

Town of Pennington Gap  
Council Meeting  
February 21, 2023

Record of attendance:

6:00 PM

Mayor: Larry Holbrook  
Council: Gary McElyea  
Jeff Martin  
Terry Pope  
Jimmy Warner  
Town Manager: Keith Harless  
Assistant Town Manager: Brian Skidmore  
Treasurer: Tina Rowe, MGT  
Town Attorney: Greg Edwards  
Town Clerk: Karen Maggard  
Lee Theatre: Tony Lawson  
Citizens: Loretta See

1. Mayor Holbrook called the meeting to order at 6:03 PM.
2. Prayer and pledge-Council observed a moment of silence for the loss of Councilwoman Jill Carson.
3. **Agenda-** Larry Holbrook made a Motion to accept the agenda. Jimmy Warner seconded the Motion. Roll call vote as follows:

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

4. **Approval of Minutes**

- a) Larry Holbrook made a Motion to approve the minutes of January 17. Terry Pope noted abstaining from the vote on paying bills, otherwise seconded the Motion. Roll call vote as follows:

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

- b) Mayor Holbrook made a Motion to approve the minutes of January 20, 2023 Called Meeting. Terry Pope seconded the Motion. Roll call vote as follows:

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

5. **Pay bills-**Gary McElyea made a Motion to pay the bills as presented. Jimmy Warner seconded the Motion. Roll call vote as follows:

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

6. **Citizen's Recognitions** –Loretta See, chairman of Toys for Tots campaign of Lee, Wise Counties noted her 5-year involvement beginning in 2018 with 759 children gifted. The total of 5 years of collecting and handing out toys is now 5,695 children served with 17,333 toys given. She thanked the town for the use of the building to store and sort and presented Mayor Holbrook with a plaque and the annual Christmas ornament.

7. **Unfinished business:** none

8. **New Business:** none

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

Tony Lawson reported on quotes he received on repairs or replacement to the cracked theatre marquee which causes letters to fall off. Replacement motors for the lights have already been ordered. Replacing the white backing on the marquee with lexan and new lettering would be just over \$5,000. He's checking on a soundboard update (\$8k) and projector (\$12k) as both are now 10 years old. Jeff Martin made a motion to purchase the marquee solution. Gary McElyea seconded the motion. Roll call vote as follows:

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

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

**A) Treasurer Report-** Tina passed out a budget amendment spreadsheet for \$768,800 in revenue and expenses.

**C) Assistant Town Manager Report-see projects**

**D) Town Manager Report-**Keith reported on his trip to Richmond last week by answering questions on the sidewalk. VDOT will not be funding the round-a-bout project this year and therefore not doing the sidewalk. We can re-apply in two years to include the sidewalk or we can apply for TEA-21 grant for 30% of \$1,000,000 leaving \$700,000 town cost.

He then provided information on the grants, 11 A-D in the next section and that he is still working with Virginia Clean Cities on a car charger installation downtown.

Emma Kelly with New Economy Network is submitting a playground grant on our behalf for the property at the old Payless.

Virginia Tourism is looking for hotel funding, gap funding, or agencies to help with a feasibility study.

Recent property purchased near Cumberland Auto needs growth cleaned off from the road front to back along the rear of the auto shop. Two bids received were \$4,500 from Hickory Flats Rentals and \$5,500 from Tyler Haynes.

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Keith would like to hire from applications due to a crewman not returning. Terry Pope made a Motion to hire. Gary McElyea seconded the Motion. Roll call vote as follows:

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

11. **Projects**

- A. **ARC Business Center/Conference Center**-Keith took bound project plans to Richmond to hand out. One was provided tonight to council.
- B. **Industrial Revitalization Fund ARPA Grant Application**- Keith met in Richmond to sign the \$850k grant which does not include asbestos or lead paint abatement estimated at \$50k or design costs at \$90k. Jeff Martin made a Motion to apply for a loan for gap funding of \$140k to use for these costs. Terry Pope seconded the Motion. Roll call vote as follows:

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

In working with the architect, Bailey-Robbins' front is not original under the white siding up near the top where the roof was raised. The framing is bad and not recommended to keep. The architect is requesting to take it back to an original flat roof design, removing the A-frame.

