

Town of Pennington Gap
Council Meeting
September 19, 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

Powell Valley News: Rick Watson

Citizens: Emma Kelly-Appalachian Voices

1. Mayor Holbrook called the meeting to order at 6:00 PM. Public hearing listed on agenda in error.
2. Prayer and pledge- Tina led prayer and Pledge of Allegiance
3. **Agenda**-Jeff Martin made a Motion to accept the agenda with the addition of Emma Kelly to Citizen's Recognition. 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

4. **Approval of Minutes**- Gary McElyea made a Motion to approve the minutes of August 15, 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

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Jimmy Warner Aye
Larry Holbrook Aye

6. **Citizen’s Recognitions** – Emma Kelly, New Economy Field Coordinator with Appalachian Voices, introduced herself and would like to return and speak on programs that may benefit the Town. Sustainable economic development to grow the economy and available funding. Council invited her back on October 17.

7. **Unfinished business:**

a. **Rezoning** – Greg Edwards reported the Planning Commission held a Public Hearing prior to the council meeting and voted to eliminate the agricultural designation on residential zoning except on properties already in ongoing agricultural use and also to add garden plots for non-commercial use to residential. Terry Pope made a Motion to hold a Public Hearing at 7:00 PM on October 17. 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. **Town Retreat Meeting for ARPA**-A workshop has been scheduled for 8:00 AM, Thursday, October 13 at Lenowisco offices in Duffield.

8. **New Business:**

a. **Halloween**- Terry Pope made a Motion to allow Trick-or-Treat on Monday, October 31 from 5-8PM. 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

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

a. **Parks & Recreation-Keith** reported Tammy has checked on pricing for the ice rink and is suggesting \$5/30 minutes use. There is potential for school rental. Locally in KY, the price is \$10 per 30 minutes. She has found a concession trailer at a reasonable price and the softball field has started with clay. All these will require a budget amendment at some point.

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

a. **Treasurer’s Report**- already in packet

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- b. **Assistant Town Manager's Report-** EMS staff started their first calls today. Brian is looking to hire 6 full time EMT and some part time to relieve them.
- c. **Town Manager's Report-**The heat pump in the back of town hall needs a compressor, insurance was filed and it's been found hard to repair therefore insurance adjusted to replace with new and required 3 bids. Mid-Mountain HVAC was the low bid and will still take 30 weeks for the equipment. The Board of Supervisors and Town will conduct a meeting together on September 27 at 6 PM.
VDH to restart meter replacement program, 750 will complete all bowls Brian noted.

11. **Projects**

- A. **ARC Business Center/Conference Center**
- B. **Infrastructure Revitalization Fund Planning Grant**-in review
- C. **Historic designation**-awaiting notice, voted on August 15
- D. **Wastewater Treatment Plant Repair grants-**
 - i. DEQ/Lane Group-no word on pre-engineering, under review@ DEQ
 - ii. SSES Grant-
 - iii. WW Pump Station Upgrade-DEQ/Lane Group
 - iv. N. Fork Powell River Sewer Crossing – DEQ/Mattern & Craig
- E. **Water treatment plant structural repair grant-**
 - i. USDA/Mattern & Craig-Met with VDH, Mattern & Craig, Keith, Gary Garrison and James Shelburne at the plant. Will do testing, electrical is ok, sealers on wells and basins may not be possible. The process could take 21 days, not 7 to have plant down. Extra funding would be required for storing water and the plant is at 76% capacity. 80% triggers upgrade recommendations. A new plant is unaffordable at \$26 million.
 - ii. WTP Telemetry Upgrade-VDH/Mattern & Craig-

12. **Town Attorney-closed session**

13. **Council Member reports**

Gary McElyea-commented that citizens ask for help on gas price inflation in town and we have no bearing on this.

Terry Pope-Pickleball- Some sponsors may be available. Keith commented that requests for quotes are out and will be available by the retreat. We have been asked about a candidate forum, which would be a conflict. We cannot provide space due to being candidates.

14. **Closed session-** At 6:39 PM, Terry Pope made a Motion to go into executive session pursuant to;

2.2-3711(A)(1): 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...

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§ 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.

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

At 7:35 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
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

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Larry Holbrook Aye

15. Jeff Martin made a Motion to appoint part-time Officer A to full-time position. 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

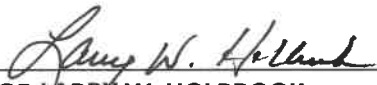
- Terry Pope made a Motion to transfer \$51,500 to the IDA to purchase Property B. Jeff Martin seconded the Motion. Roll call vote as follows:

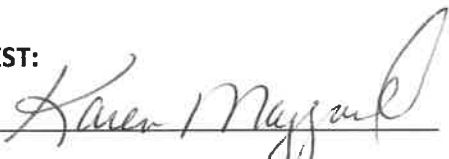
Jill Carson Aye
Gary McElyea Aye
Jeff Martin Aye
Terry Pope Aye
Jimmy Warner Aye
Larry Holbrook Aye

- Terry Pope made a Motion for town manager to negotiate potential purchase of Property C, up \$5K. 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

16. Jeff Martin made a Motion to recess to joint meeting with Lee BOS on September 27 at 6:00 PM. Gary McElyea seconded the Motion. Vote was unanimous. Meeting adjourned at 7:40 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;

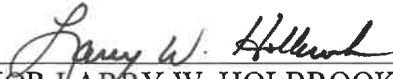
NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Pennington Gap, Virginia hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in closed session to which this certification 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
Jill Carson

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: September 19, 2022



MAYOR LARRY W. HOLBROOK