

Town of Pennington Gap  
Public Hearing on Election Ordinance and Council Meeting  
February 22, 2022

**Record of attendance:**

**6:00 PM**

Mayor:	Larry Holbrook
Council:	Jill Carson Gary McElyea Jeff Martin – by phone Terry Pope Jimmy Warner-by phone
Town Manager:	Keith Harless
Assistant Town Manager:	Brian Skidmore
Treasurer/Deputy Clerk:	Tina Rowe
Town Attorney:	Greg Edwards-absent
Clerk	Karen Maggard
Police Chief:	Jesse Jones
Citizens:	Phil Hensley
Powell Valley News:	Rick Watson
Southwest Regional Recreation Authority:	Melissa Rose, Dir., Joe Blevins, Field Op. Sup.

1. Larry Holbrook called the meeting to order and opened the Public Hearing for the Election Ordinance at 6:00 PM.
2. **Agenda**-Terry Pope made a Motion to accept the agenda. 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

3. **Approval of Minutes**-Terry Pope made a Motion to accept the minutes from January 28, 2022 with a correction in #12, last sentence to be "2020 Census....county **lost** 13%" and in #14, vote was **all Ayes**. 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

4. **Pay bills**-Mayor 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	Aye
Terry Pope	Aye
Jimmy Warner	Aye

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Larry Holbrook                      Aye

5. **Citizen's recognition-**

a. Keith explained that John Raeside has sponsored the Gap-to-Gap Road Race, with proceeds going to the new playground, for the last few years and Josh Terry sponsors the Sleepy Hollow Bike Race each year around October. Sleepy Hollow Race proceeds go toward a \$500 scholarship at each Lee County High School yearly. The town previously took applications, handed out t-shirts, held a cook-out afterward and allowed the race under our insurance umbrella. Both races are competing for the same sponsorship money. John and Josh would like to combine the races into one if, we would set aside and continue the two scholarships of \$1000 total and the rest of proceeds go to the town for the park. Jeff Martin made a Motion to agree to these terms. 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. Melissa Slemp, Director of Southwest Regional Recreational Authority's Spearhead Trails attended to update the town on Stone Mountain Trail and other projects. Riders have increased on the trail and maintenance is ongoing. SRRA is hiring rangers with at least one at Stone Mountain who will also help at a new location near Stone Creek with 1,300 acres for multi-use vehicles. A name for this trail area has not been chosen. A news sports complex with indoor shooting opened in Dickenson County and would like to locate another in this area. An axe throwing/rock climbing wall is in Coeburn. Terry Pope then noted that the Stone Mountain Trail, which Pennington helped construct with \$780k and has a vested and strong interest has not really produced what was promised, \$20k a weekend. It could be expanded west from Stone Face Rock to Hole in the Wall. The Great Eastern Trail is coming to Cumberland Gap and this could be a great off-shoot. Melissa will check on connecting Stone Mountain to the new area at Ely's/Puckett Creek. Jill Carson asked if funding would do other activities other than ATV for family fun to which Melissa added that kayak access points will be added in Western Lee along the Powell River.

6. **Unfinished business:**

a. **Election Ordinance-** Keith explained that the ordinance is for every 4<sup>th</sup> year of elections when town council and Mayor are elected. All voting would be at Town Hall that year for the entire ballot and would be in November. Elections on the other years would be at the regular polling place of Ben Hur and Pennington Middle School for districts 3 and 5 of the town. There were no public comments, Mayor Holbrook closed the Public Hearing at 6:40 PM. Terry Pope made a Motion to accept the ordinance as required in Virginia Code §15.2-1402. Gary McElyea seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye

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Jimmy Warner           Aye  
Larry Holbrook         Aye

- b. Town Retreat meeting for ARPA budget funding-Hill Studios and Lenowisco would be glad to sit in. If possible, we need to schedule the 3<sup>rd</sup> week of March. There are now infrastructure funds coming. Jill Carson stated that for competitive and non-competitive funding, we need to know how to receive and how much is available to us.

7. **New Business:** none

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 reported that she has received her Master Governmental Treasurer Certification recently. Our Local Choice insurance plan cost is up 8.5% this year. She has been asked to speak at the FMS Conference on Invoice Cloud services as the town utilizes these. Elk Knob has requested for \$12,700 drawdown on the sidewalk project. Gary McElyea made a Motion to pay Elk Knob. Larry Holbrook 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 the sidewalk extension project is done. Mattern & Craig Engineering has worked on the I & I and will start camera work and flow monitoring to be done by June 30, which will be a push. Meters for the PSA sewer lines need to be replaced as we have been waiting for some time. The firetruck is in the garage for repair awaiting parts.
- c. Keith and Jill attended the VML Legislative Day in Richmond.

10. **Projects**

- a. Sidewalk Safety to hospital-VDOT is taking comments on the west end plan from the hospital bridge to Sugar Run exit.
- b. ARC Business Center / Conference Center-Keith had a conference call with Hill Studios on the planning grant and will partner with vocational school and Mountain Empire CC for trades. The plan also includes a conference center in the existing town hall building overlooking the river and greenway that will allow for 300-400 people.
- c. Industrial Revitalization Fund Planning Grant – A grant application has been submitted for the downtown buildings. Plans for the buildings include 4 apartments. One could be held for town use for the theatre entertainment, guests etc. The grant is up to \$600k with a 50% match which would allow for structure improvements and bring the buildings to code with roof, heat, electric, walls and windows. Lenowisco housing grants would be medium income level housing for interior work.
- d. Historic designation-no update

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- e. Wastewater Treatment Plant Repair Grant-no update
- f. Water Treatment Plant Structural Repair-no update

11. **Town Attorney-** not present. Keith met with Commonwealth Attorney Cridlin to discuss a loss of fines and fees since his office took over. Also, the town is having issues with being unable to enforce property cleanup, unkept properties and excessive trash. He received some suggestions on changes which may help. Keith will assign the police chief to property violations.

**12. Council Member reports**

**Jill Carson** attended Legislative Day with Keith in Richmond. The "If I were Mayor" essay contest for 7<sup>th</sup> graders is this spring. Keith will send reminders to schools.

**Gary McElyea**-wants any pick-up of garbage from cans other than town issued cans to stop and has had complaints of some customers sporadically missed on the route. Brian will speak to the department.

**Terry Pope**-used the recent Olympics and events being held in different locations miles away to suggest the town coordinate with Big Stone Gap on events for the use of our theatre and lodging. Terry made a Motion for a resolution to partner with Big Stone Gap on tourism. 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

**Larry Holbrook**-wanted to make sure all trucks have wheel chocks for use on unlevel ground. Brian will purchase these.

Keith also noted he had contacted Pennington Partners members on starting the meetings back.

13. **Closed session-** At 7:54 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. 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.*

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

At 9:42 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. Gary McElyea made a Motion to name the bridge at Leeman Field in memory of Lonnie Evans in response to a request last year by Pennington Gap Woman's Club. He suggested the bridge outside of town on Poor Valley be named by the county in memory of Mr. Delph. 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

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Larry Holbrook            Aye


Gary McElyea made a Motion the town apply to be an EMS agency. 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

Larry Holbrook made a Motion to adjourn. Jeff Martin seconded the Motion. Aye votes were unanimous.

15. Meeting was adjourned at 9:45 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: February 22, 2022

  
MAYOR LARRY W. HOLBROOK