

Town of Pennington Gap
Council Meeting
January 18, 2022 Rescheduled
January 28, 2022

Record of attendance:

2:00 PM

Mayor: Larry Holbrook
Council: Jill Carson
Gary McElyea
Jeff Martin
Terry Pope
Jimmy Warner-by phone
Town Manager: Keith Harless
Assistant Town Manager: Brian Skidmore
Treasurer/Deputy Clerk: Tina Rowe
Clerk: Karen Maggard
Town Attorney: Greg Edwards
Police Chief: Jesse Jones
Citizens: Phil Hensley
Powell Valley News: Rick Watson

1. Larry Holbrook called the meeting to order at 2:02 PM.
2. **Agenda**-Jeff Martin 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**-Gary McElyea made a Motion to accept the minutes from December 27, 2021. 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

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	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

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5. Citizen's recognition-

- a. Travis Mullins, Lee Little League-Could not attend the rescheduled meeting and sent a letter requesting use of the league fields for the coming season. Jill had confirmed that Rachel Wynn also knew about the request and had communicated with Travis. Robert Shuler is a representative for Little League Baseball and Softball Organization and would like to be involved from that level on the plans. Travis will have more information as he is checking on selling concessions. Terry Pope made a Motion to allow use of the fields. 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. Alisha Taylor is recipient of the 2021-2022 MECC Town of Pennington Gap scholarship
c. Connie Daugherty was not present

6. Unfinished business:

- a. Election Ordinance-Greg will address in 11

7. New Business:

8. Monthly Reports:

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

9. Administrative Reports- included in packet

- a. Tina reminded Council it is time to address the Virginia Commission for the Arts grant \$4,500, which goes to Pro-Art and we match with \$5,000. Terry Pope made a Motion to accept that grant. 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

Elk Knob Construction has requested a drawdown of \$78564, change order #1 will be included in the reimbursement. Jeff Martin made a Motion to pay the request. 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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Tina also brought to Council's attention some locality related House Bills coming up this year, HB961 Cemeteries; registration, publication prior to sale, also requires the cemetery site map be on the locality web site. HB520 Climate resilience; locality's comprehensive plan to consider strategies to address.

- b. Brian reminded everyone of the Fire Department officer's election in the packet. Jeff Martin made a Motion to accept the officers as elected. 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

He explained last week had a bad situation with a section of sewer line and has a bandaid solution for now while they research emergency funds with Mattern & Craig to replace about 400 feet of pipeline. I & I grant will update sewer mapping which is about 75,000 feet in town as of 1987.

10. Projects

- a. Keith met with Elk Knob Construction and they have decided to postpone the concrete as of now due to weather. Met with VDOT engineers which gives time to make decisions on drainage issues on the property the town recently purchased amid the project.
- b. A \$100,000 planning grant application is in progress for the downtown buildings.
- c. No progress on the historic designation.

- 11. Town Attorney-** the Planning Commission has reached Zoning in their work to update the town's comprehensive plan. Greg has come across a statute requiring a subdivision ordinance. Once the commission has completely updated the plan, they will need to hold a public hearing before handing it off to the town, which will also need a public hearing before adopting the plan.

An ordinance to change the time and place of voting for council members must be advertised and a public hearing held before it can be aligned with the November election. There are still concerns for having the election in two precincts, one of which is more than a mile out of town. It was suggested this be given to VML for help with an answer. The Organizational meeting can be held in January after members have taken office. Terry Pope made a Motion to advertise the public hearing and have it prior to the next meeting, February 22, 2022 at 6:00 PM. 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

In other matters, a House Bill in legislation could double court appointed attorney fees.

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12. Council Member reports

Jill Carson would like Council to set aside a day for discussion of ARPA funding to strategize and prioritize projects and spending. She also wants to see Pennington Partners revitalized in Spring. She will be attending Legislative Day next week with Keith in Richmond.

Terry Pope—the 2020 Census shows the town resident count up 22% at 2091 while the rest of the county lost 13%.

13. Closed session- At 2:56 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:

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.

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 5:39 PM, Terry Pope made a Motion to reconvene to regular session. 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

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

14. Jeff Martin made a Motion that all to purchase three air packs for the Pennington Volunteer Fire Department from ARPA funding. 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

15. Meeting was adjourned at 5:40 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: January 28, 2022


MAYOR LARRY W. HOLBROOK