

**TOWN OF PENNINGTON GAP
PUBLIC HEARING-STREET CLOSURES AND NEW ORDINANCES
COUNCIL MEETING**

April 18, 2022
6:00 PM

1. Call Meeting to order and open Public Hearing-Mayor Larry Holbrook
2. Approval of Agenda
3. Approval of Minutes for March 21, 2022
4. Approval of Bills to be Paid
5. Citizen's Recognition
 - A. Hill Studios - Trade Center presentation
6. Unfinished Business
 - A. Town Retreat Meeting for ARPA
 - B. Property Clean-up
7. New Business
 - A. Kids Fishing Day May 21
8. Monthly Reports – Water, Sewer, Treasurer, Public Works, Police Dept., Fire Dept. Lee Theatre (reports in council packets)
9. Administrative Reports– Mayor Larry Holbrook/Keith Harless/Tina Rowe/Brian Skidmore
 - A. Treasurer's Report
 - B. Assistant Town Manager's Report
 - C. Town Manager's Report
10. Projects
 - A. Sidewalk Safety to the Hospital - VDOT
 - B. ARC Business Center/ Conference Center - Hill Studios
 - C. Industrial Revitalization Fund Planning Grant - Downtown Buildings
 - D. Historic designation -Virginia Department of Historic Resources
 - E. Wastewater Treatment Plant Repair Grant - DEQ
 - F. Water Treatment Plant Structural Repair Grant – USDA
11. Town Attorney Report-Greg Edwards - Planning Commission
12. Council Member Reports
13. Closed session
14. Council Action
15. Adjourn

528 Industrial Dr.
Pennington Gap, VA 24277

Town of Pennington Gap
Public Hearing-Street Closures and New Ordinances
Council Meeting
April 18, 2022

Record of attendance:

6:00 PM

Mayor:	Larry Holbrook
Council:	Jill Carson Gary McElyea Jeff Martin Terry Pope Jimmy Warner
Town Manager:	Keith Harless
Assistant Town Manager:	Brian Skidmore
Treasurer/Deputy Clerk:	Tina Rowe
Town Attorney:	Greg Edwards
Clerk:	Karen Maggard
Police Chief:	Jesse Jones
Citizens:	The Clinch Coalition-Sharon Fisher, Dave Skinner, US Forestry, Cedars Nature Preserve, Phil Shelton, UVA-Wise ret., Sue Ella Kobak, Phil Hensley
Powell Valley News:	Rick Watson

1. Larry Holbrook called the meeting to order and opened the public hearing at 6:00 PM.
2. **Agenda**-Jeff Martin 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	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

3. **Approval of Minutes**-Jeff Martin made a Motion to accept the minutes from March 21, 2022. 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

4. **Pay bills**-Mayor 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	Aye
Terry Pope	Abstain

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Jimmy Warner Aye
Larry Holbrook Aye

5. Citizen's recognition-

- a. Peter Girardeau, Planner with Hill Studio presented drawings and plans for a Center for the Trades located across from Town Hall and plans for a conference center within Town Hall.
- b. Sharon Fisher with The Clinch Coalition asks for Council to ask DEQ to inspect the back side of Stone Mountain Trail and work through the 16 documented violations in their joint agreement with Spearhead. Virginia Marine Resources Commission has had no permit requests from Southwest Regional Recreation Authority. A bridge over the Powell was installed without a permit. Dave Skinner reported the US Forestry Service has been notified by SRRA that they will not be helping with Cave Springs Recreation Area. Phil Shelton, retired UVA-Wise professor simply reminded the oath, "do no harm", as many trails lead through streams and wetlands and are unpermitted. Suggested a read of *A Sand County Almanac* in which Aldo Leopold urges to preserve integrity, stability and beauty of a biotic community.

6. Unfinished business:

- a. **Town Retreat Meeting for ARPA-** Keith has contacted the Weldon Cooper Center but their help will not be available until July.
- b. **Property Clean-up-Ordinances-**Terry Pope made a Motion to adopt new ordinances for property clean-up and abandoned vehicles with a change of *building inspector to enforcement officer administers rules handed down by Council*. 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

7. New Business:

- a. Phil Hensley-The North Fork of Powell flows through town and will be stocked for fishing. Lonesome Pine Bass Masters has volunteered to help children and conduct a boat show. They will have scales, extra poles etc. He asked that we close the stream in corporate town limits on May 20. On May 21, from 9 am until 1 pm, open it to kids ages 1-16 for Kid's Fishing Day. Adults can assist only with baiting and casting, not reeling in. Jimmy Warner made a Motion to have Kids Fishing Day on May 21. 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

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Larry Holbrook Aye

8. Monthly Reports: no questions

Reports in packets-Water, Sewer, Treasurer, Police Dept., Fire Dept., Lee Theatre

9. Administrative Reports- included in packet

a. **Tina Rowe** asked to renew insurances, Gary McElyea made the Motion to renew Local Choice Health Insurance. 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

Tina explained that although slightly higher, general liability had a decrease. Terry Pope made a Motion to renew VACorp Worker's Compensation insurance. 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

Tina also reported she received updates on ARPA fund reporting, which should be easier due to the amount under \$10 million received after March 20, 2021.

