

Town of Pennington Gap  
Council Meeting  
May 16, 2022

**Record of attendance:**

**6:00 PM**

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

1. Larry Holbrook called the meeting to order at 6:00 PM.
2. Prayer and pledge
3. **Agenda**-Jeff Martin made a Motion to accept the agenda. 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

4. **Approval of Minutes**-Jeff Martin made a Motion to accept the minutes from April 18, 2022. Jimmy Warner 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

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

Council Room  
528 Industrial Drive

Town of Pennington Gap  
Council Meeting  
May 16, 2022

6. **Citizen's recognition-**

Bill Harber had requested the town name May 20, 2022 as Major Jack Dean Carroll Day as he is laid to rest. Terry Pope made a Motion for the one day of recognition for his service to our country. Jeff Martin seconded the Motion. Roll call vote as follows:

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

7. **Unfinished business:**

a. **Town Retreat Meeting for ARPA-** still awaiting an available date

8. **New Business:** none

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

Tammy Jo Franklin, Parks & Recreation introduced herself and welcomed any questions.

10. **Administrative Reports-** included in packet

a. **Tina Rowe** has submitted the first ARPA report and handed out a report she received on funding via email from the Treasury highlighting suggested uses of the funding. *Treasury urges state and local governments to continue to us SLFRF funds to confront the most pressing challenges that our economy and communities face:*

- Expanding the workforce and providing competitive wages
- Expanding access to affordable housing
- Keeping our families and communities safe

Tina needs a June 1 budget amendment to address firetruck expenses and the insurance for it, fuel expenses are higher and any other we may not have expected. Greg addressed the EMS status as awaiting the judge to appoint a receivership and the sole acting director will turn over the department. Expect equipment, no claims against it so far, if any tax it may be cleared, if not, may have to sell personal property first.

Jeff Martin made a Motion the town accept to move forward with accessing equipment and receive rescue squad. 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

Jeff Martin made a Motion to advertise for a budget amendment. Terry Pope seconded the Motion. Roll call vote as follows:

Jill Carson	Absent
Gary McElyea	Aye

Council Room  
528 Industrial Drive

Town of Pennington Gap  
Council Meeting  
May 16, 2022

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

Terry Pope made a motion to advertise the budget for 2022/2023 for 2 PM on June 1, 2022.  
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

Tina also noted she had attended a recent webinar in which she learned we have to post meeting minutes 7 days after their approval.

- b. Brian reported the wrecked firetruck is repaired and back in service.  
I & I progress has 6 flow meters installed and will monitor for 30 days.  
Water plant intake valve issues have Fred and James awaiting parts.  
ARPA request was sent in for upgrades through Health Department funding.  
Mower issues at the park-he has looked into an 11' cut commercial John Deere mower, \$21k or less, can use ARPA for government services. Jeff Martin made a Motion to purchase the used commercial mower. 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

- c. Keith Harless is out of town.

## 11. Projects

- a. Sidewalk Safety to hospital-paving will be soon at the intersections, sidewalk is finished. Fence will be after paving. It will be 1.5 years before the next phase which will take it on to the hospital. Many good comments on the new sidewalk.
- b. ARC Business Center / Conference Center-
- c. Industrial Revitalization Fund Planning Grant –
- d. Historic designation-no update-surveying and drawing will start tomorrow
- e. Wastewater Treatment Plant Repair Grant- no sign-off yet on drawings
- f. Water Treatment Plant Structural Repair- no sign-off yet on drawings

Jesse Jones introduced Boyd Trey Parks as the new officer who is riding along with each officer and will attend the Academy starting in July. Trey said he appreciated the opportunity.

Town of Pennington Gap  
Council Meeting  
May 16, 2022

Jesse noted that Scout's (bloodhound) kennel is installed in car, has a heat alarm, any failure of air/AC will call the owner, lower the window and enact lights and sirens.

12. **Town Attorney-** Greg introduced Brody Peters who is observing a government meeting as he works toward Eagle Scout. Greg reported the Planning Commission met and we have to do some rezoning with the current plan and produce a map before finishing.

**13. Council Member reports**

**Jeff Martin-**an update on property clean-up-Jesse sending letters, taking pictures, signs are ordered.

**Terry Pope-**had observed a dog on a chain in town during a pouring rain, with no where to get out of it. Per Greg, State code addresses this. On speeding complaints within town; Jesse is increasing enforcement.

14. **Closed session-** At 6:42 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)(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	Absent
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

Council Room  
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Town of Pennington Gap  
Council Meeting  
May 16, 2022

At 7:20 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

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 rezone properties some properties now zoned residential/government to commercial. 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. Jeff Martin made a Motion to adjourn, which was unanimous, at 7:22 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  
                             Jimmy Warner

NAYS: (for each Nay vote the substance of the departure from the requirements of the Act should be described)

ABSENT DURING VOTE: Jill Carson  
ABSENT DURING CLOSED SESSION: Jill Carson  
MEETING DATE: May 16, 2022

  
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MAYOR LARRY W. HOLBROOK