doug Alsop seconded the Motion. Roll call vote as follows:

Doug Alsop	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

Under property violations, we need to sell one property but cannot do a quick sale without it being declared a blight. The county building inspector would need to do that. Greg will have some information later. The budget is at 8.3% in the new fiscal year.

- b) **Assistant Town Manager Report**- Brian reported the meter replacement for St. Charles through the PSA is making progress, they have uncovered the line with an October installation likely. He recently had a good meeting with Mattern & Craig, VDH and Keith and met the new state engineer. We need to meet the contact times with VDH per M&C schedule. New meters will be installed soon. Sewer plant repairs were made with pumps also installed which will be reimbursed through insurance. Terry Pope questioned the backhoe, which has been repaired from storm damage along with a few other needed repairs. It is old, but better shape now.
- c) **Town Manager Report**-Keith handed out information and a map from Tammy Jo on the proposed additional baseball field and dog park at Leeman Field. The dog park is proposed to utilize the parking outside of the pool area with the park fenced in on the grassy area between parking and river. Currently, estimated at \$20k or with a premium vinyl coated fence, \$35k. On the ballfield, the contractor suggested we go ahead with the extension of the greenway and use dirt excavated to level the field. An estimate of \$30k for excavation

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without lighting and an additional \$90K fence brought a discussion of pursuing grant funding, which availability is unknown. Keith noted preliminary drawings of the Kentucky Street sidewalk extension to Leeman Field have the crossover utilizing the existing pillars of the old bridge as a walking bridge and connection to the greenway walking trail there and following the path along the river which is the same trail presented on the drawing. No motion followed as all agreed some more funding, preferably grants is needed.

VDOT roundabout funding is still an issue. They have now broken the project into 2 parts. Turn lanes would be along West Morgan near Black Diamond and the project could include our sidewalk project. A second look will be in November. The second phase would then be the roundabout after seeing the expected improvement from the first phase turn lanes to determine if it is necessary.

We are accepting applications for 2 positions, account clerk and meter reader. Terry Pope made a Motion to allow hiring selected applicants after interviews. Doug Alsop seconded the Motion. Roll call vote as follows:

Doug Alsop	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

Family Dollar expects a September closing date after waiting for VDOT approval for 180 days. They will start construction shortly after.

11. Projects

- a. ARC Business Center/ Conference Center funding-Keith and Terry met with Bonnie Elosser for help from the Slemo Foundation which was positive. The Tobacco Commission is very interested in the Trade Center building. Met with Small Business initiative along with Dane Poe, trying to come up with additional avenues of funding. Karen and Keith went to LMU to meet with President Hess, VP McConnell, and business, engineering department heads who are interested in utilizing the conference center in various ways. Engineering class could help with surveying.
- b. Industrial Revitalization Fund ARPA Grant application -
 - i. Abatement bids
- c. Historic designation – with Hill Studios
- d. Virginia Housing Stabilization Grant-no change
- e. Wastewater Treatment Plant Repair Grants –
 - i. DEQ/Lane
 - ii. SSES Grant-DEQ / Mattern & Craig-
 - iii. WW Pump Station Upgrade Grant-DEQ/Lane
 - iv. N. Fork Powell River Sewer Crossing-DEQ/Mattern & Craig
- f. Water Treatment Plant Structural Repair Grants
 - i. USDA/Mattern & Craig
 - ii. WTP Telemetry Upgrade-VDH/Mattern & Craig

12. **Town Attorney**-Greg researched statutes for not cleaning up property, some owners have complained that contract pricing is high. Since it is hard to serve owners with criminal warrant,

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if not present locally, he suggests we charge civil penalties per day and attach those to tax bill. Terry Pope made a Motion to have a public hearing at the next meeting to change the ordinance to charge civil penalties on unkept property. Gary McElyea seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

13. **Council Member reports:**

Gary McElyea has noticed the extreme wet weather this past year has contributed to the deterioration of some streets, more potholes etc. Brian had sent a list of streets needing pavement, that we have had to tear up to repair utility lines, to Keith earlier today. Keith read the streets list.

It is possible we could allow VDOT to adopt some streets, Brian will check as they have not done that recently. He noted we will also be laying new lines by the Bailey-Robbins building soon which should be included in the paving and some work will need to be done on the roadway behind and the parking area.

Terry Pope referred to Greg's ordinance request saying habitual offenders of the policy on yard cleanup requires one notice per year. Greg thinks the civil penalties will get more attention from the owners and we should go forward on the ordinance change. Terry would also like the police department to locate a car at the railroad at least one hour a day to slow traffic through town.

14. **Closed session-** At 7:04 PM, Terry Pope made a Motion to go into executive session pursuant to;

§ 2.2-3711(A)(1): Personnel. *Provides an exemption for:*

Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals.

§ 2.2-3711(A)(3): Acquisition & disposition of property. *Provides an exemption for:*

Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Virginia Code Section 2.2-3711(A)(5) Discussion concerning a prospective business or industry
or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

Virginia Code Section 2.2-3711(A)(6) Discussion or consideration of the investment of public funds
where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

Larry Holbrook seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye

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Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

At 8:50 PM, Terry Pope made a Motion to reconvene to regular session. Jimmy Warner seconded the Motion Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

Terry Pope made a statement to attest that nothing was discussed during closed session other than the issues stated. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

15. **Council Action**-Jimmy Warner made a Motion to purchase an ATV side x side for the fire department and finance with a local bank. Doug Alsup seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

Jeff Martin made a Motion to purchase 2 heart monitors for EMS and finance through a local bank. Doug Alsup seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

Terry Pope made a motion to hire Applicant A as a police officer. Jimmy Warner seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Jeff Martin	Aye

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Terry Pope	Aye
Jimmy Warner	Aye

Doug Alsup made a Motion to give the Pennington IDA \$20k for their revolving fund. Jimmy Warner seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Abstain
Larry Holbrook	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

Terry Pope made a Motion to hold a public hearing with the next council meeting on September 18, 2023 at 6:00 PM to amend the budget. Gary McElyea seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

16. Doug Alsup made Motion to adjourn. Jimmy Warner seconded the Motion Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

17. Meeting adjourned at 8:55 PM.

Finance Committee will meet September 14 at 2:00 PM

ATTEST:


KAREN MAGGARD, CLERK


MAYOR LARRY W. HOLBROOK

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Pennington Gap, Virginia has convened closed session meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, 2.2-3711 of the Code of Virginia requires a certification by this Council of the Town of Pennington Gap, Virginia that such closed session was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Pennington Gap, Virginia 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 closed session to which this certification resolution applies, and (ii) only such public business matters as were identified in the Motion convening the closed session were heard, discussed or considered by the Council of the Town of Pennington Gap, Virginia.

VOTE:

AYES:

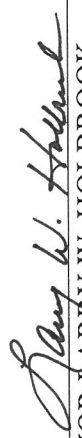
Mayor Larry W. Holbrook
Terry K. Pope
Jeff Martin
Gary McElyea
Doug Alsup
Jimmy Warner

NAYS: (for each Nay vote the substance of the departure from the requirements of the Act should be described)

ABSENT DURING VOTE:

ABSENT DURING CLOSED SESSION:

MEETING DATE: August 21, 2023


MAYOR LARRY W. HOLBROOK