

Town of Pennington Gap
Council Meeting
November 21, 2022
Rescheduled to November 28, 2022

6:00 PM

Record of attendance:

Mayor:	Larry Holbrook
Council:	Jill Carson Gary McElyea Jeff Martin - Absent Terry Pope Jimmy Warner-Absent
Town Manager:	Keith Harless
Assistant Town Manager:	Brian Skidmore
Treasurer:	Tina Rowe
Town Attorney:	Greg Edwards
Town Clerk:	Karen Maggard
Powell Valley News:	Rick Watson
Appalachian Voices:	Emma Kelly

1. Mayor Holbrook called the meeting to order at 6:00 PM.
2. Prayer and pledge- The Mayor led the Pledge of Allegiance
3. **Agenda**-Terry Pope made a Motion to accept the agenda. Jill Carson seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Terry Pope	Aye
Larry Holbrook	Aye

4. **Approval of Minutes**- Terry Pope made a Motion to approve the minutes of October 24, 2022. Jill Carson seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Terry Pope	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
Terry Pope	Aye
Larry Holbrook	Aye

6. **Citizen's Recognitions** –Emma Kelly with Appalachia Voices gave information on the organization and funding sources which the town may use. A meeting at 2 PM Wednesday at the community center is open to anyone who may want to attend for economic development information. She provided a handout on information.

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7. **Unfinished business:** None
8. **New Business:** Terry Pope made a Motion to reappoint Bernadette Huff to the Zoning Board. Larry Holbrook seconded the Motion. Roll call vote as follows:
- | | |
|----------------|-----|
| Jill Carson | Aye |
| Gary McElyea | Aye |
| Terry Pope | 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). Keith reported the ice rink was open Friday-Sunday with 250 customers. Faye Bocoock had a count of 1,100 viewing the lights over the weekend. We have added a horse and buggy ride in the park the next 2 weekends.
10. **Administrative Reports-** included in packet Mayor Larry Holbrook/Keith Harless/Tina Rowe/Brian Skidmore
No additional reports
11. **Projects**
- A. **ARC Business Center/Conference Center**
 - B. **Infrastructure Revitalization Fund Planning Grant**-in review
12. **Historic designation**-Keith reported we have been approved to apply and will need to submit a report. Two bids for the report are included in the packet. The scope includes 30 buildings in downtown. Terry Pope made a Motion to accept Hill Studios bid proposal for a full report. Jill Carson seconded the Motion. Roll call vote as follows:
- | | |
|----------------|-----|
| Jill Carson | Aye |
| Gary McElyea | Aye |
| Terry Pope | Aye |
| Larry Holbrook | Aye |
- C. **Wastewater Treatment Plant Repair grants-**
 - i. DEQ/Lane Group-
 - ii. SSES Grant-
 - iii. WW Pump Station Upgrade-DEQ/Lane Group -
 - iv. N. Fork Powell River Sewer Crossing – DEQ/Mattern & Craig – Crossing approved and included in upgrades, now in public comment phase.
 - D. **Water treatment plant structural repair grant-**
 - i. USDA/Mattern & Craig
 - ii. WTP Telemetry Upgrade-VDH/Mattern & Craig
 - iii. Phase 2 Meters – We are identifying a list of needed meters
13. **Town Attorney**-with the historic district now a possibility, we will need the planning commission to add it into the zoning. We also need to adopt the code of VA in January's Organizational meeting that includes allowing for choosing penalties on police charges.
14. **Council Member reports:**

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Terry Pope-Recognized a thank you note from Lonnie Evans' family for the bridge naming. He questioned Fire Chief Brian Skidmore on adequate fire protection. Brian answered we are ISO compliant in town both with hydrants locations and with fire trucks carrying water and other agents.

He then commented on a recent meeting of a county delegation with the Governor in which Supervisor Kolb asked for help with completion of the Pennington bypass. Comments ensued on his representation of the town. Council had previously made their opinion known that they believe a bypass would damage town businesses with drivers unable to see the business and the restrictions are that no business can be built along the bypass, leaving any growth to be in the county and not the town. It was again noted Kolb is not Pennington's supervisor and may have misrepresented himself to the Governor in commenting. Greg noted the town needs a subdivision ordinance since land bought for the bypass will soon be available to purchase or return to original owners. Pope noted we will continue our fight against the bypass. He then made a Motion to direct letters to Representatives Kilgore, Pillion and the Governor along with Pennington Supervisors Mosley and Leonard on the towns stance and to send a delegation from Council to meet with the Governor to voice our opposition. Gary McElyea seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Terry Pope	Aye
Larry Holbrook	Aye

15. **Closed session**- At 6:59 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...*

§ 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.*

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16. Mayor Holbrook seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Terry Pope	Aye
Larry Holbrook	Aye

17. At 8:15 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
Terry Pope	Aye
Larry Holbrook	Aye


18. 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
Terry Pope	Aye
Larry Holbrook	Aye

19. Terry Pope made a Motion to exercise a lease/purchase agreement and purchase the property. Gary McElyea seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Terry Pope	Aye
Larry Holbrook	Aye

20. Larry Holbrook made a Motion to adjourn at 8:18 PM. Terry Pope seconded the Motion. Vote was unanimous.


MAYOR LARRY W. HOLBROOK

ATTEST:


KAREN MAGGARD, CLERK

KAREN MAGGARD, 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;

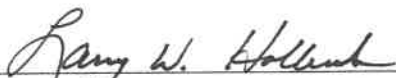
NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Pennington Gap, Virginia hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in closed session to which this certification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

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

ABSENT DURING VOTE: Jeff Martin, Jimmy Warner
ABSENT DURING CLOSED SESSION: Jeff Martin, Jimmy Warner
MEETING DATE: November 28, 2022



MAYOR LARRY W. HOLBROOK