

Town of Pennington Gap
Council Meeting
Public Hearing - Rezoning
August 15, 2022

Record of attendance:

6:00 PM

Mayor:	Larry Holbrook
Council:	Jill Carson Gary McElyea Jeff Martin Terry Pope Jimmy Warner
Town Manager:	Keith Harless
Assistant Town Manager:	Brian Skidmore
Treasurer/Deputy Clerk:	Tina Rowe
Town Attorney:	Greg Edwards
Clerk:	Karen Maggard
Parks & Recs:	Tammy Jo Franklin
Police Chief:	Jesse Jones
Powell Valley News:	Rick Watson
Citizens:	Rev. John Grimm

1. Vice Mayor Jill Carson called the meeting to order at 6:03 PM, Mayor Holbrook arrived. No one attended the Public Hearing. Mayor Holbrook closed the hearing.
2. Prayer and pledge- Rev. John Grimm led prayer and Pledge of Allegiance
3. **Agenda**-Terry Pope made a Motion to accept the agenda with the addition of Rev. John Grimm to 6. Jeff Martin seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

4. **Approval of Minutes**- Gary McElyea would like it noted he is not in favor of the round-a-bout at Combs Road and did not vote for such. Keith reminded council that the vote was for a resolution to support Project Pipeline Study - BR05 Preferred Alternative - US58 - Pennington Gap. The project would not be separated into parts, which would include the round-a-bout. Terry Pope made a Motion to approve the minutes of July 18, 2022. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

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5. **Pay bills**-Mayor Holbrook made a Motion to pay the bills as presented. Jill Carson seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

6. **Citizen's Recognitions** – Rev. John Grimm thanked the town for help with the community garden. Food grown in the gardens is left on the church steps and has helped many in town and he thanks all that lend a hand. Terry Pope asked Rev. Grimm as an *outsider* to give his opinion of his almost 3 years here in town. He has seen progress and the park is always looking good, would like us to continue to bring new businesses.

7. **Unfinished business:**

- a. **Rezoning certain parcels in town**- Terry Pope made a Motion to rezone parcels. Larry Holbrook seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

Note: these parcel descriptions were brought forward from the Planning Commission recommendations after a public hearing was held on June 21. They are:

*204 Constitution (old town hall) from Public/government to commercial;
the area behind Subway, Gas 'n Go, Powell Valley National Bank, Advance Auto and Cuz's known as Food City (K-VA-T) to commercial;
the area behind old Shelburne warehouse beginning at Mulberry St. east, behind Cumberland Automotive and south to Johnson Street with a small portion bordering Johnson on the south side known as R.S. Jones property from residential to commercial.*

- b. **Town Retreat Meeting for ARPA**-no comments

8. **New Business:**

- a. **IRF Resolution**-The initial grant application was for both the Bailey-Robbins and Creech buildings and the estimate was much more at nearly \$4 million to renovate. Keith found we can separate and file for Bailey-Robbins with the first \$1 million grant being no-match funding. The preliminary application acceptance looks optimistic. This amount may complete the renovation and include about \$106,000 already invested for a total of \$999,983.23. Terry Pope made a Motion for a resolution to apply for funding up to \$1 million for the Infrastructure Revitalization Fund. Jeff Martin seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye

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Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

Keith also found that VA Dept. of Housing has a \$150,000 grant we may apply for and will call on it tomorrow.

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

- a. **Parks & Recreation-Tammy Jo Franklin** is working to create after school camps and will be meeting with the school board on the use of gyms. She has pricing for an ice rink, 30'x50' synthetic ice that is portable, with an 8-10 year life, for \$23K. This will fit the Lion's Club Pavilion. She would like to partner with FBLA at Lee High to help create a business plan, rent skates, run the business. Jeff Martin made a Motion to purchase the rink. Jill Carson seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

Jill thanked Tammy and the town for their help with the August 8th Celebration.

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

a. **Treasurer's Report**

Tina reported the budget is at 8.33% for the year and we are awaiting sidewalk grant reimbursement of \$200K which will help balance.

- i. **PPTRA Resolution-** this year is relief of 66.9%. Jeff Martin made a Motion for the PPTRA Resolution. Terry Pope seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

- b. **Assistant Town Manager's Report-**Brian has hired some EMS staff, their first day will be next week and will start stocking the ambulance and respond on a limited basis. Hope to be running fully by the end of the year. Would hope to be running by September. VDOT snow removal application is submitted.

