

Town of Pennington Gap
Council Meeting
June 21, 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:	Daniel Kilby, Mike and Misty Lane

1. Larry Holbrook called the meeting to order at 6:03 PM.
2. Prayer and pledge led by Daniel Kilby.
3. **Agenda**-Jeff Martin made a Motion to accept the agenda. 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. **Approval of Minutes**-Larry Holbrook made a Motion to accept the minutes from May 16, 2022.
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

5. **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	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

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6. **Citizen's Recognitions**

- a. Daniel Kilby has just moved to the area to recruit for Boy and Girl Scout troops and asked for any help as the town troops have been active for many years. The new initiative is career exploring, how to figure out what kids want to be. Education has made it tough to guide the kids toward a career with schools spending less time on these aspects. He would like to meet interested citizens to help discover the different careers in town and assist high school counselors. He needs the businesses to help build a program to connect kids to a career and engage them for 3 or 4 years.
- b. Mike and Misty Lane purchased Old Mill apartment building recently hoping to improve and rehab into something the neighborhood would be proud of. He expects it will take 12 to 18 months to turn the building into safe, comfortable, clean housing. The apartment building will have 14 two-bedroom units.

7. **Unfinished business:**

- a. **Town Retreat Meeting for ARPA-** still not on a schedule

8. **New Business:**

- a. **2022/2023 Budget-**Terry Pope made the Motion to accept the proposed budget. 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

- b. **Rezoning certain parcels-**A public hearing was held prior to this meeting by the Planning Commission. Greg Edwards reported no quorum at the meeting. However, there was no opposition to the rezoning. No action can be taken at this time.

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

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

a. **Treasurer's Report**

Terry Pope made a Motion to amend the current budget as presented by the treasurer. 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

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- b. **Assistant Town Manager's Report**-Mattern & Craig advised we apply for the DEQ Grant for a river crossing pipeline upgrade. Jeff Martin made the Motion to apply for the grant funds. 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

- c. **Town Manager's Report**-Gap Gas Giveaway will begin the week of June 27 with the first giveaway should be July 2. Each participating business in town will give \$100. and then the town will give \$100 away each week. Currently, we have 19 businesses included. Anyone can go into each business to register once per day. After July 2, the giveaway drawing will be on the Monday Morning radio show each week. Ballad's 1st anniversary is July 14. Family Career Leaders of America has two girls from Lee High attending Nationals in San Diego and asked for a donation to send them there. Larry Holbrook made the motion for a \$200 donation to Lee High for them to travel. 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

We have received another Shuttered Venue grant for the theater for loss of attendance. The outdoor classroom is under construction near the school's back exit off the greenway/track area. UVA-Wise partnered with the Extension Agency to help with funding.

11. **Projects**

- a. **Sidewalk**-Elk Knob finished except drain culvert. A pay request of \$66,934.65 has been submitted. A fence had to be installed per project specs to finish. Terry Pope made the Motion to pay the request. 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

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- b. **ARC Business Center**- planning grant in final details
 - c. **Industrial Revitalization Fund Planning Grant**-An assessment of the buildings was conducted. The planning grant to apply for should be shovel ready.
 - d. **Historic designation**-Applied for on June 7th
 - e. **Wastewater Treatment Plant Repair grant**-no news
 - f. **Water treatment plant structural repair grant**- a question of one of the products at \$90K and 7-10-day application would require shutdown. May go to a plant using the product to get opinions. Concerned with handling shutdown.
12. **Town Attorney**- We need to file for receivership of the Lee County Rescue Squad, Pennington Gap Unit. A look at the building and contents found two old, unusable ambulances, an old wage issue was questioned, all papers are gone, missing washer/dryer, mattresses. Two good ambulances are usable, approximately half million-dollar value of building, ambulances and contents should transfer to new Town of Pennington Gap EMS.

Keith said Dane Poe and the Board of Supervisors are willing to meet the week of July 11th and come to town hall for joint meeting.

13. **Council Member reports**

Jill Carson – Some out-of-town visitors commented on how nice the RV park and greenway and amenities are. The Cultural Center is getting many calls and visitors.

Jeff Martin – clean up signs – we need to push ordinances and the question on abandoned vehicles. Greg stated there is a statute of vehicles/junk yards in public view of main road. Keith stated we are requiring more than the county on vacant houses. We are in line for a block grant, blighted property. We are going to approach DHCD along with Norton, Big Stone Gap in a regional approach on helping single homes in midst of block.

Terry Pope-Noted in 2020, *no dogs tethered* was made a state law. We can follow. He would like more recognition for armed services, volunteers conducted.

***Jill Carson** left due to illness.

14. **Closed session**- At 7:19 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.*

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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)(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. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Jeff Martin seconded the Motion. Roll call vote as follows:

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

At 7:40 PM, Terry Pope made a Motion to reconvene to regular session. Jeff Martin seconded the Motion. Roll call vote as follows:

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

At this time, Tamara Greear auditor with Rodefer, Moss & Co. PLLC, presented the June 30, 2021 audit report via online Zoom.

At 7:58 PM, Terry Pope made a Motion to return to executive session pursuant to the same as previous reasons stated.

At 8:55 PM, Terry Pope made a Motion to reconvene to regular session. Jeff Martin seconded the Motion. Roll call vote as follows:

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

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

15. Terry Pope made a Motion to accept an agreement with Lisa McConnell for \$1/month for receivership of the rescue squad. Jeff Martin seconded the Motion. Roll call vote as follows:

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

Terry made a Motion to advertise for a public hearing at the next meeting at 6:00 PM, July 18 for rezoning of properties. Jeff Martin seconded the Motion. Roll call vote as follows:

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

Larry Holbrook made a Motion to raise the small purchases limit to \$50k for Keith Harless when it has been included in the budget. Jeff Martin seconded the Motion. Roll call vote as follows:

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

Jeff Martin made motion to execute the lease agreement with Dry Creek. Larry Holbrook seconded the Motion. Roll call vote as follows:

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

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528 Industrial Drive

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Terry Pope made a Motion for Tina to negotiate with two auditors for an agreement. Gary McElyea seconded the Motion. Roll call vote as follows:

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

Larry Holbrook made Motion to implement employee raises of \$1/hour, excluding employee A, B, C. Jeff Martin seconded the motion. Roll call vote as follows:

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

16. Terry Pope made a Motion to adjourn. Larry Holbrook seconded the Motion. Vote was unanimous. Meeting adjourned at 8:58 PM.

MAYOR LARRY W. HOLBROOK

ATTEST:

KAREN MAGGARD, TOWN CLERK