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**BREAKS INTERSTATE PARK COMMISSION**

**Minutes of Meeting**

**February 24, 2022**

Breaks Interstate Park Commission held a regularly scheduled meeting on Thursday, February 24, 2022. Chairman David Sanders called the meeting to order at 11:00 a.m.

Chairman Sanders opened the meeting with prayer.

Commissioners present at this meeting were:

David Sanders, Chairman Kentucky

Rick Mullins Virginia

Eric McPeek Kentucky

David Collett Virginia

Will Adams Kentucky

Ron Vanover Kentucky

Evan Jones, legal counsel for the Tourism, Arts and Heritage Cabinet was also present.

Commissioner Adams made a motion and Commissioner R. Mullins seconded to approve the minutes of the December 9, 2021 meeting.

Commissioner R. Mullins made a motion and Commissioner McPeek seconded to approve the minutes of the Special Called Meeting on January 13, 2022.

Superintendent Bradley gave an update on the Potter’s Flats Inholding. Mr. Batton had come to him asking who would sign on behalf of the Park. Superintendent Bradley let him know that it would be the Chairman, David Sanders. He has not heard back from him since that time. It does seem that they are moving forward with the Quit Claim deed.

Superintendent Bradley went over a breakdown of funding sources for the major projects which include: Potters Flats Bridge, Laurel Lake Cabins, Water Park Expansion, Ben Chafin Lodge and Ratliff Hole Improvements. A VCEDA grant was approved last Thursday and Superintendent Bradley feels that $386,000 can be allocated to the Bridge project. He hopes to be able to present the Commission with a plan by the next meeting that will allow it to go back out for bid. Chairman Sanders brought up that there may need to be additional discussions about the dimensions of the bridge such as making it shorter before they proceed with funding. Superintendent Bradley has asked Thompson and Litton what size bridge the Park would be able to afford. He is meeting with the Structural Engineer on Friday and they will look at various sites. Superintendent Bradley will report back to the Commission on the Structural Engineers recommendations.

The contract for exterior work on the Ben Chafin Lodge is out in newspapers. They were able to eliminate some of the more excessive bond requirements because the project is expected to be under $500,000 which has allowed some smaller contractors to bid as well.

At this time, the Park does not have an A&E firm for the construction of the new Cabins. Superintendent Bradley proposed that the Commission consider building (2) 1 story, 2 bedrooms, 2 bathrooms, ADA accessible cabins. We currently have one and it is very popular with our guests. That would decrease the construction cost to approximately $450,000. After adding A&E services and furnishings, he believes that we could do the complete cabin project for around $600,000.

Commissioner R. Mullins made a motion and Commissioner McPeek seconded to amend the agenda to include a Closed Session to discuss the Thompson and Litton proposal for the A&E work for the Laurel Lake Cabins.

The water park expansion now has $500,000 from VCEDA and $300,000 from AML. The VCEDA money is strictly for the construction of the pool. The AML money can be used for improvements to the water park play features, splash pad and bathrooms. The expansion should be completed by 2023 season.

The Park received an ARC Power grant for improvements to Ratliff Hole to redo the road, redo existing parking, create new parking, renovate the restrooms and build access to the bridge.

There are no updates on the mineral rights situation with Mr. Jerry Kanney. Superintendent Bradley was working with someone in the Attorney General’s office for Virginia but the Administration changed and everyone that he was working with left. He plans to make contact with someone again about the situation.

The money for the Ben Chafin Lodge is still in Virginia’s budget. Commissioner Adams should have more information on the KY State Appropriation in the future.

Commission Chairman, David Sanders, discussed the need for the Commission to convene in closed session to discuss matters related to real estate and a pending contract proposal for A&E services for the construction of the Laurel Lake Cabins. Mr. Sanders requested Superintendent Austin Bradley to read the sections of the Code of VA authorizing closed meetings for certain purposes. Mr. Bradley read from COV 2.2-3711 sections 3 and 6, which state the following:

Code of Virginia 2.2-3711. Section 3, for discussion or consideration of acquisition of a real property for 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. Section 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. The Commission will also allow the Park Superintendent, Business Manager and legal counsel to remain in the meeting during the Closed Session. Commissioner Adams made a motion and Commissioner R. Mullins seconded to enter Closed Session at 11:48 a.m.

Commissioner Eric McPeek Yes

Commissioner Rick Mullins Yes

Chairman David Sanders Yes

Commissioner David Collett Yes

Commissioner Ron Vanover Yes

Commissioner Will Adams Yes

Upon conclusion of the closed session at 1:13 p.m. Chairman Sanders reconvened the Commission in open session and asked for a motion to certify that only matters pertaining to real estate and contracts, as authorized by the COV 2.2-3711 sections 3 and 6 were discussed during the closed session. Commissioner Adams made a motion and Commissioner R. Mullins seconded. A roll call vote was administered.

Commissioner Eric McPeek Yes

Commissioner Rick Mullins Yes

Chairman Davide Sanders Yes

Commissioner David Collett Yes

Commissioner Ron Vanover Yes

Commissioner Will Adams Yes

There was a motion made by Commissioner McPeek and seconded by Commissioner Collett to authorize the Chairman to execute a Quick Claim Deed for the parcel outlined in Dickenson County deed book 137, page 46 to Mr. Keith Mullins pending the completion of an appraisal at Mr. Mullins’ expense for $1,000 or the appraised value, whichever is greater and to direct the Superintendent to create a draft policy governing future acquisitions and disposal of real property to be presented at the next regularly scheduled meeting.

A motion was made by Commissioner Adams and seconded by Commissioner R. Mullins to authorize the Superintendent to negotiate with Mid South Capital Partners for a Quit Claim Deed for property outlined in Pike County deed book 1109, page 388.

There was no action on the Thompson and Litton A&E contract.

There was a proposal to change the By-Laws from Quarterly meetings to Bi-Monthly meetings. The official notice was sent outside the 10 day required timeframe to the Commission notifying them of the proposed change to the By-Laws. A motion was made by Commissioner Vanover and seconded by Commissioner Collett to direct the Superintendent to modify the By-Laws to include Bi-Monthly meetings that will be held in February, April, June, August, October and December.

A motion was made by Commissioner McPeek and seconded by Commissioner R. Mullins to approve the Financial Statements.

The final FYE ’21 audit has not been received from the Auditor.

Superintendent Bradley discussed some of the winter projects at the Park. Replacement of overlook railings, replacing the decking on the boat dock, replaced carpet in gift shop and cottages, new guttering on cottages, paint the exterior of the cottages and he hopes to paint the exterior of the Rhododendron Lodge as well in the Spring.

Commissioner Adams has accepted a new position and will no longer be serving as a Park Commissioner. This will be his last meeting. Chairman Sanders thanked him for his input on the Commission.

Date of the next Commission meeting is scheduled for Thursday, April 21, 2022. Commissioner McPeek made a motion and Commissioner Adams seconded to adjourn at

2:01 p.m. All motions carried unanimously.