

Town of Pennington Gap  
Council Meeting  
March 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-by phone

Town Attorney: Greg Edwards

Clerk: Karen Maggard

Police Chief: Jesse Jones

Citizens: Connie Daugherty-Combs, Annette Tomlinson,  
Debra McCoy, Erin Hastings, Jim Hastings

Powell Valley News: Rick Watson

1. Larry Holbrook called the meeting to order 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**-Jill Carson made a Motion to accept the minutes from February 22, 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

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. Connie Daugherty-Combs requested continued use of the downstairs classroom the 1<sup>st</sup> and 3<sup>rd</sup> Saturdays of each month for Lee School of Driving. Terry noted the agreement is through the Town IDA and needs to be sent back to them for an agreement. She said the classroom is not necessary most of the time but they are busy with driving. Terry Pope made a Motion to send it over to the IDA for an agreement. 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

- b. Keith spoke on behalf of Jack Hall who is concerned with the clean-up of a property previously burned on 358 Doris Ave. as it does make properties nearby less value. The owners have been notified of being out of compliance. Jesse Jones has notified the county building inspector who acknowledged violations and will also notify owners.

6. **Unfinished business:**

- a. **Town Retreat Meeting for ARPA-** Hill Studios is prepared to conduct a *brick & mortar* planning session possibly at Lenowisco for the projects but does not have knowledge of the other items to be included under the ARPA budgeting plan. He would like an informal session prior to gather other information and ideas. Jill would like to create a list for him of projects to be included in this *once in a lifetime decision*.

- b. **Bridge Naming-** Previous meeting last fall included information presented by Faye Bocock about naming bridge in town for Lonnie Evans and Scott Delph. Gary McElyea made a Motion to forward a resolution to VDOT for naming the bridge on Fairground Road at the entrance to Leeman Field for Lonnie Evans and refer the bridge on Right Poor Valley to the county to be named in memory of Scott Delph. 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. Property Clean-up-the committee, including Jesse and Gary, met about run-down buildings and how to charge so it will hold up in court. Some ordinances, included in the packet, target abandoned vehicles no longer running, derelict buildings with no utilities/uninsured. County inspector can only do so much, must move on to county attorney. For any property inhabited without proper sewer/facilities, health department would have to witness violation. Jeff Martin asked about tenants extending water hose or electric cords from one home to another. Greg would include this in zoning to take care of some matters with

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mobile home parks etc. Terry Pope made a Motion to advertise a public hearing for the ordinances. 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. Pro-Art Association- Terry Pope made a Motion to apply for the VCA grant for assisting Pro-Art. 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

- c. Lee County Recovery Court Golf Tournament request- Jeff Martin made a Motion to sponsor a hole for \$100. 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

- d. SWVA Partnership Program request-Keith would like to check on what this program is doing in relation to town and theatre. He will report back.

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** called attention to her report attachment A concerning part time employee insurance options. She found in talking to Cardinal Health that we must offer any permanent part time employee of 30 hours/week per ACA at least 50% paid plan. This needs to be updated in the Town Policy. Employees working 35+ hours/week considered full time, per labor law, 1680 hours year or average of 32 is full time. Currently, a grandfathered part time employee receives full benefits, however any new part time would not receive any. Gary McElyea made a Motion to adopt the ACA required part time 30+ hours/week with 50% paid insurance option. Greg noted this can be renegotiated with insurance plan at renewal each year. Jeff Martin 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

Tina asked for scheduling of budget workshops; water/sewer workshop-April 12, 2 PM, general budget-May 12, 2 PM, with a public hearing on June 1, 2 PM, allowing time required before a vote on the budget at the June 20 meeting.

- b. **Brian Skidmore** reported a property clean-up was completed. Jesse reviewed software Gate City uses to track property violations, allows citizens to file complaints online and creates notices which could benefit the town. Jeff Martin made a Motion to purchase a program for property clean-up with a cost up to \$3k. 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

A sinkhole, 8 feet in diameter and 6 feet deep opened at the water plant paved area next to the clear well. Mattern & Craig was already working on a project there and advised concrete fill which required a total of 10 yards of very wet concrete.

He also attended court with Tina on an issue with the town. EMS project is moving forward, Greg noted the final status should be before June 1.

PSA will propose a sewer meter replacement plan to the town as they have promised work on the subject.

The town will need to hire a replacement police officer and Brian would like to interview at the same time as Parks & Recs director.

- c. **Keith Harless**-VDOT has sent drawings of a proposed round-about with a turn lane constructed from the hospital bridge to Cecil St. per a survey recently. VDOT said it will not affect our sidewalk project, they will stay on state right-of-way. He asked Erin Hastings who had proposed a craft show and farmer's market plan to speak on her proposal. Her handmade and homegrown event would include food trucks and vendors with her only need being tables and a PA system for announcements such as prizes.

**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 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. Once the plan is complete, we can apply for \$600k matching grant and use some of the expenditures already incurred toward the match.
- d. Historic designation-no update
- e. Wastewater Treatment Plant Repair Grant-additional money available but would like to use ARPA funding through DEQ.
- f. Water Treatment Plant Structural Repair-obtaining a survey of the property, VDH has money that may cover telemetry at the same time.

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11. **Town Attorney-** Greg reported the Planning Commission held their public hearing prior to this meeting and voted to approve the 2022 Comprehensive Plan. Jeff Martin made a Motion to have a public hearing April 18 for the 2022 Comprehensive Plan. 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

12. **Council Member reports**

**Jill Carson** would like to strengthen our town ordinances and questioned the status of Pennington Partners and when they would meet. Greg added that Lee County EDA is looking to re-establish the Chamber of Commerce.

**Gary McElyea**-would like to address people who have taken to doing mechanical work on their cars in the street or right of way.

**Terry Pope**-has taken calls related to the article in Powell Valley News last month when Spearhead Trails updated council. He would also like the town to publish more about of our accomplishments, projects in media.

13. **Closed session-** At 7:22 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.

**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.

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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 8:55 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. Jeff Martin made a Motion to allow the town manager to negotiate options on property A & B.

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

Gary McElyea made a Motion to contract with Mattern & Craig for two projects on Mulberry Street and Industrial Drive. 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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Jeff Martin made a Motion to allow the town manager to transfer a town property to Pennington Gap Industrial Development Authority. 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

Jeff Martin made a Motion to advertise a public hearing to close and alley and unnamed street. 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

Gary McElyea made a Motion to allow Brian Skidmore to make a boundary line adjustment at Leeman Field Park. 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

Jeff Martin made a Motion to adjourn. Jimmy Warner seconded the Motion. Aye votes were unanimous.

15. Meeting was adjourned at 9:00 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: March 21, 2022

  
MAYOR LARRY W. HOLBROOK