

Town of Pennington Gap
Bond Counsel Public Hearing and Council Meeting
May 15, 2023

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 Town Manager:	Brian Skidmore
Treasurer:	Tina Rowe, MGT
Town Attorney:	Greg Edwards
Town Clerk:	Karen Maggard
Police Chief:	Jesse Jones
Powell Valley News:	Rick Watson

1. Mayor Holbrook called the meeting to order and opened the public hearing at 6:02 PM.
2. Mayor Holbrook led the Pledge of Allegiance
3. **Agenda-** Larry Holbrook made a Motion to accept the agenda. Terry Pope seconded the Motion. Roll call vote as follows:

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

4. **Approval of Minutes-** Larry Holbrook made a Motion to approve the minutes of April 17, 2023. Gary McElyea seconded the Motion. Roll call vote as follows:

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

6. **Citizen's Recognitions-**none

7. **Unfinished business:**

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- a) Bond Counsel Hearing-with no public comment, Mayor Holbrook made a Motion to close the Public Hearing. Terry Pope seconded the Motion. Roll call vote as follows:

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

Terry Pope made a Motion to pass the local resolution providing for the issuance, sale and award of a water system revenue and general obligation bond Series 2023, of the Town of Pennington Gap, Virginia, in the principal amount up to \$132,975. Doug Alsup seconded the Motion. Roll call vote as follows:

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

8. **New business:**

- A) Website updates- after closed session
B) Juneteenth Holiday-Terry Pope made a Motion to move the June Council meeting to Tuesday, June 20 due to the state holiday. Doug Alsup seconded the Motion. Roll call vote as follows:

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

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

- A) Jesse Jones asked that we make it possible for property violations with repeat offenders, that he can add wording to the letters so that he does not have to continually send to the same owners. Keith asked if we can add a fine, Greg will check ordinance. Terry would like to extend from season to season. If they were notified last year and the situation has not changed. Greg said to make it a criminal charge is hard because they must be present in court. Terry suggested setting a scale of fees that increases. A meeting was held with the County Building Inspector who can follow up with condemnation, town clean-up, fines. Greg wants to review the ordinance requiring water and sewer services remain active.

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

- A) **Treasurer Report-** Tina heard from VACORP on insurance with increases due to EMS department, otherwise about \$10K for the town. Gary McElyea made a Motion to accept the insurance plan costs. Doug Alsup seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye

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Larry Holbrook	Aye
Jeff Martin	Aye
Terry Pope	Aye

Additionally, we need to recess this meeting and advertise for the budget hearing.

- B) **Assistant Town Manager Report-** Brian reported that VDOT property bought for the bypass will be available for the original owners to purchase back on July 1. VDOT contract mowers will be in our area in a few weeks to take care of land such as corner of Oakwood/421. Doug Alsup requested we ask them to widen an area of N. Kentucky, Brian said a guardrail may be possible in the area as we wait on a sidewalk which will help widen some areas.
- C) **Town Manager Report-**Keith reported the Bailey-Robbins building asbestos abatement is finished. Creech building roof is on and a separate company will carry the warranty, so they are awaiting their inspection. We may dress up the back lot with some gravel. He met with VDOT who is resurrecting the round-about project and will look at costs with their own engineers and evaluate the project. He has also met with Choice Hotel representatives.

11. Projects

- a) **ARC Business Center/Conference Center-**Still searching for funding through ARC or Go Virginia.
- B) **Industrial Revitalization Fund ARPA Grant Application-**Terry Pope made a Motion to pay the contractors when each submits the invoice of \$157K for the roof, \$25K for the asbestos abatement. \$150K will be received from the grant. Doug Alsup seconded the Motion. Roll call vote as follows:

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

- b) **Historic Designation-** Hill Studio continues the work.
- c) **Virginia Housing Stabilization Grant-**
- d) **Wastewater Treatment Plant Repair Grants-** no change
- e) **Water Treatment Plant Structural Repair Grants-**no change

- 12. **Town Attorney-**Greg has researched code sections on the request for a cannabis festival. All refer to a fixed building requirement, not tents, open park.

13. Council Member reports:

Gary McElyea spoke with the Postmaster, the lane between the office and Birg Sergeant's offices has reopened. Traffic still speeds through. The property line is down the center of the street

Terry reminded them of a May 30th meeting of potential investors for a motel.

- 14. **Closed session-** At 6:45 PM, Terry Pope made a Motion to go into executive session pursuant to;

§ 2.2-3711(A)(1): Personnel. Provides an exemption for:

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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:

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

At 7:45 PM, Terry Pope made a Motion to reconvene to regular session. Gary McElyea seconded the Motion Roll call vote as follows:

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

15. Terry Pope made a Motion to hire a full-time clerk for front office. Gary McElyea seconded the Motion. Roll call vote as follows:

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

Doug Alsup made a Motion to transfer properties 23E-(36)-BKA, 13-22 and 23E-(28)-2, 1-9, 1A-4A, F,G, I-L to the IDA. Larry Holbrook seconded the Motion. Roll call vote as follows:

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

Jeff Martin made a Motion to transfer \$20K to the IDA. Gary McElyea seconded the Motion. Roll call vote as follows:

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

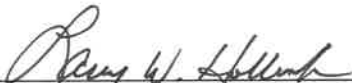
Jeff Martin made a Motion to allow Keith and Karen to negotiate a web page design with Civic Plus. Doug Alsup seconded the Motion. Roll call vote as follows:

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

16. Terry Pope made a Motion to recess the meeting until May 23 at 2:00 PM. Gary McElyea seconded the Motion Roll call vote as follows:

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

17. Meeting adjourned at 7:49.



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;

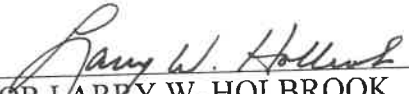
NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Pennington Gap, Virginia hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in closed session to which this certification 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
Jeff Martin
Gary McElyea
Doug Alsup

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: May 15, 2023


MAYOR LARRY W. HOLBROOK