

Minutes- July 15, 2019  
Town of Pennington Gap  
Council Meeting & Public Hearing – Garbage Tax

**Record of Attendance:**

**6:00 PM**

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

Town Manager: Keith Harless  
Assistant Town Manager: Brian Skidmore  
Town Treasurer: Tina Rowe  
Town Attorney: Greg Edwards, Esq.  
Town Clerk: Karen Maggard  
Lane Engineering: Jeff Cochran  
Powell Valley News: Rick Watson

Citizens: Charles Bunch-American Legion Post 185  
Kyth Banks  
Roberta Oliver  
Jason Musick

1. Call to order: Mayor Larry Holbrook called the meeting to order at 6:00 PM and opened the Public Hearing for garbage tax increase.
2. Invocation was given by Kyth Banks
3. Kyth Banks led the Pledge of Allegiance.
4. Terry Pope made a motion to approve the agenda with addition of citizens Roberta Thacker and Charles Bunch. Jimmy Warner seconded the Motion. Vote as follows:

Mayor Larry Holbrook	Aye
Jill Carson - absent	
Gary McElyea	Aye
Jeff Martin - absent	
Terry Pope	Aye
Jimmy Warner	Aye
5. Jimmy Warner made a Motion to approve the minutes from June 10<sup>th</sup> Budget Hearing, June 17<sup>th</sup> Council Meeting and July 1, 2019 Organizational meeting, Larry Holbrook seconded the Motion with vote as follows:

Mayor Larry Holbrook	Aye
Jill Carson - absent	

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Gary McElyea	Aye
Jeff Martin-absent	
Terry Pope	Aye
Jimmy Warner	Aye

6. Jimmy Warner made a Motion for approval of bills to be paid as presented, Terry Pope seconded the Motion. Vote as follows:

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

7. Citizens' Recognition:

- A. No one spoke in the Public Hearing for the Garbage Tax. The hearing was closed at 6:08 PM.
- B. Charles Bunch with American Legion Post 185 presented flyers about a motorcycle ride he had found out would take place in August with approximately 500 riders arriving in Jonesville on the 21<sup>st</sup> for lunch. He is seeking donations for the lunch. Council agreed to consider it in Executive Session.
- C. Roberta Thacker-Oliver reminded everyone Lt. Governor Justin Fairfax will be in town at the Welcome Center on the 27<sup>th</sup>. She requested flags and a podium on hand and an officer in attendance. She thanked the town for help with the triathlon event the Pennington Partners had. Terry Pope made a Motion to provide these requests, Larry Holbrook seconded the Motion. Vote as follows:

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

8. Unfinished Business

- A. Firetruck purchase will be discussed in Executive Session.
- B. Disc Golf Course-Council pack contained a plan for either 9 or 18 hole disc golf, we need to decide on which way to proceed. No further action was taken.

9. New Business

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- A. Kyth Banks would like to start an Artisan Center in town for Lee County artists to display and sell consigned items, 3 days a week to start. Each consignee will agree to work the center 1 day a month as a contribution.
- B. Sweeper truck lease-Council has information in packet on the truck, a lease of \$35,000 over 7 years at \$5000/year. Gary McElyea made the Motion to lease the truck and Jimmy Warner seconded the Motion. Vote as follows:
- |                      |     |
|----------------------|-----|
| Mayor Larry Holbrook | Aye |
| Jill Carson - absent |     |
| Gary McElyea         | Aye |
| Jeff Martin-absent   |     |
| Terry Pope           | Aye |
| Jimmy Warner         | Aye |
10. Monthly Reports-Water, Sewer, Treasurer, Public Works, Police Dept., Fire Dept., Lee Theatre (Reports in Council packets).
11. Water Plant & Distribution System/Sewer Plant & Collection System/Engineering Projects-Jeff Cochran
- A. East Morgan Avenue Water Line Replacement-complete, will not be on list next month
- B. Zone Meter, Telemetry and Plant-final paperwork today
- C. Water Treatment Plant Intake & Generator Upgrades-A final pay request of \$23,166.85. Terry Pope made a Motion to pay this request, Larry Holbrook seconded the Motion. Vote as follows:
- |                      |     |
|----------------------|-----|
| Mayor Larry Holbrook | Aye |
| Jill Carson - absent |     |
| Gary McElyea         | Aye |
| Jeff Martin-absent   |     |
| Terry Pope           | Aye |
| Jimmy Warner         | Aye |
- D. Water Meter Replacements-readying for Phase II funding
- E. West Morgan Ave. Sidewalk Project- 120 days until submit application for funding, overall design good, environmental will need approval.
12. Administrative Reports and Council Action – Mayor Larry Holbrook/Keith Harless/Tina Rowe
- A. Treasurer’s Report – Tina has been busy closing fiscal year 2019, June 30 reports in packet are not complete until tonight’s bills are paid and reported. MECC contacted Tina about the reoccurring scholarship the Town agreed on in 2010. The mail was going to our old address however we have budgeted the \$1,000 for funding the scholarship which is to go to a Pennington resident. Tina has also checked on a new copier by trading in the old one, the cost would be about \$500 more a year for the

