

Town of Pennington Gap
Council Meeting
December 20, 2021 Rescheduled
December 27, 2021

Record of attendance:

6:00 PM

Mayor:	Larry Holbrook
Council:	Jill Carson Gary McElyea Jeff Martin Terry Pope Jimmy Warner-Absent
Town Manager:	Keith Harless-Absent
Assistant Town Manager:	Brian Skidmore
Treasurer/Deputy Clerk:	Tina Rowe
Clerk:	Karen Maggard
Town Attorney:	Greg Edwards-Absent
Police Chief:	Jesse Jones
Citizens:	none
Powell Valley News:	Rick Watson
Employees:	Chris Sexton Angela O'Dell Gary Garrison Jim Carroll David Ball Greg McKnight

1. Larry Holbrook called the meeting to order at 6:00 PM. Gary Garrison gave the invocation and led the Pledge of Allegiance.

2. **Agenda**-Jeff Martin made a Motion to accept the agenda. Jill Carson seconded the Motion. Roll call vote as follows:

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

3. **Approval of Minutes**-Jill Carson made a Motion to accept the minutes from November 15, 2021 except for changes due to typographical errors; #14 "Jeff Martin made a Motion to rescind... and Gary McElyea made a Motion to award each full time employee a \$1,000 bonus ...", both votes were all Ayes. Also, Jill Carson was present during the meeting. Jeff Martin seconded the Motion. Roll call vote as follows:

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

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Larry Holbrook Aye

4. **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
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Absent
Larry Holbrook	Aye

5. **Citizen's recognition/Employee Recognition-**

Eight employees were recognized with Mayor Holbrook handing out plaques and pins for years of service. Greg McKnight, David Ball, Jim Carroll and Brian Skidmore were recognized for five years' service. Chris Sexton, 10 years, Karen Maggard, 15 years, Angela O'Dell, 30 years and Gary Garrison, 40 years.

6. **Unfinished business:**

A. Budget hearing – No one was present to speak on the amendment, hearing was closed.

7. **New Business:**

- A. Budget Amendment**-Tina noted the amendment of \$307,700 includes ARPA funding and the purchase of two properties. Terry Pope made a Motion to amend the budget. Jeff Martin seconded the Motion. Roll call vote as follows:

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

- B. Ordinance for November Elections per §15.2-1400**-Jeff Martin made a Motion to adopt Virginia State Code section 15.2-1400 with an organizational meeting to be held the first day of taking office on January 1, those dates to be confirmed with Greg. Terry Pope seconded the Motion. Roll call vote as follows:

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

- C. Zoning Board Appointments**-Terry Pope made a Motion to reappoint Kathy Harber. Jeff Martin seconded the Motion. Roll call vote as follows:

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

8. Monthly Reports:

Reports in packets-

- D. Jesse Jones reported Officer Eads will be reevaluated in three weeks for permission to return to work. Brian noted COVID testing is free at Walgreen. Terry Pope made a Motion to use an in-town provider for COVID testing with no restrictions. Jeff Martin seconded the Motion. Roll call vote as follows:

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

9. Administrative Reports- included in packet

- 10. Sidewalk Safety Project-**Brian met with VDOT, some core drilling to do and drainage to be addressed to raise the property level. VDOT says there will be no Morgan Ave. entrance to the property however, a right of way exists off Cecil Street.

11. Town Attorney-absent

12. Council Reports:

Gary McElyea would like to check the warranty on the soldier Christmas lighting. Jill mentioned the add-on to the large tree in town. Karen will check.

A resident on Highland Ave. has an issue with a driveway and road in front of his house which the state owns due to new roadway. Will wait to see states progress on the road or property buy-back.

Gary would like to explore options for help for Christmas Fantasy next year.

Terry Pope-the 21-day loan was completed with IDA sale of property to Kentucky Utilities, preventing them from moving to Wise County for a facility.

- 13. Closed session-** At 6:50 PM, Jeff Martin 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

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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.

§ 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.

Terry Pope seconded the Motion. Roll call vote as follows:

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

At 7:55 PM, Terry Pope made a Motion to reconvene to regular session. Jeff Martin seconded the Motion. Roll call vote as follows:

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

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

14. Jeff Martin made a Motion that all Pennington Gap Police vehicles be striped/marked. Terry Pope seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Nay
Jeff Martin	Aye
Terry Pope	Aye

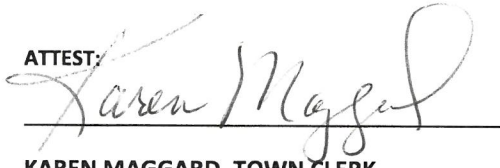
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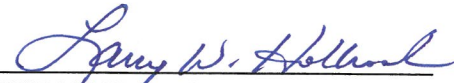
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Jimmy Warner	Absent
Larry Holbrook	Aye

15. Jeff Martin made a Motion to adjourn, seconded by Larry Holbrook. Meeting was adjourned at 7:56 PM.

ATTEST:


KAREN MAGGARD, TOWN CLERK


MAYOR LARRY W. HOLBROOK

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;

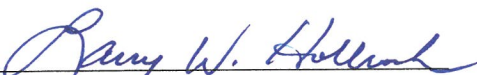
NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Pennington Gap, Virginia hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in closed session to which this certification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

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

ABSENT DURING VOTE: Jimmy Warner
ABSENT DURING CLOSED SESSION: Jimmy Warner
MEETING DATE: December 27, 2021


MAYOR LARRY W. HOLBROOK