

**TOWN OF PENNINGTON GAP
COUNCIL MEETING
DECEMBER 19, 2022, 6:00 PM**

- 1) Call Meeting to order - Mayor Larry Holbrook
- 2) Prayer and Pledge-Tina
- 3) Approval of Agenda
- 4) Approval of Minutes for Regular Meeting November 28, 2022
- 5) Approval of Bills to be Paid
- 6) Citizen's Recognition –
- 7) Unfinished Business
- 8) New Business
 - a) Schedule Organizational meeting-January 3
- 9) Monthly Reports – Water, Sewer, Treasurer, Public Works, Police Dept., Fire Dept. Lee Theatre, Parks & Rec. (reports in council packet)
- 10) Administrative Reports– Mayor Larry Holbrook/Keith Harless/Tina Rowe/Brian Skidmore
 - a) Treasurer's Report
 - b) Assistant Town Manager's Report
 - c) Town Manager's Report
- 11) Projects
 - a) ARC Business Center/ Conference Center funding
 - b) Industrial Revitalization Fund ARPA Grant application - Downtown Buildings
 - c) Historic designation -Hill Studios
 - d) Virginia Housing Stabilization Grant
 - e) Wastewater Treatment Plant Repair Grants
 - i) DEQ/Lane
 - ii) SSES Grant-DEQ/Mattern & Craig
 - iii) WW Pump Station Upgrade Grant-DEQ/Lane
 - iv) N. Fork Powell River Sewer Crossing-DEQ/Mattern & Craig
 - f) Water Treatment Plant Structural Repair Grants
 - i) USDA/Mattern & Craig
 - ii) WTP Telemetry Upgrade-VDH/Mattern & Craig
- 12) Town Attorney Report-Greg Edwards
- 13) Council Member Reports
- 14) Closed session
- 15) Council Action
- 16) Adjournment

Town of Pennington Gap
Council Meeting
December 19, 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: Tina Rowe
Town Attorney: Greg Edwards
Town Clerk: Karen Maggard
Powell Valley News: Rick Watson
First United Methodist Church: Rev. John Grimm

1. Mayor Holbrook called the meeting to order at 6:00 PM.
2. Prayer and pledge- Rev. John Grimm
3. **Agenda**-Jeff Martin made a Motion to accept the agenda. Gary McElyea seconded the Motion. Roll call vote as follows:

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

4. **Approval of Minutes**- Gary McElyea made a Motion to approve the minutes of November 28, 2022. Terry Pope seconded the Motion. Roll call vote as follows:

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

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

6. **Citizen's Recognitions** -n/a

7. **Unfinished business:** n/a

Town of Pennington Gap
Council Meeting
December 19, 2022

8. **New Business:**

- a) **Schedule Organizational Meeting**-It was decided to have the meeting January 3, 2023 at 1 PM.

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

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

- a) **Treasurer Report-** we will need a budget amendment soon. Tina also reported attending an opioid meeting recently, the money handed down will have to be spent on abatement.
- b) **Assistant Town Manager Report-**approval from DEQ on wastewater treatment river crossing, applied for ARPA to help w/ DEQ financing-\$2.4 million @ .5% on top of the \$1.6 million.
- c) **Town Manager Report-**Keith has a bill for \$7,000 from Litton Construction for the work on outdoor classroom. Terry Pope made a Motion to pay the bill. Jeff Martin seconded the Motion. Roll call vote as follows:

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

11. **Projects**

- A. **ARC Business Center/Conference Center-**Keith reported Hill Studios is creating a pamphlet for the center to help promote the idea.

12. **Town Attorney-**Greg reported the Planning Commission is holding on the historic district until Hill Studios completes their report. Working on zoning areas not designated on the map, Stacy bottom, West town behind hospital-industrial, railroad (public, semi-public in event it is abandoned) Keith asked can we ask some residents bordering town to enter? Jeff Martin made a Motion to direct Keith to look into purchasing state properties when sold from the original by-pass purchase. Terry Pope seconded the Motion. Roll call vote as follows:

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

13. **Council Member reports:**

Terry Pope-read some facts about traffic patterns and by-passing business downtown. He stated meals tax from restaurants in town is 30% of our budget, can we do without 30% income, i.e. the theatre, swimming pool? He also reported the top Blues guitar artists has Samantha Fish at #7, who has played at Lee Theatre.

Gary McElyea- We need to continue to remind everyone we don't want the by-pass.

Larry Holbrook-has a letter from LCSS Adult Protective services unit asking for a donation for elderly. No action.

Town of Pennington Gap
Council Meeting
December 19, 2022

14. **Closed session-** At 6:43 PM, Terry Pope made a Motion to go into executive session pursuant to;

§ 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.

Renee' Lamey arrived to swear in all council members, council exited closed session at 6:47. Terry Pope made a motion reconvene to regular session and attest that nothing was discussed during closed session other than the issues stated. Roll call vote as follows:

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

All council and Mayor present were then sworn into office for the next term. Jeff Martin left the meeting.

At 6:51 PM, Terry Pope again made a Motion to go into executive session pursuant to;

§ 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.

Gary McElyea seconded the Motion. Roll call vote as follows:

Jeff Martin	Absent
-------------	--------

Town of Pennington Gap
Council Meeting
December 19, 2022

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

At 7:09 PM, Terry Pope made a Motion to reconvene to regular session. Gary McElyea seconded the Motion. Roll call vote as follows:

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

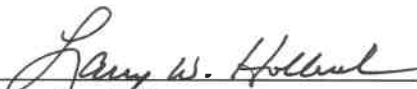
Terry Pope made a statement to attest that nothing was discussed during closed session other than the issues stated. Roll call vote as follows:

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

Terry Pope made a Motion to allow Keith Harless to review and approve loan documents for the property discussed and Mayor can then execute the documents. Gary McElyea seconded the Motion. Roll call vote as follows:

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

Terry Pope made a Motion to adjourn at 7:10 PM. Mayor Holbrook seconded the Motion. Vote was unanimous.


MAYOR LARRY W. HOLBROOK

ATTEST:


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;

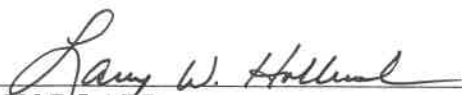
NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Pennington Gap, Virginia hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in closed session to which this certification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

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

ABSENT DURING VOTE: Jeff Martin
ABSENT DURING CLOSED SESSION: Jeff Martin
MEETING DATE: December 19, 2022



MAYOR LARRY W. HOLBROOK