

Town of Pennington Gap  
Council Meeting  
April 19, 2021

Record of attendance:

6:00 PM

Mayor:	Larry Holbrook
Council:	Jill Carson Gary McElyea – by phone Jeff Martin – by phone Terry Pope – by phone Jimmy Warner –by phone
Town Manager:	Keith Harless
Assistant Town Manager:	Brian Skidmore
Treasurer	Tina Rowe-by phone
Clerk	Karen Maggard
Town Attorney:	Greg Edwards
Police Chief:	Jesse Jones
Powell Valley News:	Rick Watson
Citizens:	Matt Johnson Connie Daugherty-Combs Annette Tomlinson Debra McCoy

1. Larry Holbrook called the meeting to order at 6:00 PM and the public hearing was opened by reading this statement concerning COVID-19 pandemic: *Because of COVID-19, social distancing in State of VA and the following codes of Virginia, the Town of Pennington electronic council meeting will proceed in reference to § 2.2-3708.2, Meetings held through electronic communication means and when the Governor has declared a state of emergency in accordance with § 44-146.17.*
2. **Agenda**-Gary McElyea made a Motion to accept the agenda by adding 7. C. Property maintenance contracts and 7. D. Theatre improvements. 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

3. **Minutes prior meeting**-Terry Pope made a Motion to accept the minutes from March 15, 2021 Council meeting by correcting the votes on 7. C. to all ayes and to the voting in 11. to all ayes (clerical error copied from previous), Jimmy Warner 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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4. **Pay bills**-Larry Holbrook made a Motion to pay the bills as presented. Jeff Martin seconded the Motion. Roll call vote as follows:

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

5. **Citizen's recognition**-Connie would like to be in closed session, no others spoke.

6. **Unfinished business:**

**Personnel policy**-Keith requested to table this again as another question has arisen. Terry Pope made a Motion to table until next month and 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

7. **New Business:**

- a. **Zoning Appeals Board appointments**- Brian asked that Roberta Smallwood be reappointed as her term ran out during COVID. Gary McElyea made a Motion to reappoint Mrs. Smallwood to the board, 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

Two new appointments are also necessary to fill positions vacated as Michelle Warner has moved out of town and Doug Alsup cannot continue. Jeff Martin made a Motion to appoint Connie Daugherty to fulfill Michelle's term. 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

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Larry Holbrook made a Motion to appoint Louis Audia to fulfill Doug's term, 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

Once the judge has recommended these appointments, the new members will need to be sworn in before their term.

- b. **Friends of SW VA Partnership Program request** – Keith explained that in past years we have contributed to this group as they promote tourism in our area. Mrs. Carson is now on the board through a recommendation from DHCD. Larry Holbrook made a Motion to contribute \$2,500 again this year. Jimmy Warner seconded the Motion. Roll call vote as follows:

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

- c. **Property maintenance contracts**-H.A.C. is the only bidder this year. Jeff Martin made a Motion to accept H.A.C., Jimmy Warner 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

- d. **Theatre improvements**- Keith explained that with COVID, a lot of the theatre budget wasn't spent on entertainment and the outside block wall of the community center needs covered to look finished. He estimates roughly \$25k. Jeff Martin made a Motion to take bids on Dryvit or the like to finish the wall. 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

8. **Monthly Reports-**

Included in the packet with no questions

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9. **Sidewalk Project**-Final review has been approved by VDOT, getting ready for bids. Jeff asked about traffic island at the KY ST/Morgan AVE intersection. Brian explained a new light system is scheduled by VDOT.

10. **Town Attorney**-Greg reported that he had escorted Taylor Sisk from National Geographic reporting 100 days in Appalachia around the area. Interest was in small towns losing hospitals, health care in general, black lung etc.

