

Town of Pennington Gap
Council Meeting
October 18, 2021
Rescheduled to October 20, 2021
Rescheduled to October 25, 2021
Held October 27, 2021

Record of attendance:

2:00 PM

Mayor:	Larry Holbrook
Council:	Jill Carson – by phone Gary McElyea Jeff Martin (2:10 PM) Terry Pope Jimmy Warner
Town Manager:	Keith Harless
Assistant Town Manager:	Brian Skidmore
Treasurer/Deputy Clerk:	Tina Rowe
Clerk	Karen Maggard
Town Attorney:	Greg Edwards
Police Chief:	Jesse Jones
Citizens:	none

1. Larry Holbrook called the meeting to order at 2:03 PM.
2. **Agenda**-Larry Holbrook made a Motion to accept the agenda. Jimmy Warner seconded the Motion. Roll call vote as follows:

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

3. **Approval of Minutes**-Terry Pope made a Motion to accept the minutes from September 20 and September 29, 2021 Council meetings. Jimmy Warner seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Abstain (was not at 9/29 meeting)
Jeff Martin	Absent
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

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

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

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5. **Citizen's recognition**-none

6. **Unfinished business:**

A. **Bridge Naming** – At the September regular meeting, Faye Bocock, Pennington Gap Woman's Club had proposed naming Leeman Field bridge for Vietnam veterans Scott Delph and Lonnie Evans. She was asked to find more information and make sure everyone would be recognized. Gary McElyea prefers the bridge be named for Pennington Gap citizens and would like a marker somewhere listing all veterans of Pennington. Keith reminded everyone of the Veterans Park across from Rooster's Pub if we would like to enhance it. Jill would like to have names submitted. Terry Pope would like to revisit this in January with criteria suggestions. Jeff Martin has now joined the meeting.

B. **ARC Business Center for the Trades** – Keith reported that Hill Studios is conducting the feasibility study for which we received \$125,000 grant. This requires a public hearing scheduled for November 4 for citizens to submit suggestions and needed trades at the Community Center at 6 PM.

C. **Greenway Outdoor Classroom** – Amy Byington and Keith have looked at creating an amphitheater effect with stackable concrete stones from the plant next door with a location on the greenway between the extension office and school. Terry Pope made a Motion to accept the \$10k grant for the classroom creation. 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

D. **COVID-19 Safety and Workplace** – Currently, we have had no more breakouts. Keith reported that VDOT is doing weekly testing, self-administration in front of a supervisor. The price is \$25/kit each. It would be tough for us to do ourselves due to shift times. Family First Medical could administer. The question, would it be employee time or paid? With a 30 minute wait time for results, could be 45 minutes or longer of time. Gary McElyea stated we should pay time for testing and for the test. Terry Pope made a Motion to test unvaccinated employees weekly, following guidelines used by VDOT and using Family First Medical to administer, implementing this practice January 1, 2022 with the town paying the costs. 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
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Keith also reported that he and Jeannie are working on the Historical designation application.

7. **New Business:** none

8. **Monthly Reports:**

Reports in packets-

Jesse Jones reported on a lady in Clarksville, TN raises and wants to donate a bloodhound to the department for tracking. It would require fundraising for necessary supplies such as a car kennel, training, vetting, etc. which would be around \$4k and require about \$850/year to keep. Lt. Lawson would be the handler. Gary McElyea made a Motion to fundraise and accept the dog. 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

9. **Administrative Reports**

- A. Tina Rowe reported tax tickets have been mailed on October 22.
- B. Brian Skidmore would like to take bids on a dump truck with spreader for the snow season. Jeff Martin made a Motion to take bids. 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

The Rural Development grant for new police vehicle purchase was for Ford Explorers, now on backorder for 7-9 months. Chevy Tahoes have the same delay, however white ones are in stock at about \$700 additional price than Ford. Jeff Martin made a Motion to purchase the Tahoes now, with Jesse stating he is fine with the color difference. 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

I & I grant work should begin mid-November which will include flow monitoring the main line near the greenway.

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- C. Keith reported the second round of Shuttered Venue funding has been received bringing the total to just over \$34k. Marshall Tucker was a sellout. Mattern & Craig task management structural grant is signed. Hill Studios applied for downtown grant.
10. **Sidewalk Safety Project**-Second phase of sidewalk grant application will be for Edwards Street to the hospital. A cave found in current construction was not a concern to the VDOT representative. The contractor is filling and laying line and it may be on the VDOT right of way which will be covered by VDOT work. Elk Knob construction would like to further discuss the property the town purchased there. An infrastructure bill recently introduced may speed up phases 2 & 3. Keith is currently certifying as a local VDOT representative for the projects.
11. **Town Attorney**-had no report outside of closed session.
12. **Council Reports:**
- Council members expressed concern that the public did not know why we attend VML Conference. Jill asked that we have an article published in the paper as to what VML is and why we attend, what they provide to us and their mission. Keith will get with PV News, which could be shared to Social Media.
13. **Closed session**- At 3:42 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. 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)(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 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	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

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At 4:12 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
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

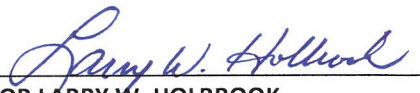
Terry Pope made a Motion to attest that nothing was discussed during closed session other than the issues stated. Roll call vote as follows:

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

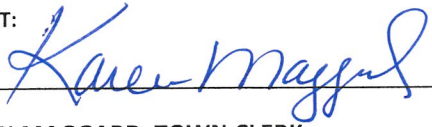
14. Terry Pope made a Motion that the Town provide \$200,000. To the IDA for a property purchase. Jeff Martin seconded the Motion. Roll call vote as follows:

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

15. At 4:13 PM, the meeting was adjourned.


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:

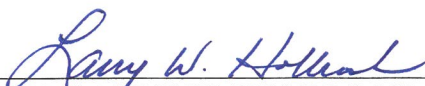
AYES: Mayor Larry W. Holbrook
Jill Carson
Terry K. Pope
Gary McElyea
Jeff Martin
Jimmy Warner

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

ABSENT DURING VOTE:

ABSENT DURING CLOSED SESSION:

MEETING DATE: October 27, 2021


MAYOR LARRY W. HOLBROOK