

Town of Pennington Gap  
Council Meeting and Public Hearing – Budget Amendments  
February 16, 2021

**Record of attendance:**

**6:00 PM**

Mayor:	Larry Holbrook
Council:	Jill Carson – by phone Gary McElyea – by phone Jeff Martin – by phone Terry Pope – by phone Jimmy Warner –by phone
Town Manager:	Keith Harless
Assistant Town Manager:	Brian Skidmore
Treasurer	Tina Rowe-by phone
Clerk	Karen Maggard
Town Attorney:	Greg Edwards
Police Chief:	Jesse Jones
Citizens:	none

1. Larry Holbrook called the meeting to order at 6:00 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**-Gary McElyea 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	Aye
Larry Holbrook	Aye

3. **Minutes prior meeting**-Larry Holbrook made a Motion to accept the minutes from January 19, 2021 Council meeting, 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

4. **Pay bills**-Terry Pope made a Motion to pay the bills as presented. Larry Holbrook seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye

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Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

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

6. **Unfinished business:**

A. **Close public hearing concerning budget amendments presented in council pack.**

Mayor Holbrook asked if anyone had any comments on the budget amendments. With no comment, Mayor Holbrook closed the hearing at 6:03 PM. Mayor Holbrook made a Motion to accept the budget amendments as requested. Gary McElyea 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. **Personnel policy**-Keith and Jeannie have again gone over more of the policy should complete the process by next meeting. Tina would like a recap meeting before sending the final to SESCO.

7. **New Business:**

A. **Budget amendments**- completed above

B. **Update of Town Code §167-14 Parking Violation Penalties (\$5)**-Greg explained it is older code and he looked to the Virginia Code for uniformity, fines are \$20 if paid early, handicap parking violations are \$150 and ATV with no permit or other violations are not mentioned in current code. Gary McElyea made a Motion to follow the Virginia Code for penalties in this section. 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

In addition, Keith announced receiving new signage for 2 hour parking in front of businesses to be installed and enforced.

8. **Monthly Reports-**

**Jesse Jones** reported the meeting with the Commonwealth Attorney, Fuller Cridlin concerning provision of our body camera video for their prosecution. We have 2 options-Provide a license of \$468/year for their use or provide all video from the cameras through the current portal with a summary/log of the transfer. Gary McElyea stated he is not comfortable with providing all however Jill Carson had understood the County would pay the licensing fee. Jill made the

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Motion to buy the license and allow the Commonwealth Attorney access. Terry Pope seconded the Motion. Roll call vote as follows:

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

**Treasurer-Tina Rowe** received bank loan interest quotes for 8, 10, 12 years on \$100,000 for a new firetruck which Brian had asked each member by phone about when he located the truck. Her recommendation is a local bank for 8 year. Jeff Martin made a Motion to go take that offer. Terry Pope 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

The Local Choice rate sheet included in the packet shows a reduction in cost to the Town of 4% and she recommends staying with the Key Advantage 250 plan saving \$15K the coming fiscal year. Jeff Martin made the Motion to stay with TLC and current plan. 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

CARES Act fund reimbursement from the County has been submitted for \$135K for the 4<sup>th</sup> quarter of 2020 and has not been received yet.

Cloud invoicing and implementation will go live on March 1, she expects the audit results presented at the March meeting and bond payments will be due March 1.

9. **Sidewalk Project**-Keith reported it has been funded 100%. He will follow up on easements in time for May/June contract. Terry Pope asked if we need anything from Lane Engineering. Keith answered, we are in Phase I with them and we will review before Phase II.
10. **Town Attorney**-Greg has closed session info.
11. **Council Reports:**
  - Jill Carson and Keith attended the virtual VML Legislative Day and the governor's office had asked what we would like help on in re-opening, economic development? At the time, vaccine availability was a concern, but seems it is catching up since the meeting. Purdue and other pharmaceutical companies involved in the opioid lawsuit should be filed against for any money owed to our locality. She found that Lee County had joined in the suit with a Virginia Beach law firm. We are represented by the County. She is concerned as to whether

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the Town would receive anything and if we need to file separately. Todd Pillion assured her we are represented. The House bill is 862322 and Senate bill is 1469. Terry is concerned for equitable distribution of any proceeds.

- Jeff Martin asked about policing of homesteaders in a cave in Town. Jesse responded that several attempts have not caught anyone present.  
He also inquired about Little League season at Leeman Field. He made a Motion to open and post regulation related to COVID-19 and allow play. Jill Carson would like to check with the health department opinion. Keith will do so and follow up with all council. The league also would like to change affiliation to possibly Babe Ruth or Cal Ripkin. It was noted that is a league decision and not the Town's.
- Terry Pope referred to a break-in in town, suspect was caught inside the home. Charges were not placed for breaking and entering. Jesse noted they could only charge trespassing in this instance. Charges for such could be placed and increased by prosecution however. Also, derelict housing must be addressed. Council is asked to start sending addresses for a property list to be addressed at a meeting.

**12. Closed session-** At 6:59 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.*

**§ 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)(7)** for consultation with legal counsel.

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

At 8:18 PM, Terry Pope made a Motion to reconvene to regular session, Larry Holbrook seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Marti	Aye

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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.

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

Jeff Martin made a Motion to adjourn. Gary McElyea seconded the Motion. Roll call vote as follows:

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

Time of Adjournment: 8:20 PM

  
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  
Terry K. Pope  
Gary McElyea  
Jeff Martin  
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:

ABSENT DURING CLOSED SESSION:

MEETING DATE: February 16, 2021

  
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MAYOR LARRY W. HOLBROOK