

Town of Pennington Gap
Council Meeting and 2021-2022 Budget Hearing
June 21, 2021

Record of attendance:

6:00 PM

Mayor:	Larry Holbrook
Council:	Jill Carson - Absent 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

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.*

No comments were heard on the public hearing for 2021-2022 Budget, Larry closed the hearing.

2. **Agenda**-Gary McElyea made a Motion to accept the agenda with the addition of Miniature golf under 6. C. Unfinished Business. Under 7, New Business, A & B are the same subject. Jeff Martin seconded the Motion. Roll call vote as follows:

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

3. **Minutes prior meeting**-Larry Holbrook made a Motion to accept the minutes from May 17, 2021 Council meeting. Jeff Martin seconded the Motion. Roll call vote as follows:

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

4. **Pay bills**-Larry Holbrook made a Motion to pay the bills as presented. Jimmy Warner seconded the Motion. Roll call vote as follows:

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

5. **Citizen's recognition**-no one spoke

6. **Unfinished business:**

- A. **Personnel policy**- final draft, Terry Pope made a Motion to approve the policy. Jeff Martin seconded the Motion. Roll call vote as follows:

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

- B. **Main Street parking lot bids**-Terry Pope made a Motion to negotiate with the low bidder for other savings options. Jeff Martin seconded the Motion. Roll call vote as follows:

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

- C. **Miniature golf business plan**-Keith went over estimates with wooden portable courses assembled by the town of \$52,000 or pre-built concrete course between \$120,000 and \$500,000. Figures to offset the cost of labor would be 26 games a day required @\$5/game. Terry Pope made a Motion to table the matter and Gary McElyea seconded the Motion. Roll call vote as follows:

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

7. **New Business:**

- A. **FEMA/Hazard Mitigation Plan** – Brian asked that Council adopt a resolution to allow federal funding in the event of a flood, tornado or other disaster. Gary McElyea made a

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Motion to adopt the resolution. Jimmy Warner seconded the Motion. Roll call vote as follows:

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

8. Monthly Reports:

- A. Tina Rowe, **Treasurer**, participated in NLC webinar on the American Rescue Plan Act for funding of \$892,000 the town will receive in each of the next two years. She asked if council was interested in dropping an accident policy through VACorp for inmates. Larry mentioned he had spoken with the sheriff and they think inmate help may be coming back soon.
- B. Brian Skidmore, **Town Manager**, updated Council on the Kubota side by side, a new engine would be \$9,000 and other parts would be required per James once that's in place because of wear and tear. He would like another used one he knows of at \$19,000 that is like new with plow, cab and seats 4. These machines are used daily by maintenance staff. He would like to later purchase a new one and finance it. Jeff Martin made a Motion for both the used vehicle for \$19k and after July 1, purchase a new RTV and finance it. Gary McElyea seconded the Motion. Roll call vote as follows:

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

9. Administrative Reports

- A. Tina would like to speak in closed session.
- B. Window for applying for funding on sidewalks is open and Brian will check with Mattern & Craig engineer for suggestions on applying for engineering for sidewalk to Leeman Field to keep from interfering with the one we have for the sidewalk to the hospital. They are looking for ARC funds for park access. There is no charge until funded. Brian will report at the recessed meeting on Monday, June 28.
- C. Keith has applied for shuttered venue grants for lost income at the theatre during the past year. Jesse is taking pictures of property for clean-up. David Hill has found a grant through DHCD for Virginia Main Street feasibility study level 1 for \$25,000. Terry Pope made a Motion to apply for the grant. Jimmy Warner seconded the Motion. Roll call vote as follows:

Jill Carson	Absent
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye

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Jimmy Warner	Aye
Larry Holbrook	Aye

An application of Dryvit on the outside wall at the community center was started today. Also, a presentation of plaques in memory of Richard Garrett will be at the pool on Saturday, July 3 at 11:30. Everyone invited. Mitch Kennedy from Ballard Health was on the radio show today to discuss the opening of Lee County Community Hospital.

10. **Sidewalk Safety Project**-covered previously

11. **Town Attorney**- Greg noted that the planning commission needs reappointments in order to sell town hall property. Could we consider those appointments in the recessed meeting on June 28? Also, the county has proposed another raise in license fees and set a hearing. Cars from \$35-\$40.75 and trucks an additional .75. Terry Pope made a Motion to keep fees the same as the county, if they raise them. Gary McElyea seconded the Motion. Roll call vote as follows:

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

He also noted the marijuana laws change July 1, do we want to ban marijuana in the park? There were no motions.

12. **Council Reports:**

- Terry Pope noted the Virginia Historic Registry would allow for tax credits in some areas if we were to obtain status downtown.
- Greg reminded everyone the Works Program is still needing jobs to assign members. County can help us by assigning them to us.

13. **Closed session**- At 7:08 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.

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

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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:

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

At 8:12 PM, Terry Pope made a Motion to reconvene to regular session, Jeff Martin seconded the Motion. Roll call vote as follows:

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

Terry Pope made a Motion to loan sewer fund (20) \$100,000 from the water fund (30). Jeff Martin seconded the Motion. Roll call vote as follows:

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

Terry Pope made a Motion to continue the VACorp insurance for inmates. Jeff Martin seconded the Motion. Roll call vote as follows:

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

Terry Pope made a Motion to lease an education room in the community center to Connie Daugherty-Combs. Jeff Martin seconded the Motion. Roll call vote as follows:

Jill Carson	Absent
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye

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Jimmy Warner	Absent
Larry Holbrook	Aye

Terry Pope made a Motion to assist Nana's Restaurant by allowing reimbursement of .05 of the .07 meals tax up to \$5K submitted to the town, to be reimbursed by IDA. Jeff Martin seconded the Motion. Roll call vote as follows:

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

Terry Pope made a Motion upon completion of the appropriate successful agreement with company A & the IDA subsidiary, the town will pay IDA \$10,000 for use as IDA sees fit. Jeff Martin seconded the Motion. Roll call vote as follows:


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

Gary McElyea made a Motion to give employee A \$1.00/hour raise. Terry Pope seconded the Motion. Roll call vote as follows:

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

At 7:45, Terry Pope made a Motion to recess the meeting until 2:00 PM for 2021-2022 Budget. Mayor Holbrook seconded the Motion. Roll call vote as follows:

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


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

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

ABSENT DURING VOTE: Jill Carson, Jimmy Warner

ABSENT DURING CLOSED SESSION: Jill Carson, Jimmy Warner

MEETING DATE: June 21, 2021


MAYOR LARRY W. HOLBROOK