

Town of Pennington Gap
Public Hearing on Resolution for Water Plant Upgrades
Council Meeting
August 16, 2021

Record of attendance:

6:00 PM

Mayor:	Larry Holbrook
Council:	Jill Carson Gary McElyea – by phone Jeff Martin – by phone Terry Pope Jimmy Warner
Town Manager:	Keith Harless
Assistant Town Manager:	Brian Skidmore
Treasurer/Deputy Clerk:	Tina Rowe
Clerk	Karen Maggard
Town Attorney:	Greg Edwards
Police Chief:	Jesse Jones
Powell Valley News:	Rick Watson
Citizens:	

1. Larry Holbrook called the meeting to order at 6:00 PM. No citizens were present for the public hearing, it was closed without comment.
2. **Agenda**-Larry Holbrook made a Motion to accept the agenda. 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. **Approval of Minutes**-Larry Holbrook made a Motion to accept the minutes from July 19, 2021 Council meeting with the correction of Jeff Martin second of 3.-Agenda. Jill Carson seconded the Motion and 7.-New Business should be "loan" not "long". Jill Carson seconded the Motion to accept the Minutes. 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**-Larry Holbrook made a Motion to pay the bills as presented. Jill Carson seconded the Motion. Roll call vote as follows:

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

Council Room
528 Industrial Drive

Town of Pennington Gap
Public Hearing on Resolution for Water Plant Upgrades
Council Meeting
August 16, 2021
Jimmy Warner Aye
Larry Holbrook Aye

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

6. **Unfinished business:**

- A. Resolution on water plant upgrade-** Terry Pope made a Motion to adopt a resolution and obtain bond counsel for a loan of \$643,000 for water plant upgrades. 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

- B. Parks & Recreation Director-**Keith Harless would like to look at a description and more details on the position, full, part-time, pay and maybe try to hire in January for the coming year. He included a neighboring town's description of the job in the packet. Jeff Martin would like fields ready for tournament play. Jill has spoken with the Bob Shuler, Little League president who would like those interested in participating to contact him.

7. **New Business:**

- A. Monica Buchanan was not present and would like to reschedule in September.
B. **PPTRA Resolution-** This year's Personal Property Tax Relief is 86.61% per Tina Rowe. Terry Pope made the Motion to adopt the resolution as we have done since 1998. 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

- C. **Halloween schedule-**Halloween falls on a Sunday this year. Jeff Martin made a Motion to move Halloween activities to Saturday, October 30, 2021 from 5-8 PM. 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

8. **Monthly Reports:**
Reports in packets

Council Room
528 Industrial Drive

Town of Pennington Gap
Public Hearing on Resolution for Water Plant Upgrades
Council Meeting
August 16, 2021

Brian Skidmore reported that this being the 20th anniversary of 9/1/2001, the fire department has a 4 member team that will participate in the Tri-Cities 911 Stair Climb World event. In public works, Ron Bailey is nearing completion on the parking lot repair on Main Street and has submitted a 50% complete draw request. Jeff Martin made a Motion to pay the invoice. 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

Brian has a local bank offering to finance the new ATV for 1.9%. Jeff Martin made a Motion to accept the rate. 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

9. Administrative Reports

- A. Tina Rowe noted on the budget vs. actual report, completion is 8.33% and salaries are higher due to three payrolls in July and the overtime law, however a new amendment will now allow overtime to be recorded and used as compensation time as before July 1. The RFP on audit had only one response. She would like to extend or advertise further. Terry Pope made a Motion to extend the RFP. 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

Tina asked for pre-approval of partial payments to contractors, theatre performers, etc. up to a certain amount before council meets to keep from holding some invoices 45 days in some cases. This is already in the policy per Keith.

