

Town of Pennington Gap
Council Meeting & Public Hearings
March 18, 2024

Record of attendance:

6:00 PM

Mayor:	Larry Holbrook
Council:	Doug Alsup Jeff Martin-by phone 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-absent
Police Chief:	Matt Lawson
Citizens:	Deborah Artrip, Hannah Artrip and Barry Artrip

1. Mayor Holbrook called the meeting to order at 6:02 PM and opened the intent to apply hearing and the tax increment financing hearing. No one was present to comment. Terry Pope made a Motion to close the hearings. 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

2. Pledge of Allegiance

3. **Agenda-** Doug Alsup 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-** Doug Alsup made a Motion to approve the minutes of February 20, 2024 with a change on 10b, first line, "Tina reported a \$200k transfer she made from ARPA to general fund." 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

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

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Gary McElyea	Aye
Terry Pope	Abstain
Jeff Martin	Aye

6. **Citizen's Recognitions**-Deborah Artrip made a complaint on a supposed employee who approached her in public harassing and making accusations about a vehicle incident at Leeman Field last year. Using "we" when he spoke, she assumed he worked for the Town. The name given was not recognized. No one in the meeting knows this person by that name nor is he employed with the town. Her complaint is his knowing some personal information. Keith requested, if she can get more information or a photo to help determine who it is. Her insurance has not been contacted about the incident last year. She would like us to contact Geico.

7. **Unfinished business:**

- a) Intent to apply public hearing-Terry Pope made a Motion to apply to USDA for financing the water plant project. 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

- b) Tax Increment financing public hearing - Terry Pope made a Motion to adopt the tax increment financing within the boundaries set, all of town limits zoned commercial or industrial, excluding residential, all of Morgan Avenue. 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:** The heat pump in the council room and a few offices is over 20 years old and BER. Keith has some pricing and would like to negotiate a new unit. Terry reiterated a need for pulling back on some of our spending although we do need the heat pump. Jeff Martin made a Motion to purchase. 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

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

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

- a) **Police Chief-** Matt has hired Evan Collins as a new officer who is working weekdays currently. He will have to enter the academy with testing on April 5 for entry. Three new vehicles are here awaiting quotes on lights and striping. He has asked his officers to be vigilant on drivers with cell phones in hand. This is against the law and very obvious there are several still using while driving and recent wrecks may be attributed.
- b) **Treasurer-** Tina reported about \$200k of our expenses in the negative are reimbursable through ARPA but she cannot apply until April. VML health insurance is going up about 5%, however retirement contributions are going down and VACORP worker's compensation experience is also decreasing. An RFP for auditor is due April 5. She spoke with Powell Valley Bank about the water plant and has a good rate for the 18-month line of credit required. We need a budget amendment public hearing at the next meeting with an ARPA allocation advertised. Terry Pope made a Motion to accept the VML insurance rate. 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

Budget workshops can be scheduled at the next financial committee meeting on April April 11 at 2:00 PM. Tina would also like to open a new business liquidity account with PVN Bank. Terry Pope made a Motion to open the account. 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

- c) **Assistant Town Manager Report-**Brian reported the water plant mower is 33 years old. He has pricing on a sub-compact tractor with deck and a bucket from 21-23K. Jeff Martin made a Motion to purchase one. 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

The St. Charles meter work is moving along at the park.
We need a newer sewer camera. Keith added we are justified to use ARPA funds by needing to survey this building's pipes before the conference center project, which would cost us to contract out. Jeff Martin made a Motion to purchase one. Larry Holbrook seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Larry Holbrook	Aye

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Gary McElyea	Aye
Terry Pope	Aye
Jeff Martin	Aye

Approximately 356 vacant homes/businesses/lots exist on our system with a meter connection at each. He is proposing a flat rate fee be billed to the owners as several localities are doing. This helps with spreading the cost of maintaining those lines. He will move forward with information to discuss at the budget workshop.

- d) **Town Manager Report-** Keith Harless' report is in the packet. He signed the contract with Quesenberry after they went over a list of recommended cuts to the project. The final contract amount of \$898,600 of which the grant covers \$850k leaving us \$48,600 plus a barrier fence to be decided later in construction. This still saves us \$40k. Keith, Scott Napier and Terry met with reps from USDA, DHCD on how to fund housing. An application will be submitted on April 19 which looks favorable for a \$60k startup. They need to identify properties, where a house existed, for developing homes for low to moderate income workforce applicants who can earn up to \$125k a year with 4 family members.
- The hotel site has been surveyed. They will be pinning corners this week.
- The VDOT reimbursable entry site will be discussed at a meeting April 18. We need to follow all procurement policies to get reimbursement.
- Mattern & Craig policy is in the packet for the civil engineering for hotel, which will meet VDOT requirements, \$124,750. Doug Alsup made a Motion to accept the civil engineering policy. 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

Terry Pope made a Motion to advertise a RFP for all engineering services due in April. 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

Keith reported on the following projects as well.

11. Projects-

- a) ARC Business Center/ Conference Center funding- Worked with Architect, Ms. West, on the Tobacco Commission grant application for a full-service kitchen incubator design for food trucks and food prep to meet Health Dept. guidelines with storage areas for such. The plan worked out would cost \$1,030,000. The application is for \$515k. He will apply to Slemph Foundation for funding next.
- b) Industrial Revitalization Fund ARPA Grant application
- c) Wastewater Treatment Plant Repair Grants –

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- i. DEQ/Lane-
- ii. WW pump station upgrade grant-DEQ/Lane
- d) Water Treatment Plant Structural Repair grant
 - i. USDA/Mattern & Craig
 - ii. WTP Telemetry Upgrade Grant-VDH/Mattern & Craig
- e) Water meter replacement Phase II- replacing 10-20 a day
- f) Lead and copper survey- doing so while replacing meters.
- g) VDOT pipeline study-

12. **Town Attorney-absent**

13. **Council Member reports:**

Terry Pope commented that while the county had been losing residents in past years, the latest report shows growth in population.

He would like to see enforcement of clean-up after a house fire. Keith stated the code allows only a certain amount of time to clean-up. April is clean-up month in town and he and Matt will list expectations and notify citizens.

Terry questioned the marquee policy at the theatre. Keith responded, if the theatre is rented, a fee for it and the marquee allows a birthday or other message.

14. **Closed session-** At 7:35 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.

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.*

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

At 8:07 PM, Terry Pope made a Motion to reconvene to regular session. 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

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

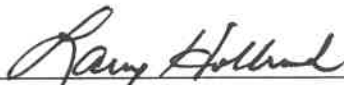
Doug Alsup	Aye
Larry Holbrook	Aye
Gary McElyea	Aye
Terry Pope	Aye
Jeff Martin	Aye

- 15. Council Action-** After Tina went over her list of proposed budget amendments, Terry Pope made a motion to have a public hearing for budget amendments at the next meeting, April 15, 6:00 PM. 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

- 16.** Larry Holbrook made a Motion to adjourn.

Meeting adjourned at 8:15 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-by phone

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: March 18, 2024


MAYOR LARRY W. HOLBROOK