

Town of Pennington Gap  
Council Meeting  
Public Hearing-Budget Amendment  
Public Hearing-Ordinance on Property Maintenance  
September 18, 2023

**Record of attendance:**

**6:00 PM**

Mayor:	Larry Holbrook
Council:	Doug Alsup Jeff Martin-absent Gary McElyea Terry Pope Jimmy Warner
Town Manager:	Keith Harless
Assistant Manager:	Brian Skidmore
Town Treasurer:	Tina Rowe
Town Clerk:	Karen Maggard
Town Attorney:	Greg Edwards-absent
Interim Police Chief:	Matt Lawson
Powell Valley News:	Rick Watson
Citizens:	Jeff & Tanya Taylor, Stone Mountain Yogurt

1. Mayor Holbrook called the meeting to order at 6:01 PM and opened the public hearings.
2. Pledge of Allegiance
3. **Agenda-** Gary McElyea made a Motion to approve the agenda. Jimmy Warner seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye
4. **Approval of Minutes-** Jimmy Warner made a Motion to approve the minutes of August 18 and August 29, 2023. Doug Alsup seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye
5. **Pay bills-**Larry Holbrook made a Motion to pay the bills as presented. Terry Pope seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye

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6. **Citizen's Recognitions**-none

7. **Unfinished business**: none

8. **New business**:

A) Keith Harless noted it is tough to apply for funding without a County EDA director and he is trying to re-establish communication. He needs a resolution to apply to the Tobacco Commission for first round funding for trade center. Larry Holbrook made a Motion for a resolution to apply for funding. Doug Alsup seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye

- B) Tina Rowe presented the Personal Property Tax Relief Act (PPTRA) relief percentage of 71.5%. Jimmy Warner made a Motion for a PPTRA Resolution. Larry Holbrook seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye

9. **Monthly Reports**: Monthly Reports – Water, Sewer, Treasurer, Public Works, Police Dept., Fire Dept. Lee Theatre, Parks & Recreation (reports in council packets).

Matt Lawson reported for the Police Department that he is working with Samantha Warner on training. He has switched online contacts to himself removing any previous employees. We have self-suspended the DMV grant due to lack of staff to work the required overtime hours. Working on open grants with Brian, Keith and Tina and Brian about sales of cars.

10. **Administrative Reports**- Mayor Larry Holbrook/Keith Harless/Tina Rowe/Brian Skidmore.

**A) Treasurer-**

Terry Pope made a Motion to accept the budget amendments as presented. Doug Alsup seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye

Globe Life has offered a plan at no cost to the town and since we are unable to offer VRS, would we want to allow them to present a plan to the employees with payroll deduction. Larry Holbrook made a Motion to allow Globe Life to offer plans. Gary McElyea seconded the Motion. Roll call vote as follows:

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Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye

- B) Assistant Town Manager Report-** Office of Drinking Water requires a lead and copper survey be conducted by October 2024 and requires we report what kind of pipe the resident has connected to our meter. A grant exists that will pay an employee to do the survey. Terry Pope made a Motion to apply for the grant to hire someone to conduct the survey. Larry Holbrook seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye

Work on the PSA Sewer, St. Charles line has been turned over to Boggs Municipal to complete.

- C) Town Manager Report-**We have hit lots of rock in trying to lay a waterline. It is very hard to do ourselves. We've tried looking to the future by laying line for the Creech building at the same time with a sprinkler system necessary for the upstairs. In the bank stabilization, engineering will not allow fill dirt. Engineering is not included in the stabilization and Mattern & Craig estimate it at \$50k. We have a contractor looking at the installation of lines and the stabilization which could also create more parking. The Creech building may qualify for a brownfield grant to identify hazardous materials. To qualify, we would have to transfer it from the IDA back to the town.

Family Dollar has a contractor on board. They may break ground in the next 2 weeks.

Interviews were held for a clerk and meter reader with decisions pending.

The convention center estimate is elevated but private investors could help us around some regulations. The use of CRW Engineers could help speed up cost estimates. Terry Pope made a Motion to use Cain, Rash, West for cost estimates. Jimmy Warner seconded the Motion.

Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye

Jimmy Warner made a Motion to have Ed Conner conduct an asbestos survey for the convention center in town hall to have prior to other work. Doug Alsup seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye

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Jimmy Warner                      Aye

Jimmy Warner made a Motion to allow the Town Manager to make/give promotions/raises to certain employees as discussed in finance committee meeting. Doug Alsup seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye

Terry Pope made a Motion to hire two new certified police officers. Gary McElyea seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye

Keith explained we will need some electrical improvements at the park. We need a maintenance tech hired to help with James' retirement. Will need a job description soon with a pay scale.

**11. Projects**

- a. ARC Business Center/ Conference Center funding-still looking at funding
- b. Industrial Revitalization Fund ARPA Grant application -
  - i. Abatement bids
- c. Historic designation – with Hill Studios (November)
- d. Virginia Housing Stabilization Grant-no change
- e. Wastewater Treatment Plant Repair Grants –
  - i. DEQ/Lane
  - ii. SSES Grant-DEQ / Mattern & Craig-
  - iii. WW Pump Station Upgrade Grant-DEQ/Lane
  - iv. N. Fork Powell River Sewer Crossing-DEQ/Mattern & Craig
- f. Water Treatment Plant Structural Repair Grants
  - i. USDA/Mattern & Craig
  - ii. WTP Telemetry Upgrade-VDH/Mattern & Craig-VDH asking for data

**12. Town Attorney-absent**

**13. Council Member reports:**

Terry Pope mentioned a large amount of signs popping up in town advertising business outside of town. Would like to address and adopt an ordinance as they are unsightly. A right-of-way walking path the town has from the sidewalk up to Redwood Ave needs cleared. Brian will address.

Keith recognized Jeff and Tanya Taylor owners of the new Stone Mountain Yogurt shop as she had been interviewed in a magazine lately commenting on their move to Pennington.

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Terry Pope made a Motion to close the hearing on ordinance for property maintenance and accept the ordinance. Doug Alsup seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye

**14. Closed session-** At 6:54 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.*

**§ 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.

Doug Alsup seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye

At 8:05 PM, Terry Pope made a Motion to reconvene to regular session. Jimmy Warner seconded the Motion Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye

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

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye

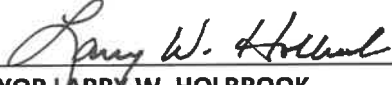
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Jimmy Warner                      Aye

**15. Council Action-none**


**16.** Doug Alsup made Motion to adjourn. Jimmy Warner seconded the Motion Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Terry Pope	Aye
Jimmy Warner	Aye

Meeting adjourned at 8:07 PM.

  
MAYOR LARRY W. HOLBROOK

ATTEST:

  
KAREN MAGGARD, 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  
Doug Alsup  
Jimmy Warner

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

ABSENT DURING VOTE: Jeff Martin

ABSENT DURING CLOSED SESSION: Jeff Martin

MEETING DATE: September 18, 2023

  
MAYOR LARRY W. HOLBROOK