Also, town elections were changed to November in the last legislative session. He has talked with Reps. Kilgore and Pillion and VML attorney as this causes a split precinct in that some voters will go to the middle school and some to the vocational school which is too far out of town according to the regulations. He has talked with the registrar and it is possible to have separate ballots for voters for in/out town registration. Gary McElyea mentioned that this would also change the organizational meeting and charter. Greg explained the county could combine a precinct if requested and approved. VML recommends waiting before changing the charter.

11. **Council Reports:**

Gary McElyea asked what is happening at Leeman Field with opening it up. Keith explained that some repairs to pavilions are necessary first, then steam cleaning tables and have waivers for rentals. Bathrooms would reopen after hiring additional help. Terry Pope recommended hiring McKenzie Cluesman-Brewer as pool manager, 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 also explained that the pool will be painted as soon as warmer weather allows. Should be in the next couple of weeks. Cameras are being wired, so a lot of activity now. Jeff suggested we rehang the basketball goals to which there is no guidance in Phase 3. Keith will check with the health department. Jeff Martin made a Motion to open Leeman Field following guidelines and as soon as possible after required maintenance has been completed. 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

- Jeff Martin asked about getting back the expense of cleaning up town properties. Tina answered that if our expense reaches \$1,000, we can ask TACS (collector) to force the sale of the property. Otherwise, we will continue to attach the expense to the real estate tax ticket and collect with tax. He also asked about the garbage cans, of which the distribution is still in progress.
- Jill Carson met with Taylor Sisk who will return to continue the story for National Geographic's 100 Days in Appalachia on April 22-24. Senator Kaine wanted to eat in a restaurant that had received CARES funding while he visited. They went to Charly's and had a great discussion with her on the hardship of maintaining employees while unemployment is paying higher rates. They

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also toured the hospital, Stone Mountain during vaccination and the Appalachian African-American Cultural Center.

- Terry Pope repeated that Ford Street still needs attention from VDOT and Joslyn/Ford intersection as well as the shrubbery at intersection of Bank/Morgan. Brian reported that VDOT is working on signage on Ford (caution) and guardrails. On the roadside trash pickup by the county, the Board of Supervisors sets those guidelines. Terry made a Motion to request that the board include the town in that collection. 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 also questioned Brian on the fire department report where 149 man hours in 18 calls went to the county. Our fire department receives the same amount from the county as other volunteer departments. He would like to lobby the Board of Supervisors for equity in that distribution.

12. **Closed session-** At 7:10 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. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.*

**§ 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..

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

At 8:03 PM, Terry Pope made a Motion to reconvene to regular session, Gary McElyea seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye

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Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

Terry Pope made a Motion 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

Terry Pope made a Motion to allow an agreement with Lee Driving School for use of the community center. Jeff Martin seconded the Motion. Roll call vote as follows:

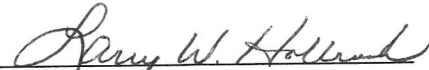
Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

Jeff Martin made a Motion to advertise for a Crewman 1 position. Jimmy Warner seconded the Motion. Roll call vote as follows:

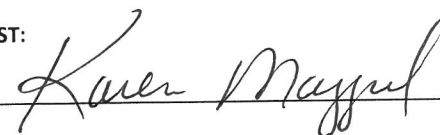
Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

At 8:07, Jeff Martin made a Motion to Recess the meeting to 1:00 PM on April 22, Jimmy Warner 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

  
MAYOR LARRY W. HOLBROOK

ATTEST:

  
KAREN MAGGARD, TOWN CLERK

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### 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:**

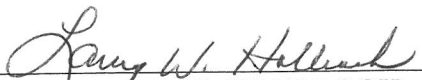
AYES: Mayor Larry W. Holbrook  
Terry K. Pope  
Gary McElyea  
Jeff Martin  
Jill Carson  
Jimmy Warner

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

ABSENT DURING VOTE: none

ABSENT DURING CLOSED SESSION: none

MEETING DATE: April 19, 2021

  
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MAYOR LARRY W. HOLBROOK