

Town of Pennington Gap
Council Meeting
December 18, 2023

Record of attendance:

6:00 PM

Mayor:	Larry Holbrook - absent
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
Interim Police Chief:	Matt Lawson
Powell Valley News:	Rick Watson
Citizens:	none

1. Vice Mayor, Gary McElyea called the meeting to order at 6:03 PM.
2. Pledge of Allegiance
3. **Agenda-** Terry Pope made a Motion to approve the agenda. Doug Alsup seconded the Motion. Roll call vote as follows:

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

4. **Approval of Minutes-** Jeff Martin made a Motion to approve the minutes of November 20, 2023. Doug Alsup seconded the Motion. Roll call vote as follows:

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

5. **Pay bills-**Tina handed out an additional list of payments to be made. Jeff Martin made a Motion to pay the bills as presented. Doug Alsup seconded the Motion. Roll call vote as follows:

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

6. **Citizen's Recognitions-**none
7. **Unfinished business:** consensus to table an appointment to the Zoning Board.

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8. **New business:** none
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-**Matt Lawson reported the resignation of one officer. He would like to hire another. Terry Pope made a Motion to advertise for an officer. Doug Alsup seconded the Motion. Roll call vote as follows:
- | | |
|--------------|-----|
| Doug Alsup | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Jeff Martin | Aye |
- b) **Treasurer-** Tina reported the budget is 41.67% complete. Her report shows processing a termination, it should be a cessation. No one terminated. She thanked Council for the employee gifts this year.
- c) **Assistant Town Manager Report-**Brian reported the meter grant loan has closed, meters expected in 4-6 weeks.
- d) **Town Manager Report-** Keith Harless, report in packet, moved on to project reports:
11. **Projects**
- a) ARC Business Center/ Conference Center funding-conference center design work, Keith went to Grayson County to see a food kitchen there and how it's utilized.
- b) Industrial Revitalization Fund ARPA Grant application -Bailey-Robbins bids are due 12/21/23 at 3PM. Questions from contractor, may need to extend deadline. A meeting tomorrow will help decide.
- c) Historic designation – We have been approved as of last Thursday as an Historic District which may help with funding for Bailey-Robbins buildings.
- d) Wastewater Treatment Plant Repair Grants – idle
- i) DEQ/Lane
- 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-per Brian, we will review service lines as we install meters, any extra help will be paid for and sent by health department, Phase I to complete by October 2024. St. Charles sewer line is waiting on engineering.
- g) Lead and copper survey- Brian has the report done, no costs through VDH
12. **Town Attorney-**Greg reported that old pop-up signs throughout town, which have not been removed promptly, such as political, are covered by zoning with a potential fine of \$250/day. A special use permit should be obtained for a certain period for displaying signs and then they should be removed.

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On a previous question of food tax collected and not submitted timely to the town, this is a felony and upon discovery, should be reported to the sheriff's office. Food tax must be remitted timely.

13. Council Member reports:

Terry Pope had a complaint of lack of illumination on Main Street at night, which has already been checked and we have ordered a couple of lights. It's partly due to some buildings not occupied. Old Dominion Power will also install a multi-directional flood light at the parking lot at the end of the buildings on the street. Terry expressed appreciation to the staff for their hard work.

14. Closed session- At 6:25 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)(7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

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

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

At 7:02 PM, Terry Pope made a Motion to reconvene to regular session. Doug Alsup seconded the Motion Roll call vote as follows:

Doug Alsup	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
Gary McElyea	Aye
Terry Pope	Aye
Jeff Martin	Aye

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- 15. Council Action-**Doug Alsup made a Motion to participate in ARS and apply to the program.
Jeff Martin seconded the Motion. Roll call vote as follows:

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

Terry Pope made a Motion to have Keith work with and create an incentive package in relation to transient tax. Jeff Martin seconded the Motion. Roll call vote as follows:

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

Terry Pope made a Motion to have the Organizational meeting on January 2, 2024 at 10AM. Jeff Martin seconded the Motion. Roll call vote as follows:

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

- 16. Terry Pope made Motion to adjourn. Jeff Martin seconded the Motion. Roll call vote as follows:**

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

Meeting adjourned at 7:05 PM.


VICE MAYOR Gary McElyea

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
 Jeff Martin

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

ABSENT DURING VOTE: Mayor, Larry Holbrook, Jimmy Warner

ABSENT DURING CLOSED SESSION: Mayor, Larry Holbrook, Jimmy Warner

MEETING DATE: December 18, 2023


VICE MAYOR GARY McELYEA