She also needs a public hearing on amending the budget next month since the ARPA will be over the 1% change. Terry Pope made a Motion to have the public hearing with the September meeting. Jeff Martin seconded the Motion. Roll call vote as follows:

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye

Council Room
528 Industrial Drive

Town of Pennington Gap
Public Hearing on Resolution for Water Plant Upgrades
Council Meeting
August 16, 2021

Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

B. Brian Skidmore – covered previously

C. Keith reported Hill Studios came to measure Bailey-Robbins and Creech buildings to begin feasibility study and discussed the business center here. We will try to obtain a \$25,000 planning grant. Building use is a step toward grant for housing. We had an old Massey-Ferguson tractor down earlier this year. Vocational school took it for practice and fixed it asking only for parts and service supplies only.

10. **Sidewalk Safety Project**-VDOT still reviewing bids in the Bristol District. One more easement to obtain. Owner wants to sell, Greg said we could push eminent domain.

11. **Town Attorney**- EDA wants to restart Chamber of Commerce for business, tourism. We need our planning commission together to look at zoning. Jeff Martin and Loretta See need sworn in.

12. **Council Reports:**

- Gary McElyea asked about current COVID regulations? Governor has issued that all state employees test weekly if not vaccinated. Keith said VML thinks more will come out on that and recommendations are for masks but only mandated for schools. Jill Carson stated there is a big difference between Northern VA with 77% vaccinated and 20 +% in SW VA.
- Terry Pope has had several people brag about the town's look, flowers, and our efforts. He would like to find out if we can now eliminate overhead lines and would the infrastructure money pay for burying them? Brian said large structures with overhead lines attached make it hard to use ladder truck during a fire. Terry would also like to recognize older businesses on our media. Jeff Martin questioned why we have not. The planning commission needs to meet on some of the blighted properties in town and address Old Mill apartment building. It was also noted, all available buildings for business in town are rented.

13. **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. 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.

Council Room
528 Industrial Drive

Town of Pennington Gap
Public Hearing on Resolution for Water Plant Upgrades
Council Meeting
August 16, 2021

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 8:12 PM, Terry Pope made a Motion to reconvene to regular session, 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

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	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

14. Terry Pope made a Motion to advertise for a certified police help, Brian will provide details. 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

Jill Carson made a Motion to amend the small purchases procedure to state the town manager can approve a payment outside of council approval for the treasurer to pay. 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

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:

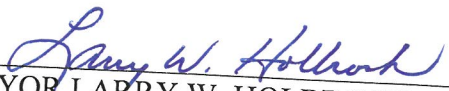
AYES: Mayor Larry W. Holbrook
Terry K. Pope
Gary McElyea
Jeff Martin

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

ABSENT DURING VOTE: Jill Carson, Jimmy Warner

ABSENT DURING CLOSED SESSION: Jill Carson, Jimmy Warner

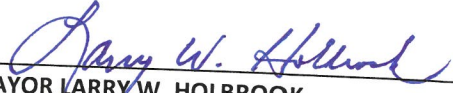
MEETING DATE: June 21, 2021


MAYOR LARRY W. HOLBROOK

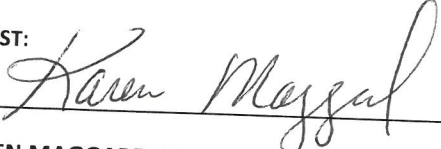
Town of Pennington Gap
Public Hearing on Resolution for Water Plant Upgrades
Council Meeting
August 16, 2021

15. At 8:15 PM, Larry Holbrook made a Motion to adjourn. 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


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:

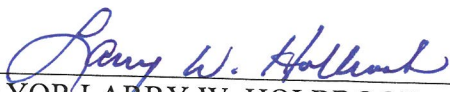
Mayor Larry W. Holbrook
Jill Carson
Terry K. Pope
Gary McElyea
Jeff Martin
Jimmy Warner

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

ABSENT DURING VOTE:

ABSENT DURING CLOSED SESSION:

MEETING DATE: August 16, 2021



MAYOR LARRY W. HOLBROOK