

**TOWN OF PENNINGTON GAP
COUNCIL MEETING
JANUARY 17, 2023, 6:00 PM**

- 1) Call Meeting to order - Mayor Larry Holbrook
- 2) Prayer and Pledge-
- 3) Approval of Agenda
- 4) Approval of Minutes-
 - a) Regular Meeting December 19, 2022
 - b) Organizational Meeting, January 3, 2023
- 5) Approval of Bills to be Paid
- 6) Citizen's Recognition –
 - a) Hutson Stewart-Feeding the homeless
- 7) Unfinished Business
- 8) New Business
 - a) Resolution for VA250 community committee formation (as required to apply for grants from Virginia Tourism)
 - b) Approval of Fire Department Officer elections
- 9) Monthly Reports – Water, Sewer, Treasurer, Public Works, Police Dept., Fire Dept. Lee Theatre, Parks & Rec. (reports in council packet)
- 10) Administrative Reports– Mayor Larry Holbrook/Keith Harless/Tina Rowe/Brian Skidmore
 - a) Treasurer's Report
 - b) Assistant Town Manager's Report
 - c) Town Manager's Report
- 11) Projects
 - a) ARC Business Center/ Conference Center funding
 - b) Industrial Revitalization Fund ARPA Grant application - Downtown Buildings
 - c) Historic designation -Hill Studios
 - d) Virginia Housing Stabilization Grant
 - e) Wastewater Treatment Plant Repair Grants
 - i) DEQ/Lane
 - ii) SSES Grant-DEQ/Mattern & Craig
 - iii) WW Pump Station Upgrade Grant-DEQ/Lane
 - iv) N. Fork Powell River Sewer Crossing-DEQ/Mattern & Craig
 - f) Water Treatment Plant Structural Repair Grants
 - i) USDA/Mattern & Craig
 - ii) WTP Telemetry Upgrade-VDH/Mattern & Craig
- 12) Town Attorney Report-Greg Edwards
- 13) Council Member Reports
- 14) Closed session
- 15) Council Action
- 16) Adjournment

Town of Pennington Gap
Council Meeting
January 17, 2023

Record of attendance:

6:00 PM

Mayor: Larry Holbrook
Council: Jill Carson-absent
Gary McElyea
Jeff Martin-absent
Terry Pope
Jimmy Warner
Town Manager: Keith Harless
Assistant Town Manager: Brian Skidmore
Treasurer: Tina Rowe
Town Attorney: Greg Edwards
Town Clerk: Karen Maggard
Parks & Recs: Tammy Jo Franklin

1. Mayor Holbrook called the meeting to order at 6:00 PM.
2. Prayer and pledge-Tina led prayer and the pledge
3. **Agenda**-Karen handed out corrected minutes for the January 3 Organizational, updating all positions as voted on along with committees, there were no changes to previous positions. Terry Pope made a Motion to accept the agenda. Gary McElyea seconded the Motion. Roll call vote as follows:

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

4. **Approval of Minutes**

- a) Terry Pope made a Motion to approve the minutes of December 19, 2022. Gary McElyea seconded the Motion. Roll call vote as follows:

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

- b) Mayor Holbrook made a Motion to approve the minutes of January 3, 2023 Organizational Meeting. Terry Pope seconded the Motion. Roll call vote as follows:

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

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

Gary McElyea	Aye
Terry Pope	Abstain
Larry Holbrook	Aye
Jimmy Warner	Aye

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6. **Citizen's Recognitions** –n/a

7. **Unfinished business:** n/a

8. **New Business:**

A) Karen presented a Resolution for VA250 Communities in the event we have an opportunity to apply for one of the grants in the next 4 years as required by Virginia Tourism before January 23. Terry Pope made a Motion to approve the resolution. Gary McElyea seconded the Motion. Roll call vote as follows:

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

B) Brian included a list of volunteer fire department officers for 2023, the only change from last year, one lieutenant stepped down and another stepped up. Terry Pope made a Motion to approve the officers. Gary McElyea seconded the Motion. Roll call vote as follows:

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

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

Tammy Franklin reported the final day of ice skating was January 15 and the first season was considered successful. The rink will return in July for a few hours daily along with the pool. Terry questioned volunteer help and whether there are ideas on attracting more help for so many activities during the holidays. Tammy will also think of ideas before next season.