- i. **Black Topping-**Two streets in town need asphalt; Dale Alley from Anderson to Valley Street has been a problem with water running into the church. Would like to resurface Nolan Ave. due to potholes, drainage issues. All this would be \$25,800 which is \$800

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over budget. Larry Holbrook made the Motion to do the repair & paving. Gary McElyea seconded the motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

- ii. EMS Billing-Brian received two bids, about the same. Each will bill insurance first, create a first notice to the patient. A & B EMS Billing was with the former squad and is used by a lot of others close by. Recovery is about 87%. Terry Pope made a Motion to accept the bid from A & B EMS Billing. Jeff Martin seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

Brian would like Greg to verify that a fire department can now bill \$250 on any motor vehicle accident worked, as of July 1.

- c. **Town Manager's Report**-Checked with the county on Casino funds, they will come to the county only and can only be used for education, transportation and public safety. Commission of counties in SWVA area have deemed it will be shared equally per locality and not on population. Each locality will receive 1/14th, current estimates are in the \$600K range per year.
- i. **VML Conference**-October 2-4 in Richmond, would like to know who wants to attend, Jill would like everyone to be there.

11. Projects

- A. **Sidewalk**-project has been completed.
- B. **ARC Business Center/Conference Center**- final planning grant reimbursement request has been submitted.
- C. **Infrastructure Revitalization Fund Planning Grant**-Resolution for the grant application to complete on August 18.
- D. **Historic designation**-should award September 15 which will allow for tax credits on buildings in designated area.
- E. **Wastewater Treatment Plant Repair grants**-
- DEQ/Lane Group-PER not in yet. Have pulled pump station out separately to apply for upgrade grant.
 - SSES Grant-100%, Mattern & Craig compiling data, I & I, trouble with river crossing, now applying for ARPA grant for crossing to move it straight to pump station.
 - WW Pump Station Upgrade-DEQ/Lane Group
 - N. Fork Powell River Sewer Crossing – DEQ/Mattern & Craig

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F. **Water treatment plant structural repair grant-**

- i. USDA/Mattern & Craig-Met with VDH, Mattern & Craig, Keith, Gary Garrison and James Shelburne at the plant. Will do testing, electrical is ok, sealers on wells and basins may not be possible. The process could take 21 days, not 7 to have plant down. Extra funding would be required for storing water and the plant is at 76% capacity. 80% triggers upgrade recommendations. A new plant is unaffordable at \$26 million.
- ii. WTP Telemetry Upgrade-VDH/Mattern & Craig-Another grant has been applied for, St. Charles, Big Hill, Miller/Smyth pumps cannot be seen online, need upgraded.

12. **Town Attorney-** Planning Commission met about zoning ordinances and still need to gather some examples to fit our needs. Greg will continue to do so. Their next meeting is August 29.

13. **Council Member reports**

Terry Pope-Two businesses have reported inability to attract employees, impacting service to the public, looking for ideas if anyone has suggestions to help. Jill has some artisans calling for space to rent. Terry would also like for theatre to advertise at some high traffic businesses with posters and upcoming shows.

14. **Closed session-** At 6:54 PM, Terry Pope made a Motion to go into executive session pursuant to;

§ 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.

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:

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

At 7:52 PM, Terry Pope made a Motion to reconvene to regular session. Jill Carson seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	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:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

15. Jimmy Warner made a Motion to transfer a purchase option on Town property A to the Town's IDA. Jeff Martin seconded the Motion. Roll call vote as follows:

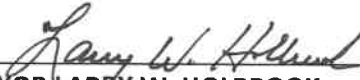
Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

Jimmy Warner made a Motion to exercise option to purchase Property B for \$55K with a down payment of \$20K and balance over 5 years. Larry Holbrook seconded the Motion. Roll call vote as follows:

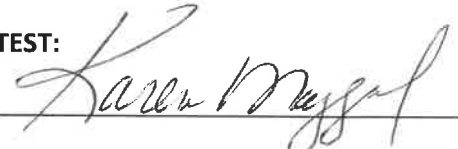
Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

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16. Larry Holbrook made a Motion to adjourn. Terry Pope seconded the Motion. Vote was unanimous. Meeting adjourned at 7:56 PM.


MAYOR LARRY W. HOLBROOK

ATTEST:


KAREN MAGGARD, TOWN 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: Mayor Larry W. Holbrook
 Terry K. Pope
 Gary McElyea
 Jeff Martin
 Jimmy Warner
 Jill Carson

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 15, 2022


MAYOR LARRY W. HOLBROOK