- C. **Historic Designation**- A Public Hearing is set for information on the proposed Historic District for Thursday, February 23, 6:00 PM at the Community Center.
- D. **Virginia Housing Stabilization Grant**- \$150k stabilization grant was signed today. A roof bid of \$159,800k without removal costs was submitted by Mark Baker Roofing. Keith suggested we remove the roof with part-time employees with carpenter tool experience and re-create the rear walkway as the grant includes a \$12k rear deck. Terry Pope made a Motion to accept the roof bid, which estimates a start date of April 20, and have the teardown done before then. Gary McElyea seconded the Motion. Roll call vote as follows:

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

- E. **Wastewater Treatment Plant Repair Grants**-
- F. **Water Treatment Plant Structural Repair Grants**- is still awaiting ARPA funding. Brian met with several agencies last week in Richmond for updates. We will order 600 meters with the Phase II grant in March and do the installation ourselves. Awaiting Mattern & Craig report to apply for funding in July. Several areas need sewer line replacement in town.

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12. **Town Attorney**-Greg reported the Planning Commission needs an appointee to fill a recent vacancy due to a move. Terry Pope made a Motion to appoint Kathy Harber to the Planning Commission. Gary McElyea seconded the Motion. Roll call vote as follows:

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

13. **Council Member reports:**

Terry Pope noted the theatre will celebrate the 10<sup>th</sup> Anniversary of reopening in October and he would like to recognize the efforts of the original Theatre Committee as they were instrumental in the project. It would be appropriate to do so this year during the Tobacco Festival celebration.

14. **Closed session**- At 7:02 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.*

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

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

At 8:25 PM, Terry Pope made a Motion to reconvene to regular session. Gary McElyea seconded the Motion. Roll call vote as follows:

Gary McElyea	Aye
Terry Pope	Aye
Larry Holbrook	Aye

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Jimmy Warner	Aye
Jeff Martin	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:

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

Terry Pope made a Motion to hold a Budget Amendment Public Hearing at the next scheduled Council Meeting, Monday, March 20 at 6:00 PM. Larry Holbrook seconded the Motion. Roll call vote as follows:

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

Jeff Martin made a Motion to allow the creation of a Shift Supervisor position. Gary McElyea seconded the Motion. Roll call vote as follows:

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

Gary McElyea made a Motion to apply for a grant for a new ambulance at 100%, if denied, apply for 80/20% grant. Jeff Martin seconded the Motion. Roll call vote as follows:

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

Jeff Martin made a Motion to appoint Gary McElyea Vice Mayor. Jimmy Warner seconded the Motion. Roll call vote as follows:

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

Jeff Martin made a Motion to accept the low bid of \$4,500 from Hickory Flats Rentals for property clean-up. Larry Holbrook seconded the Motion. Roll call vote as follows:

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:**

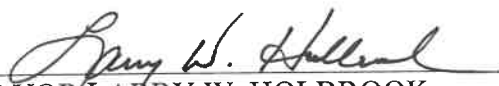
AYES: Mayor Larry W. Holbrook  
Terry K. Pope  
Gary McElyea  
Jeff Martin  
Jimmy Warner  
(Jill Carson deceased, January 28, 2023)

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: February 21, 2023

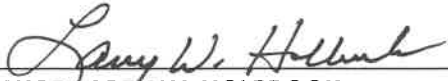
  
MAYOR LARRY W. HOLBROOK

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

At 8:30 PM, Larry Holbrook made a Motion to recess the meeting until Tuesday, February 28 at 10:00 AM. Terry Pope seconded the Motion. Roll call vote as follows:

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

  
MAYOR LARRY W. HOLBROOK

ATTEST:

  
KAREN MAGGARD, CLERK