

Town of Pennington Gap
Council Meeting
January 18, 2024

Record of attendance:

2:00 PM

| | |
|-----------------------------------|--|
| Mayor: | Larry Holbrook |
| Council: | Doug Alsup Jeff Martin Gary McElyea Terry Pope Jimmy Warner - absent |
| Town Manager: | Keith Harless |
| Assistant Manager: | Brian Skidmore |
| Town Treasurer: | Tina Rowe |
| Town Clerk: | Karen Maggard |
| Town Attorney: | Greg Edwards |
| Robinson, Farmer, Cox Associates: | Scott Wickham-via Zoom |
| Powell Valley News: | Rick Watson |
| Citizens: | none |

1. Mayor Holbrook called the meeting to order at 2:05 PM.
2. Prayer and Pledge of Allegiance-Tina Rowe
3. **Agenda-** Terry Pope made a Motion to approve the agenda. Jeff Martin seconded the Motion.
Roll call vote as follows:

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

4. **Approval of Minutes-** Jeff Martin made a Motion to approve the minutes of December 18, 2023 Council Meeting and January 2, 2024 Organizational Meeting. Doug Alsup seconded the Motion.
Roll call vote as follows:

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

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

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

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

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7. **Unfinished business:**

- a) **Zoning Board Appoint** -Terry Pope nominated Rhonda Mullins for the Zoning Board.
Doug Alsup seconded the Motion. Roll call vote as follows:

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

8. **New business:**

- a) **Court fees**-Doug Alsup made a Motion to allow the courts charge e-summons service fees as of now and on future rate changes. Gary McElyea seconded the Motion. Roll call vote as follows:

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

- b) **Approve Fire Department Elections**-Jeff Martin made a Motion to approve fire department officers. Doug Alsup seconded the Motion. Roll call vote as follows:

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

9. **Monthly Reports:** Monthly Reports – Water, Sewer, Treasurer, Public Works, Police Dept., Fire Dept. Lee Theatre, Parks & Recreation (reports in council packets).

10. **Administrative Reports**- Matt Lawson /Tina Rowe/Brian Skidmore/Keith Harless.

- a) **Police Chief**- none

- b) **Treasurer**- Tina reported that the budget has now reached 50% and we have Scott Wickham, auditor on Zoom for the audit report.

Scott Wickham presented the report as a clean, unmodified report although a significant amount of due to/from water and sewer departments is still on the books. Advised to plan on getting that down. Advised closer watch on budget as some appropriations were overspent. Recurring payments do still require a paid receipt. Monitor our water and sewer rates to cover the departments.

Terry Pope also reported the IDA has implemented more structure to make reports better next year, due to more activity in the IDA now.

- c) **Assistant Town Manager Report**-Brian reported that while working on budgets, two seasonal employees are about to reach maximum hours as part time. He would like to make

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them full time. Keith reminded everyone that these positions are split across departments. Jeff Martin made a Motion to change them to full time. Gary McElyea seconded the Motion. Roll call vote as follows:

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

- d) **Town Manager Report-** Keith Harless still has bid opening on January 25 for the Bailey-Robbins project. He will visit DHCD in Richmond next week on other opportunities. Police Department grants have some money left, some things have been deemed unnecessary at this time. We can purchase a supervisor vehicle, for less with about \$9k not covered by the grant and have ARPA funds pick up that balance. Jeff Martin made a Motion to purchase the vehicle. Larry Holbrook seconded the Motion. Roll call vote as follows:

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

11. Projects

- a) ARC Business Center/ Conference Center funding- Kris Westover with Mountain Empire Community College has a group interested in assisting with the Convention Center at town hall with the architectural firm continuing to work on the design and planning.
- b) Industrial Revitalization Fund ARPA Grant application -Bailey-Robbins bids are due 1/25/24.
- c) Historic designation-approved
- d) Wastewater Treatment Plant Repair Grants – idle
 - i) DEQ/Lane-the grit collector at the sewer plant is becoming serious issue, a look back on the grant shows it could be included. A contractor will be cleaning soon and will assess. Brian is getting pricing on what is known to need replaced.
 - ii) WW pump station upgrade grant-DEQ/Lane
- e) Water Treatment Plant Structural Repair grant-idle
 - i) USDA/Mattern & Craig -
 - ii) WTP Telemetry Upgrade Grant-VDH/Mattern & Craig
- f) Water meter replacement Phase II- meters arrived today and will start replacement around the 1st of the month.
- g) Lead and copper survey-Mike will start the survey while installing meters.

12. Town Attorney-will report in closed session

13. Council Member reports:

Gary McElyea would like to replace the nutcracker Christmas lights on the poles this coming season. Karen and Keith will get quotes. Terry Pope would like to see Christmas window displays in the empty windows in town.

Discussion of adding a stripe on Herndon at the entrance may help separate traffic. There is congestion with the construction.

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14. Closed session- At 2:45 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.*

Jeff Martin seconded the Motion. Roll call vote as follows:

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

At 3:07 PM, Terry Pope made a Motion to reconvene to regular session. Jeff Martin seconded the Motion Roll call vote as follows:

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | 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 |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

15. Council Action- Terry Pope made a Motion to hold a public hearing on the need for tax increment financing in the town prior to adopting a tax increment financing ordinance per Virginia Code 58.1.3245.2. Doug Alsup seconded the Motion. Roll call vote as follows:

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

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Terry Pope made a Motion to record an offsetting note payable that property the IDA owns is guaranteed and paid by the town. Roll call vote as follows:

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

Jeff Martin made a Motion to have a memorandum of understanding between the Town and IDA on the property owned by the IDA since the town is guaranteeing payment of the note.


Doug Alsup seconded the Motion. Roll call vote as follows:

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

Larry Holbrook made Motion to adjourn. Jeff Martin seconded the Motion. Roll call vote as follows:

| | |
|----------------|-----|
| Doug Alsup | Aye |
| Larry Holbrook | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |

16. Meeting adjourned at 3:11 PM.


MAYOR LARRY HOLBROOK

ATTEST:


KAREN MAGGARD, CLERK

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: Terry K. Pope
Gary McElyea
Doug Alsup
Larry Holbrook
Jeff Martin

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

ABSENT DURING VOTE: Jimmy Warner

ABSENT DURING CLOSED SESSION: Jimmy Warner

MEETING DATE: January 18, 2024


MAYOR LARRY W. HOLBROOK