Larry closed the Public Hearing on street closures with no comments from the public. Gary McElyea made a Motion to close Harless Street from Cecil Street to Herndon Street on property known as Laningham property. 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

b. **Brian Skidmore** reported Mattern & Craig advised we apply for ARPA funding for upgrade to water plant at \$500,000 through disadvantaged community status. Public Works needs a box trailer for leak repairs, he has priced a 16 foot for \$6,600. Jeff Martin made a Motion to purchase a box trailer. Larry Holbrook seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye

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Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

- c. A heat pump is needed in back side of theatre at \$8,900 and the back of town hall for \$6,600, both with 10-year warranties and can be funded through ARPA. Bathrooms at tennis courts also need completed. Jeff Martin made a Motion to purchase 2 heat pumps and complete the bathroom. 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

10. Projects

- a. Sidewalk Safety to hospital-Cecil Street issues on sidewalk will be taken care of with a covered culvert, working with Lane Engineering on the design and VDOT, Elk Knob pricing the job. We will need to move water lines. Job will take us a day of work.
- b. ARC Business Center / Conference Center-Keith presented drawings for the proposed trade and conference centers.
- c. Industrial Revitalization Fund Planning Grant – A grant application for \$100k was awarded at \$50k for planning. IRF grant for infrastructure to prepare to “white box” requires 50% match up to \$600k. Two IRF grants available, one through ARPA is up to \$500 million at 100%. Keith has asked Hill Studio to assure the planning grant meets all requirements for both. Study and shovel ready at application. Terry Pope made a Motion to transfer \$25k from ARPA funding for study. 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. Historic designation-no update
- e. Wastewater Treatment Plant Repair Grant-Brian Skidmore is getting updated costs from 2019 estimate. A completed audit is required for final report. May 16 should be completed audit date.
- f. Water Treatment Plant Structural Repair-RFP is being redone for current pricing.

Keith also added that Scouts in the River is Saturday, 23rd April at 8 am and a TVA grant was awarded in the amount of \$1500 for the event. Little League kicks off on Friday, April 22nd with a 7 pm parade in the park. 223 kids have signed up this year. The town will show

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Sandlot on the big screen at dark. Games are all day Saturday. We need a new league field in the park and he has spoke with C.D. and Scott Litton on the groundwork.

11. **Town Attorney-** Greg asked the Council to accept the Comprehensive Plan presented at the last meeting, reminding everyone that it can be amended at any time. Gary McElyea made a Motion to accept the Comprehensive Plan with amendments as requested previously such as adding the Cultural Center and civic organizations as soon as possible. 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

12. **Council Member reports**

Jimmy Warner would like us to re-visit the plans of a dog park.

Jeff Martin-asked if port-o-lets are being removed from the greenway as a citizen has heard. Brian responded there are no such plans. They may be removed from some interior park locations when the restroom renovation is completed next to the tennis courts.

Terry Pope-Parks & Recreation Director interviews completed. Would like to partner with Lee County on the position since several children from the county are served and the county is building a basketball court in Western Lee. He also needs some monetary incentives for expanding a business and jointly meet with boards, EDA, IDA. Gas & Go is example of positive results in doing so.

13. **Closed session-** At 8:12 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.

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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; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

At 10:15 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 statement 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 to authorize personnel committee to hire a police officer. 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

Jeff Martin made a Motion for pay raises for employees A, B, C, D and provide for a severance package for employee A effective immediately. Gary McElyea seconded the Motion. Roll call vote as follows:


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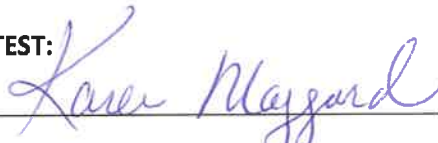
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Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

15. Jeff Martin made a Motion to adjourn, which was unanimous, at 10:19 PM.


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
Jill Carson
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: April 18, 2022



MAYOR LARRY W. HOLBROOK