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

A) Treasurer Report- in packet

C) Assistant Town Manager Report-Brian reported on projects

D) Town Manager Report-in packet

11. **Projects**

A. **ARC Business Center/Conference Center-**Keith presented his plan to VCEDA who approves of the project and will have some funding for both buildings. Rural Development has agreed upfront to \$100k. He will pick up the brochure of the project from Hill Studios on his way to Richmond to promote the project further.

B. **Industrial Revitalization Fund ARPA Grant Application-** Kickoff will be February 1, contract signing for \$850k and then start architectural drawings of which we will owe \$80k. Two applications were submitted, a radio station and dessert shop, however the latter has backed out. Keith would like to replace it with a meals tax opportunity. Commitment letters are needed for the Creech building, which is part 2 after 15 months to finish Bailey-Robbins. Once one commits, we can design and build to fit. We are approved for \$150k for a roof on Creech building and we will do the tear off.

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- C. **Historic Designation**-A Town Hall meeting will be held in February to notify businesses of what the Historic designation will mean. It is not restrictive in the sense of paint colors etc. but only a designation to help with funding opportunities.
- D. **Virginia Housing Stabilization Grant**- Funding to stabilize the back banks and parking behind Bailey-Robbins building, will take 3 months to complete the plan.
- E. **Wastewater Treatment Plant Repair Grants**- Brian covered these in his report above as he and Keith had met today with Mattern & Craig representatives doing onsite work. They will have a report in 2-4 months of how to move forward. On a question of I & I, Brian has also tried to get more information on the meter replacement for St. Charles from Lee Co. PSA. They only received one bid and with holidays and a member out for surgery, they look to prioritize the project in February.
- F. **Water Treatment Plant Structural Repair Grants**- is still awaiting ARPA funding.

In today's meeting, Keith and Brian reopened the sidewalk funding question with Mattern & Craig and walked the area from N. Main to the railroad with the idea of taking a sidewalk all the way down N. Main into Leeman Field. Estimated at \$5-10 million, M&C engineers think there is a pocket of potential federal funding, not at 100%, but possibly also have some Dept. of Transportation funding help. We must apply for it by February 28. We can possibly reuse the old bridge structure for crossing into Leeman and follow the river back to the greenway to connect. Another opportunity may be to finish the trail from the corner of Food City parking across to the highway and up to the caboose making a full circle connection with town.

- 12. **Town Attorney**-Greg reported the Planning Commission held a meeting last week but he was unable to attend and the Lee County EDA met with Pennington Town Manager, who spoke to them on some of the plans we have for town projects.

13. **Council Member reports:**

None were discussed

- 14. **Closed session**- At 6:42 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.

Gary McElyea seconded the Motion. Roll call vote as follows:

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

At 7:35 PM, Terry Pope made a Motion to reconvene to regular session. Gary McElyea seconded the Motion. Roll call vote as follows:

Gary McElyea	Aye
Terry Pope	Aye
Larry Holbrook	Aye
Jimmy Warner	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:

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


Jimmy Warner made a Motion give the town IDA authority to negotiate for a \$250k business incentive. Larry Holbrook seconded the Motion. Roll call vote as follows:

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

Gary McElyea made a Motion to take bids for improvements for a structure at Leeman Field. Mayor Holbrook seconded the Motion. Roll call vote as follows:

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

Terry Pope made a Motion to adjourn at 7:39 PM. Mayor Holbrook seconded the Motion. Vote was unanimous.


MAYOR LARRY W. 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: Mayor Larry W. Holbrook
Terry K. Pope
Gary McElyea
Jimmy Warner

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

ABSENT DURING VOTE: Jeff Martin, Jill Carson

ABSENT DURING CLOSED SESSION: Jeff Martin, Jill Carson

MEETING DATE: January 17, 2023



MAYOR LARRY W. HOLBROOK