

Town of Pennington Gap
Council Meeting
February 20, 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
Police Chief:	Matt Lawson
Citizens:	none

1. Mayor Holbrook called the meeting to order at 6:00 PM.
2. Prayer and Pledge of Allegiance-Tina Rowe
3. **Agenda-** Doug Alsup made a Motion to approve the agenda. 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
4. **Approval of Minutes-** Terry Pope made a Motion to approve the minutes of January 18, 2024 and typo correction on August 16, 2021, line 6A, loan agreement pre-filled amount was \$653,000 on form, minutes show \$643,000. 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
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
Larry Holbrook	Aye
Gary McElyea	Aye
Terry Pope	Abstain
Jeff Martin	Aye
6. **Citizen's Recognitions-**none

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7. **Unfinished business:**

- a) Tax Increment financing boundaries -Greg referred to §58.1-3245.2 of Virginia Code requiring boundaries be set. Terry Pope made a Motion to include all of town limits zoned commercial or industrial, excluding residential, all of Morgan Avenue is commercial and to have a Public Hearing on March 18, 2024 at 6:00 PM. Notices will be published in local paper February 28, March 6 and 13. 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) Christmas lights-Some options for replacing the soldier lights were in the packet. Best pricing of 33% off is in January, decreasing to 28% in February and eventually to 20%. An estimated 30 pieces would run from \$18,000 to \$30,000. Discussion is to wait until just after December 2024 to revisit ordering and try to work on the soldiers to either add lights or expose lights to show better from under the tinsel.

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 conducted interviews for a patrolman and would recommend hiring. Doug Alsup made a Motion to hire Matt's recommendation. 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

- b) **Treasurer-** Tina reported a \$200k transfer she made from ARPA to general funds. She applied for grant reimbursement for water meters and has already received it, so she transferred the funds back to the ARPA account. IRP for auditing is up for renewal. She completed a workload report for Treasurer's Association and handed it out as information. The financial report from the recent audit was included in the packet. A request from the auditors to settle due to/from account balances within the general/sewer/water accounts, which we thought we had already been done, is still unsettled. Terry Pope made a Motion to forgive indebtedness from one department to the other interfund. 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

Tina attended the meeting with engineers and Rural Development on a letter of conditions for interim financing of the \$653k water plant upgrade which is for 18 months. Gary McElyea made a Motion to obtain financing at the lowest rate available. 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

A reminder that water and sewer budgeting will be in April, or we can do all three departments at the same time.

Income for *Landslide* on the theatre box office report was very positive.

- c) **Assistant Town Manager Report-**Brian reported EMS has 2 positions open for 2 full-time EMT or higher. Income from calls is about 60 days behind billing and he is comfortable with operations. They could use a 4-wheel drive truck when conditions were like they were in January. The first state inspection will be in March.

A change in handling of drugs will require a DEA license in our name, a safe and camera system and a plan of rotation of stock. Gary McElyea made a Motion to advertise and hire 2 EMT. 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

It is time to hire seasonal help. Terry Pope made a Motion to advertise for seasonal help. 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

Terry asked about progress on the St. Charles meter project. Brian says a manhole is in but no meter has been installed. No word from PSA.

- d) **Town Manager Report-** Keith Harless' report is in the packet. Keith will reconnect with the Slemp Foundation to see about some funding on the center. The Tobacco Commission is coming to Lee County soon to meet, which is a good time to ask about convention center funding. DHCD is coming March 13 to talk about ARS we are about to apply for and may have funding for access road into the projects. VDOT has assigned an agent to the project, if we meet ARC guidelines while installing access road to hotel, we could be refunded up to \$700k for road and sidewalk. Additional hotels are seeking developers.

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On the Bailey-Robbins bid, Quesenberry was the only contractor, the bid was \$969k, grant covers \$850k. A list of recommended cuts to the project was sent and all were approved. A vandal fence was questioned but for esthetics Keith would like to leave the design as well as the front design which restores the building to original. He reported on the following projects as well.

11. Projects-

- a) ARC Business Center/ Conference Center funding- Architect, Ms. West has made some changes. The Tobacco Commission may be able to help with the food incubator as it fits the criteria. Gary McElyea made a Motion for a resolution to apply for a Tobacco Commission grant. 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

- b) Industrial Revitalization Fund ARPA Grant application

- c) Wastewater Treatment Plant Repair Grants –

- i. DEQ/Lane met with engineers on pricing versus a year ago, there was a 2 million dollar difference then with \$114k to be forgiven. Engineer suggested we meet with DEQ to try to obtain more funding. Grit collector is in bad need of replacement. Sam has a company looking at rebuilding it.

- ii. WW pump station upgrade grant-DEQ/Lane

- d) Water Treatment Plant Structural Repair grant

- i. USDA/Mattern & Craig -Brian met them by phone. An engineer is working at the plant to wrap up and submit paperwork in next four weeks with plant work to begin in summer.

- ii. WTP Telemetry Upgrade Grant-VDH/Mattern & Craig

- e) Water meter replacement Phase II- will start replacement around the 1st of the March.

- f) Lead and copper survey-Mike will start the survey while installing meters.

- g) VDOT pipeline study-W Morgan Avenue near the hospital is out for public comments.

Instead of a round-a-bout, they would add a landscaped median to slow traffic coming into town with the sign in the middle. Sidewalks on each side, turn lane to Huddle House and Black Diamond. Sidewalks completed at no cost to town from Edward Street to Hospital. 2025 construction as an all VDOT project. Future proposed turn lane from Herndon to Cecil, no funding now.

12. **Town Attorney**-since last meeting all temporary signs on Morgan Ave have been removed. Our zoning ordinance states in a commercial district, temporary signage is not allowed, which is all of Morgan. Penalty is \$250/day fine per sign. Yard signs must have a permit. Some comments have been appreciation for getting rid of the temporary signs.

13. Council Member reports:

Terry Pope still has a concern of the derelict properties, such as the corner of Church and Lakewood and a way to enforce cleanup. Greg reminded our zoning ordinance may address some issues with a warning and set time to be cleaned up.

14. **Closed session-** At 7:40 PM, Terry Pope made a Motion to go into executive session pursuant to;

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§ 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 8:27 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 (left the meeting)	

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

15. Council Action- none

16. Meeting adjourned at 8:30 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

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

ABSENT DURING VOTE: Jimmy Warner, Jeff Martin

ABSENT DURING CLOSED SESSION: Jimmy Warner, Jeff Martin

MEETING DATE: February 20, 2024


MAYOR LARRY W. HOLBROOK

