

Town of Pennington Gap
Recessed Council Meeting
June 28, 2021

Record of attendance:

2:00 PM

Mayor:	Larry Holbrook
Council:	Jill Carson - phone Gary McElyea – by phone Jeff Martin – by phone Terry Pope – by phone Jimmy Warner –by phone
Town Manager:	Keith Harless-Absent
Assistant Town Manager:	Brian Skidmore
Treasurer:	Tina Rowe
Clerk	Karen Maggard
Town Attorney:	Greg Edwards-Absent
Police Chief:	Jesse Jones

1. Larry Holbrook called the meeting to order at 2:00 PM and the public hearing was opened by reading this statement concerning COVID-19 pandemic: *Because of COVID-19, social distancing in State of VA and the following codes of Virginia, the Town of Pennington electronic council meeting will proceed in reference to § 2.2-3708.2, Meetings held through electronic communication means and when the Governor has declared a state of emergency in accordance with § 44-146.17.*

2. **Agenda**-Terry Pope made a Motion to accept the agenda with the addition of 4.B-Leeman Field Sidewalk. 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

3. **Citizen's recognition**-none

4. **Unfinished business:**

- A. **Main Street parking lot bids**-the low bidder has identified some modification that will enable a savings down to \$23,000 from \$29,500. Terry Pope made a Motion to approve the bid. Jeff Martin seconded the Motion. Roll call vote as follows:

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

- B. **Leeman Field Sidewalk**-Brian has discussed application for North Kentucky to Leeman Field funding with Mattern & Craig engineers and they feel it could jeopardize the sidewalk extension to the hospital. Therefore, he would like to put the application on hold until next year.

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5. **New Business:**

- A. **Budget 2021-2022** – Terry Pope made a Motion to adopt the budget as presented at the June 21 Budget hearing. Jill Carson 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. **Schedule Organizational meeting 10 AM, July 1**-Larry Holbrook made a Motion to have the meeting at this time and date. Jimmy Warner 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

6. **Sidewalk Safety Project**-Terry Pope made a Motion to adopt a resolution to support the VDOT Phase II Downtown to Hospital Pedestrian Sidewalk Safety Project. Jimmy Warner seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Absent (line dropped)
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

7. **Town Attorney**- Planning commission appointments-Terry Pope made a Motion to appoint Tim Carpenter, Rev. John Grimm and Thomas Beck to the Planning Commission. Jill Carson seconded the Motion. Roll call vote as follows:

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

8. **Closed session**- At 2:12 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. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

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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.

Larry Holbrook seconded the Motion. Roll call vote as follows:

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

At 2:26 PM, Terry Pope made a Motion to reconvene to regular session. 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 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	Absent
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

Gary McElyea made a Motion not to allow marijuana in Leeman Field Park. Terry Pope seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye (called back in)
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

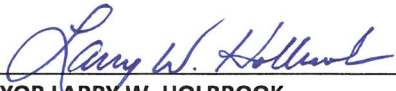
At 2:28 PM, Larry Holbrook made a Motion to adjourn the meeting. Gary McElyea seconded the Motion. Roll call vote as follows:

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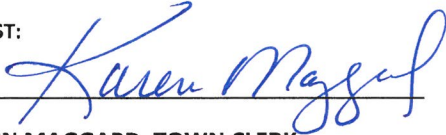
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Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye


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;

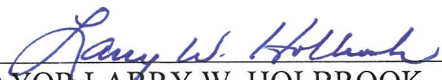
NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Pennington Gap, Virginia hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in closed session to which this certification 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
Jill Carson
Terry K. Pope
Gary McElyea
Jeff Martin
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: June 28, 2021


MAYOR LARRY W. HOLBROOK