

Town of Pennington Gap  
Council Meeting  
July 18, 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  
Assistant Town Manager: Brian Skidmore  
Treasurer/Deputy Clerk: Tina Rowe - absent  
Town Attorney: Greg Edwards  
Clerk: Karen Maggard  
Parks & Recs: Tammy Jo Franklin  
Police Chief: Jesse Jones  
Powell Valley News: Rick Watson  
Citizens: Connie Daugherty-Combs, Debra McCoy

1. Larry Holbrook called the meeting to order at 6:01 PM.
2. Prayer and pledge- N/A.
3. **Agenda**-Terry Pope made a Motion to accept the agenda with the addition of Tammy Jo Franklin to 10D. 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**-Terry Pope made a Motion to accept the minutes from June 21, 2022 with a detailed description of the 4<sup>th</sup> Motion after closed session to be ... *Motion for Tina to negotiate with two audit providers 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

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

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

6. **Citizen's Recognitions - none**

7. **Unfinished business:**

- A. Greg reported the Planning Commission held another Public Hearing at 4 PM today and voted to rezone the properties that were presented from residential to commercial. Terry Pope made a Motion to hold a Public Hearing on rezoning the properties at 6 PM on August 15 with the next Council Meeting. 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

- B. **Town Retreat Meeting for ARPA-** Keith reported that Charles Hargrove with Weldon Cooper Center would like a project list to research before a meeting which he would conduct. Keith asked that they gather ideas and help submit this listing.

8. **New Business:**

- A. **VDOT Smart Scale Resolution-**Keith suggested this may affect some town properties and would like to move it to closed session.

9. **Monthly Reports:** Monthly Reports – Water, Sewer, Treasurer, Public Works, Police Dept., Fire Dept. Lee Theatre, Parks & Recreation (reports in council packets) no comments

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

**A. Treasurer's Report**

Tina is unable to attend tonight. Keith announced that Robinson, Cox and Farmer will be the auditors now. He had budgeted for a new truck for meter reader and has found one for \$30,237.50 which is under budget and can be financed at 3.55% for 5 years leaving funds for extras like lights and safety striping. Terry Pope made a Motion to purchase and finance the truck. 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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- B. Assistant Town Manager's Report-**Brian has been working on the EMS for the Town and has a lease agreement for the building, insured it and ambulances. Would like to start hiring process with a minimum of 4 people. Gary McElyea made the Motion to hire as needed. 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

It was noted that he may need to sell some equipment to pay off a debt owed by the former rescue squad. He is confident he can get donations of supplies from surrounding agencies for the first ambulance.

- C. Town Manager's Report-**Keith attended the first anniversary of the new hospital. He reported that their business plan was to serve 5,000 patients the first year, surpassed with 10,000 in the hospital and 13,000 through the out-patient center. The administrator is very supportive of EMS noting the wait time for transfers is 6-8 hours. We can truly help them with our EMS.
- D. Parks & Recreation-**Tammy Jo announced Paint Me Pennington 5K run for kids on the calendar. A circus will be in August at Leeman Field and a Halloween Carnival on October 29 will include Trunk or Treat. Someone questioned mini golf. Keith responded that with the business plan it was necessary for 20/games a day to clear labor costs. Now with minimum wage higher it has doubled those costs. If we could sub out the business, might be possible.

**11. Projects**

- A. Sidewalk-**Keith would like to make the final payment of \$6,113.00 to Elk Knob Inc. Gary McElyea made the Motion to pay the request. 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

- B. ARC Business Center-** planning grant will be finished on July 31.
- C. Industrial Revitalization Fund Planning Grant-**Also finishing on July 31 with an application to follow for the grant on August 18.
- D. Historic designation-**Waiting to hear.
- E. Wastewater Treatment Plant Repair grant-**awaiting Lane Group information.
- F. Water treatment plant structural repair grant-** Clear wells require draining and dry for 7 days. Mattern & Craig working with James on a way to do so and will do some test runs.

- 12. Town Attorney-** Met with Jesse Jones on some of the ordinances. He also noted that VA Code section 33.2-804 may be used on auto graveyards which prohibits 5 or more cars inoperative

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within 500 ft. of roadway unless a business established to do so existed before 1978. We follow the Code of Virginia.

13. **Council Member reports**

**Terry Pope**-Noted any questions of our town ordinances follow the VA Code 15.2-901 which says Town has authority to pass ordinances and we have done so, making them valid.

14. **Closed session**- At 6:55 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. 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 8:32PM, Terry Pope made a Motion to reconvene to regular session. Gary McElyea seconded the Motion. Roll call vote as follows:

Jill Carson	Absent
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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. Jimmy Warner made a Motion to exercise options on an agreement with Property A and to obtain financing to do so. Terry Pope 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

Jimmy Warner made a Motion to purchase Property B. Terry Pope 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 negotiate to purchase Property C including financing and authorize Keith Harless to purchase. 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 motion to draft a resolution for Project Pipeline Study - BR05 Preferred Alternative - US58 - Pennington Gap. Jimmy Warner seconded the Motion. Roll call vote as follows:

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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 8:40 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  
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: July 18, 2022

  
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MAYOR LARRY W. HOLBROOK