

Town of Pennington Gap  
Council Meeting  
July 19, 2021

**Record of attendance:**

**6:00 PM**

Mayor:	Larry Holbrook
Council:	Jill Carson Gary McElyea – by phone Jeff Martin – absent Terry Pope Jimmy Warner- absent
Town Manager:	Keith Harless
Assistant Town Manager:	Brian Skidmore
Treasurer/Deputy Clerk:	Tina Rowe
Clerk	Karen Maggard-absent
Town Attorney:	Greg Edwards
Police Chief:	Jesse Jones
Powell Valley News:	Rick Watson
Citizens:	

1. Larry Holbrook called the meeting to order at 6:00 PM
2. **Agenda**-Terry Pope made a Motion to accept the agenda with the addition of 6A. Lease on educational room under Unfinished Business. Larry Holbrook seconded the Motion. Roll call vote as follows:

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

3. **Approval of Minutes**-Terry Pope made a Motion to accept the minutes from June 21, June 28 Council meetings and July 1, 2021 Organizational meeting. Jill Carson seconded the Motion. Roll call vote as follows:

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

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

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

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5. **Citizen's recognition**-Greg Edwards addressed council as EDA for prospective business in Town limits and needs permission to invest in Pennington at their pleasure. Terry Pope made a Motion to allow for the investment and for future opportunities as well. Gary McElyea asked for further clarification. Jill Carson seconded the Motion. Roll call vote as follows:

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

6. **Unfinished business:**

- A. **Lease of education room in community center**- Terry Pope made a Motion to rescind a motion made on June 21, 2021 meeting concerning leasing of the room. Larry Holbrook seconded the Motion. Roll call vote as follows:

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

Terry made a Motion for the Town to grant IDA use of the education room for one year, retro to June 2021. Jill Carson seconded the Motion. Roll call vote as follows:

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

7. **New Business:**

- A. **Resolutions USDA/Rural Development** – Keith Harless noted two resolutions are needed and with public hearings set for water plant upgrades; \$1.4 million total, \$823,000 grant and a loan for 40 years at \$1,770/mo. Also, need code of conduct adopted. Terry Pope made the Motion to adopt the resolutions and have the public hearing. Jill Carson seconded the Motion. Roll call vote as follows:

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

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Brian would like a resolution to apply for funding for \$50,000 grant for two new police cars with the remaining funding in the form of a loan. Terry Pope made the Motion to for a resolution to apply for the grant and Jill Carson seconded the Motion. Roll call vote as follows:

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

- B. **Outdoor eating area HB 1738-Del. William Wampler**-Keith reported Leton Harding had recommended he contact Will Wampler about the bill that passed to allow towns to establish outdoor eating and drinking area needs. Keith also contacted VML with questions on an ABC permit. The Town of St. Paul has passed it whereas a town can designate certain days and times to carry open drink on the sidewalk. Keith will have more info next month.

8. **Monthly Reports:**

Reports in packets

9. **Administrative Reports**

- A. Tina Rowe requested closed session to discuss audit contract.
- B. Brian Skidmore reported a DEQ grant application for I&I should have answers by October. Ron Bailey will start on the Main St. parking lot work this week.
- C. Keith's application for shuttered venue grant for \$23,890 has been approved. Marshall Tucker Band contract has been signed with an announcement forthcoming as entertainment at the Tobacco Festival on October 23, 2021. The town has purchased the Creech and Bailey-Robbins buildings and working with Hill Studios to begin a feasibility study. Beach Nite Block party had good reviews with 300-400 people throughout the night.

10. **Sidewalk Safety Project**-Bid openings were held with 3 bids. Elk Knob Construction had the low bid but \$40,000 over budget. \$18,000 in contingency and meeting for easements with at start date of September 7, 2021. Jill Carson made a Motion contingent on easements, etc. to award the bid. Terry Pope seconded the Motion. Roll call vote as follows:

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

Keith has applied for Phase II funding with favorable reviews. Gary asked about hospital boundaries and what it would take to get sidewalk there?

11. **Town Attorney**- nothing to report

12. **Council Reports:**

- Terry Pope noted \$11k budgeted for 2021 RV Park revenue with \$21k received, we may need to consider expanding spots. He asked for cost estimates to research expansion. Everyone agreed.

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He thanked the town for the loan to develop buildings and rebuild downtown Pennington. In reference to a recent article about the Pennington Rescue Squad, he stated it was a Lee County Rescue Squad and Jill had contacted Mr. Leonard on retracting the article. Dane Poe called, a reporter was supposed to retract but then WCYB stated the same thing, there was no retraction and it is still under investigation. Jill let D.D. know she thought it was horrendous. She feels we need to get word out.

- Gary said write a letter to the editor. Terry Pope said to Rick Watson that no one was answering calls so county should step in. Greg Edwards responded that they are a free standing department acting with county approval. Pope apologized.
- Gary McElyea said he is thinking about a Parks & Rec person to help with ball fields/Little League. We are losing revenue due to parents and kids not being there and kids are not involved. Need to promote disc golf, nice course. Terry asked if he wanted to advertise for a Parks & Rec person? McElyea responded to find someone to promote Leeman Field. Jill Carson said parents from Little League called her and were interested in re-applying for charter, questioning between it and travel ball. McElyea said travel ball was for parents who can afford to travel. Big percentage of our kids aren't fortunate enough to do that. Carson asked about getting in touch with the parent. McElyea said Parks & Rec person can organize that. Carson asked if county had a Parks & Rec person? Keith said they used to but not now. Pope said we are missing an economic opportunity. There are three fields there. Keith suggested asking the county for help. Gary McElyea made a Motion to hire a Parks & Recreation person. Terry Pope seconded the Motion. Roll call vote as follows:

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

Gary then asked about the new trash cans-how long are we going to let it go before not enforcing residents to use them and piling trash beside them? It's not fair to the ones paying and others not. Brian said we are in the process now of putting out new cans on Fridays. McElyea said someone dropped the ball.

Keith reminded everyone of the VML Conference October 3-5, need to sign up ASAP. Mrs. Carson is on the VML Executive Committee of which the board meeting will be in Pennington Gap next month.

13. **Closed session-** 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:

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*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.*

Larry Holbrook seconded the Motion. Roll call vote as follows:

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

14. At 8:10 PM, Terry Pope made a Motion to reconvene to regular session, Larry Holbrook seconded the Motion. Roll call vote as follows:

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

Terry Pope made a Motion to advertise for a three year audit contract. Jill Carson seconded the Motion. Roll call vote as follows:

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

15. At 8:12 PM, Jill Carson made a Motion to adjourn. Terry Pope seconded the Motion Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye

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Jeff Martin	Absent
Terry Pope	Aye
Jimmy Warner	Absent
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  
Jill Carson  
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: Jeff Martin, Jimmy Warner

ABSENT DURING CLOSED SESSION: Jeff Martin, Jimmy Warner

MEETING DATE: July 19, 2021

  
MAYOR LARRY W. HOLBROOK