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lease, but maintenance costs will drop by the same amount. Gary McElyea made a Motion to replace the copier and Terry Pope seconded the Motion. vote as follows:

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

- B. Assistant Town Manager, Brian Skidmore – Appreciates the Zoning Class, learned a lot. Public Works dept. has been very busy with mowing, Independence Day etc. Terry Pope questioned the need for a new mower with Fall being a good time to price quote one. Terry made a motion to take bids on a mower, Gary McElyea seconded the Motion. vote as follows:

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

- C. Town Manager, Keith Harless-Attended a Tiny Home and Solar Energy display in attempt to find overnight stay solutions. Met with Scott Napier, about VHDA, DHCD funding and planning grant for market analysis, grant management systems which will bring \$10k to Pennington, \$20K to Lee County. Independence Day Celebration was without issues other than an overwhelming crowd. The Gap to Gap race is July 27. The RALLY mini-grant opportunity is returning to town. Doug w/DHCD came with efforts of it a couple years ago. Taylor Holbrook concert in the park July 19. Town crews are readying. Keith has been approached about interest in a shooting range in town. The agreement with Southern Corrosion on tank maintenance is up for renewal. Gary McElyea made a Motion to take bids on tank maintenance, Jimmy Warner seconded the Motion. Vote as follows:

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

Gary McElyea made a Motion for Keith to review the leases of Leeman Field facilities, Terry Pope seconded the Motion. Vote as follows:

Mayor Larry Holbrook	Aye
Jill Carson - absent	
Gary McElyea	Aye
Jeff Martin-absent	

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Terry Pope Aye  
Jimmy Warner Aye

13. Attorney, Greg Edwards reported Kristy Howard has been installed on Zoning Board and the deed on the sale of the Woodway Fire Dept. property needs corrected, Gary McElyea made a Motion for Greg to file a deed of correction, Terry Pope seconded the Motion. Vote as follows:

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

14. Council Member Reports –

Gary McElyea said the only complaints he heard about our Independence Day were that there wasn't enough food vendors. The town owns concession buildings that need to be in use.

Terry Pope suggested a letter of support on the trail from Pineville to the Breaks Park.

15. At 7:45 PM, Terry Pope made a Motion to go into Closed Session pursuant to Virginia Code Section 2.2-3711A1 for assignment, appointment, promotion, salaries, disciplining, or resignation of employees.  
Virginia Code Section 2.2-3711A3 for discussion of acquisition of real property for a public purpose.  
Virginia Code Section 2.2-3711A6 for discussion of the investment of public funds.  
Virginia Code Section 2.2-3711A7 for consultation with legal counsel.

Larry Holbrook seconded the Motion with vote as follows:

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

At 8:45 PM, Terry Pope made a Motion to reconvene regular session and certify that nothing was discussed during closed session other than the issues stated. Larry Holbrook seconded the Motion. Certification as follows:

Mayor Larry Holbrook Aye  
Jill Carson Aye  
Gary McElyea Aye  
Jeff Martin-Absent

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Terry Pope Aye  
Jimmy Warner Aye

16. Council Action-

Gary McElyea made a motion to accept the lowest bid on the fire truck, Jimmy Warner seconded the Motion. Vote as follows:

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

Gary McElyea made a Motion to raise the garbage tax beginning on the July billing at \$1.50 per month for residential trash collection and \$3.50 per month on business trash collection. Jimmy Warner seconded the Motion. Vote as follows:

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

Terry Pope made a Motion to receive meals tax into one account. Jimmy Warner seconded the Motion. Certification as follows:

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

Terry Pope made a Motion to send Keith and Brian for zoning certification. Jimmy Warner seconded the Motion. Vote as follows:

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

17. Gary McElyea made a Motion to adjourn the meeting.


Time of adjournment: 9:00 PM

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ATTEST:

  
KAREN MAGGARD, TOWN CLERK

  
MAYOR LARRY W. HOLBROOK

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;

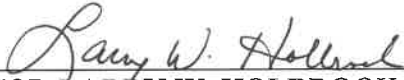
**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Town of Pennington Gap, Virginia hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in closed session to which this certification 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  
Gary McElyea  
Jimmy Warner  
Terry K. Pope

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

ABSENT DURING VOTE: Jill Carson, Jeff Martin  
ABSENT DURING CLOSED SESSION: Jill Carson, Jeff Martin  
MEETING DATE: July 15, 2019

  
\_\_\_\_\_  
MAYOR LARRY W. HOLBROOK