

Town of Pennington Gap
Council Meeting
May 17, 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
Clerk	Karen Maggard
Town Attorney:	Greg Edwards
Police Chief:	Jesse Jones
Powell Valley News:	Rick Watson
Citizens:	Orville Overton Patton Speak

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**-Terry Pope made a Motion to accept the agenda with the addition of citizens recognition for Orville Overton and Patton Speak. Jimmy Warner 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**-Jeff Martin made a Motion to accept the minutes from April 19, 2021 Council meeting and April 22, 2021 recessed meeting. 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

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

5. **Citizen's recognition**-Orville Overton spoke on current plans to have a business in town to support growing cannabis and would like to speak on legalization. He is preparing to propose to legislature the ability to obtain seeds legally. Apple Valley LLC requests support in this endeavor and would like the town's view on a storefront business, which is basically a garden center. Patton Speak spoke in support of the fact Orville wanted to be up front and make known his plans.

6. **Unfinished business:**

- a. **Personnel policy**-Keith requested to table this again.
- b. **Community Center exterior**-J-Mark Wall is the lowest bid and is under the 25K budget. Jeff Martin made a Motion to accept the bid 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. **Water Plant Award**- Virginia Department of Health, Office of Drinking Water has awarded the town's water plant the 2020 Gold award for achieving Virginia's Optimization Program Goals, excellence in clarification, filtration, and backwash. Keith relayed that Gary Garrison, Plant Superintendent wanted everyone to know it is as team effort, he appreciates Chris Sexton, Greg McKnight, Jim Carrol and the maintenance team of Fred Woliver and James Shelburne for making this happen.
- b. **Sidewalk to Leeman Field**-Brian reported that TEA funding is about to open and he met with Mattern and Craig engineers and walked North Kentucky and Main Streets out to the park. They feel Main Street is more feasible to construct a sidewalk. Some water lines will need moving and replacing along the way which will be a much needed improvement also.
- c. **Main Street parking lot**- the paving is falling in and the lot has been closed off. Engineers looked at it and recommend we excavate about 2.5 feet down, remove and refill with stone and top with crusher run and not pave again. The unknown fill underneath will likely continue to decompose causing continual sinking. Terry Pope

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made a Motion to take bids on the recommended plan. Jeff Martin 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

Gary McElyea feels this is a waste of money as it is unknown what will continue to happen and should not be done at this time.

8. Monthly Reports-

- a. Brian Skidmore, **Assistant Town Manager** reported the park reopening is going well, scheduled for the end of May. He has some price information on a firing system for fireworks with a wireless controller to keep fire department members away from lighting fireworks. Jeff Martin made a Motion to take bids for a system for the amount of fireworks we normally set off allowing for purchase of up to 10K. 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

- b. **Town Manager**, Keith Harless reported leftover monies from DHCD grant will pay for flowers and flags purchased for lamp poles last summer. A new grant application will be for downtown businesses upper story housing and other improvements. Ballard Health, re-opening the hospital first of July, wants to be involved in upcoming events the rest of the year. We have proposed a package for their consideration. Also, in consideration of the re-opening of the park pavilions and community center and the cleaning and extra help involved, we will need to adjust rental pricing to cover some of the costs. Terry Pope made a Motion for Keith to make those pricing recommendations based on the needs 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

- 9. Sidewalk Project-**VDOT still questioning the packet items, could be out for bid at any day.

- 10. Town Attorney-** No report in open session

- 11. Council Reports:**

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- Terry Pope requested that Keith restart a welcome letter initiative for new residents in town.

12. **Closed session-** At 6:52 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..

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

At 7:40 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	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	Absent
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

Terry Pope made a Motion to allow the town to loan the IDA up to 100K for business development, upon the IDA's request and to grant \$25K to the IDA for such. Jeff Martin

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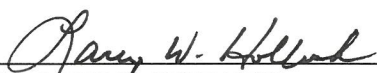
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seconded the Motion. Roll call vote as follows:

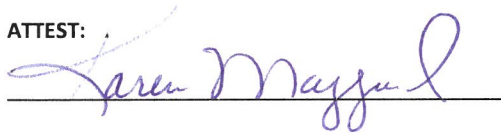
Jill Carson	Absent
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

At 7:45, Jeff Martin made a Motion to adjourn. 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
Jimmy Warner

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

ABSENT DURING VOTE: Jill Carson

ABSENT DURING CLOSED SESSION: Jill Carson

MEETING DATE: May 17, 2021



MAYOR LARRY W. HOLBROOK