

Town of Pennington Gap
Council Meeting
April 17, 2023

Record of attendance:

6:00 PM

Mayor:	Larry Holbrook
Council:	Doug Alsup Jeff Martin – by phone Gary McElyea Terry Pope Jimmy Warner
Town Manager:	Keith Harless
Assistant Town Manager:	Brian Skidmore-absent
Treasurer:	Tina Rowe, MGT
Town Attorney:	Greg Edwards
Town Clerk:	Karen Maggard
Police Chief:	Jesse Jones
Powell Valley News:	Rick Watson
Citizens:	Connie Daugherty-Combs, Orville Overton Brandon Ward, Michael Riebe, Michael Nimety

1. Mayor Holbrook called the meeting to order and opened the public hearing at 6:02 PM.
2. Pledge of Allegiance, Moment of Silence for Mike Haynes
3. **Agenda-** Larry Holbrook made a Motion to accept the agenda with the addition of citizens present. Gary McElyea seconded the Motion. Roll call vote as follows:

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

4. Approval of Minutes

Terry Pope made a Motion to approve the minutes of March 20, 2023. Gary McElyea seconded the Motion. Roll call vote as follows:

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

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

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye

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Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

6. **Citizen's Recognitions –**

- a) Connie Daugherty-Combs would like to extend her contract for use of the Community Center classroom and rescue squad building if needed. Gary McElyea made a Motion to authorize the IDA to continue the current lease. Terry Pope seconded the Motion. Roll call vote as follows:

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

- b) Everyone is invited to the Bridge Naming of the Right-Hand Poor Valley bridge for Scott Delph on May 13, 11 AM.

- c) Michael Riebe asked if we would lease a space, on the lot East of Cumberland Automotive we recently cleaned, for a series of billboard sized banners for advertising in town. Handout of pictures and proposal was given. Terry Pope explained that we do have some plans for the property and would like to make a Motion to table at this point for more information such as zoning. Gary McElyea seconded the Motion. Roll call vote as follows:

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

- d) Michael Nimety explained that he drives a personal vehicle with *Emergency Response Vehicle* signage and after concerns of someone having found a needle in the sand a few years ago at the park, he has taken on a task of raking the sand daily to keep it safe. Would be willing to help any way he can.
- e) Orville Overton and Brandon Ward are proposing Harvest Festival for August 4 & 5 at Leeman Field. Handouts of the layout for the park were given with his presentation to act as a catalyst for economic opportunities. Gary McElyea had a concern for laws that may be re-written by July 1 to pull back some of the marijuana legalization. Council decided to table for now to find out about the legality of a tent vs. a building and other concerns with the park environment.

7. **Unfinished business:**

- a) **Bond Counsel Hearing**-was delayed and will be rescheduled.

8. **New business:** none

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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- Tina Rowe sees the need for another budget amendment and handed out a list including RV Park and theatre income, sale of assets and misc. expenses, which is just over \$38k. Terry Pope made a Motion to amend the budget a second time as Tina presented. Larry Holbrook seconded the Motion. Roll call vote as follows:

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

Terry Pope made a Motion to schedule a Public Hearing for the Bond Counsel for the meter project for May 15. Gary McElyea seconded the Motion. Roll call vote as follows:

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

A budget workshop on May 11 at 2 PM was also scheduled.

B) **Assistant Town Manager Report-** Brian is attending a conference.

C) **Town Manager Report-**Keith reported the Bailey-Robbins building asbestos abatement start date is May 1. Construction bids should be out in about 4 months. Our crew is removing the old roof on the Creech building and will need additional help from contractors to make the deadline for the others to start replacement.

Tobacco Festival Friday entertainment has been tentatively booked with Chris Knight, the Friends of Tobacco Festival will be paying \$2,500 of \$11K. Larry Holbrook made a Motion to pay the remainder to book. Jimmy Warner seconded the Motion. Roll call vote as follows:

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

Music on Main returns every first Friday with the first one being on May 5 along with a soapbox derby. The Post Office has closed the street beside them as there have been some close calls with cars going by just as they step out the back dock. The new car charger is installed here at Town Hall as a stop gap until some are installed downtown as contractors are behind. It can be found on the Plug Share app.

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11. **Projects**

- a) **ARC Business Center/Conference Center**-Keith met with Senator Kaine while he was in town and proposed the project in which he is very interested in the trade center.
- b) **Industrial Revitalization Fund ARPA Grant Application**-awaiting the abatement in early May
- c) **Historic Designation**- Hill Studio have now surveyed the buildings within the area to list.
- d) **Virginia Housing Stabilization Grant**- roof work was described in Keith's report
- e) **Wastewater Treatment Plant Repair Grants**- awaiting notice
- f) **Water Treatment Plant Structural Repair Grants**-awaiting notice

12. **Town Attorney**-none

13. **Council Member reports:**

Gary noted that Doug Alsup had questioned a dog park and Keith responded that a plan had been put together a few years back and that Tammy has experience in implementing. Gary McElyea made a Motion to proceed with implementation of the dog park. Doug Alsup seconded the Motion. Roll call vote as follows:

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

Terry directed questions to Jesse on results on reports or citations for cleanup of derelict buildings, which are being forwarded to the building inspector. Keith responded about the cost falling back to the Town to clean up and Virginia Housing a possible blight help as the expense may exceed the worth of the remaining real property.

14. **Closed session**- At 7:10 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:

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

At 8:20 PM, Terry Pope made a Motion to reconvene to regular session. Gary McElyea seconded the Motion. Roll call vote as follows:

Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Jeff Martin	Aye
Terry Pope	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:

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

15. Doug Alsup made a Motion for a Resolution to accept the new 2023-2024 water rates. Larry Holbrook seconded the Motion. Roll call vote as follows:

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

Terry Pope made a Motion for the Town Manager to review the pay rate of employee A and B and adjust rates accordingly and promote employee C to full-time. Gary McElyea seconded the Motion. Roll call vote as follows:

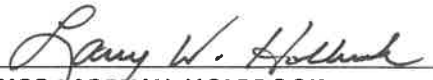
Doug Alsup	Aye
Gary McElyea	Aye
Larry Holbrook	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye

At 8:28 PM, Terry Pope made a Motion to adjourn the meeting. Gary McElyea seconded the Motion. Roll call vote as follows:

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

16. Meeting adjourned at 8:28.


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;

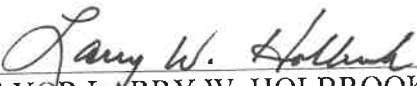
NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Pennington Gap, Virginia hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in closed session to which this certification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

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

ABSENT DURING VOTE: none
ABSENT DURING CLOSED SESSION: none
MEETING DATE: April 17, 2023


MAYOR LARRY W. HOLBROOK