

Minutes- November 18, 2019
Town of Pennington Gap
Council Meeting

6:00 PM

Record of Attendance:

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

Town Manager: Keith Harless - Absent
Assistant Town Manager: Brian Skidmore
Town Treasurer: Tina Rowe
Town Attorney: Greg Edwards-Absent
Town Clerk: Karen Maggard
Powell Valley News: Rick Watson
Lee County Sheriff's Office: Taylor Scott
Pennington Gap Wastewater Plant; Steve Crabtree
Sam Miles

Lee Theatre: Tony Lawson
Lane Engineering: Jeff Cochran

Citizens: Joan Short-Daniel Boone Wilderness Trail
Larry Elliott-Pennington Partners
Bill Wireman-Pennington Partners

1. Call to order: Mayor Larry Holbrook called the meeting to order at 6:00 PM.
2. Invocation
3. Larry Holbrook led the Pledge of Allegiance.
4. Terry Pope made a motion to approve the agenda. Gary McElyea seconded the Motion.
Vote as follows:

Mayor Larry Holbrook	Aye
Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Absent
Terry Pope	Aye
Jimmy Warner	Absent
5. Approval of Minutes was delayed until after closed session.

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6. Jill Carson made a Motion for approval of bills to be paid as presented, Terry Pope seconded the Motion. Vote as follows:

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

7. Citizens' Recognition:

Jeff Cochran moved from Monthly reports to leave early.

8. Unfinished Business-Bill Wireman and Larry Elliott representing Pennington Partners in the Rally SWVA initiative to install a monitor for the theatre advertisement in the front left *Coming Soon* display case. Bill has received good comments on the window uplift and Partners are tickled with the results of the painted windows downtown. Pennington Partners have decided to use a Rally grant on the monitor for theatre advertisement but also as a communication tool for other information. Should the left side not be suitable, it could replace the current sign over the Community Center. The monitor is a high quality digital similar to a TV with 5 year warranty. Gary McElyea commented he would rather see it nearer the corner, possibly on a post, double sides. We have until January to decide. Total cost is \$6-\$7,000. Larry Holbrook commented it would be an asset to the theatre but made a Motion to table until next meeting to gather more information from the company. Terry Pope seconded the Motion. Vote as follows:

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

9. New Business-none

10. Monthly Reports-Water, Sewer, Treasurer, Public Works, Police Dept., Fire Dept., Lee Theatre (written Reports in Council packets).

Steve Crabtree and Sam Miles of the Wastewater Treatment Plant – Follow-up on a public hearing held by DEQ last month for permitting of land application on the Yearly farm and some of the discussions; Steve explained the farm had been chosen in 2018 because of little interest by other farmers. Opposition at the hearing came from Daniel Boone Wilderness Trail Association members and neighbors to the property. Operators at the plant believe there is compatibility and compromises in using the farm, should they have to, and not encroach on the trail. Some of the compromises would be:

- A. Use the farm as a backup should other choices closer to town not be available.

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- B. Over time, nutrient levels come up lessening the application rate, it could be 3-5 years before use.
- C. We are willing to give up to 400 ft. set-back and use fields away from the trail, as the property is 170 acres. After omitting sloped areas and the trail area, 61 acres would be available to use with only 20 acres necessary per application twice a year.
- D. We continue to search for another location with eight potential candidates.

Joan Short with DBWTA offered a non-binding document she described as minutes from the public discussion. As neighbors, they want to work together for visitor benefit and to protect the trail. She was satisfied with a site visit to the plant she attended in which operators detailed the processes and she felt confident of working through the issues.

11. Water Plant & Distribution System/Sewer Plant & Collection System/Engineering Projects-Jeff Cochran reported:

- A. West Morgan Ave. Sidewalk Project- Moving faster with 90% submission, maybe four months before we hear, environmental taken care of and Keith signed on it last week.

12. Administrative Reports and Council Action – Mayor Larry Holbrook/Keith Harless/Tina Rowe

- A. Treasurer’s Report – Tina reported four new businesses, the budget is at 33.3% and the audit is in progress with finalization maybe December. She reminded council the transient tax remains at 2% from several years past and can be adjusted to 4%.

- B. Assistant Town Manager, Brian Skidmore – Fire department has been very busy and one life was saved in the Old Mill fire. They are busy getting ready for the Christmas parade, ordering treats. The new truck will be delivered in 2 weeks. Rural Development is closing the loan process and payment may be made on delivery. Terry Pope made the Motion to pay on delivery and Gary McElyea seconded the Motion. Vote as follows:

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

- C. Town Manager, Keith Harless was absent, Brian gave his report-Dryden Water Authority has asked for a Memorandum of Understanding for 30 years to purchase water from the town. Gary McElyea made a Motion for Greg Edwards to draw up the MOU. Larry Holbrook seconded the Motion. Vote as follows:

Mayor Larry Holbrook	Aye
Jill Carson	Aye

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

Surveying of 204 Constitution Rd. is in progress and then the property can be advertised for sale. We will also have more vehicles and any other items identified for sale. We are awaiting 80 meters from the additional funding in Phase I. We are now reading meters in less than a day including re-reads. The Greenway Little Library is cleared from legal questions and good to go on installation.

13. Attorney, Greg Edwards absent.

14. Council Member Reports –

Terry Pope questioned where we are with Spearhead. We are not hearing from them on Stone Mountain trail or any other plans. He also questioned whether we collected Meals tax at festivals. Tina has spoken with Big Stone Gap on a peddler's license for food trucks and how they handle. One way to do so is to charge registration fees on town sponsored events.

15. At 7:18 PM, Terry Pope made a Motion to go into Closed Session pursuant to Virginia Code Section 2.2-3711A1 for assignment, appointment, promotion, salaries, disciplining, or resignation of employees.

Virginia Code Section 2.2-3711A3 for discussion of acquisition of real property for a public purpose.

Virginia Code Section 2.2-3711A4 for protection of the privacy of individuals in personal matters not related to public business.

Virginia Code Section 2.2-3711A5-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 it's facilities in the community.

Virginia Code Section 2.2-3711A6 for discussion of the investment of public funds.

Virginia Code Section 2.2-3711A7 for consultation with legal counsel.

Virginia Code Section 2.2-3711A10 Discussion or consideration of honorary degrees or special awards.

Larry Holbrook seconded the Motion with vote as follows:

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

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At 8:32 PM, Terry Pope made a Motion to reconvene regular session and certify that nothing was discussed during closed session other than the issues stated. Larry Holbrook seconded the Motion. Certification as follows:

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

16. Council Action-

Terry Pope made a motion to obtain an estimate for increasing stage size and creating a connection from the theatre to the community center. Larry Holbrook seconded the Motion. Vote as follows:

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

Terry Pope made a Motion to advertise for a Crewman II position. Gary McElyea seconded the Motion. Vote as follows:

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

Jill Carson made a Motion that effective July 1, 2020, the Transient tax will increase to 4%. Terry Pope seconded the Motion. Vote as follows:

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

Gary McElyea made a Motion to strike the 4th Motion made after closed session on October 21 pertaining to new restaurants and IDA use of meals tax. Terry Pope seconded the Motion. Vote as follows:

Mayor Larry Holbrook	Aye
Jill Carson	Aye

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

Terry Pope made a Motion that for every new restaurant brought into town by the Town's IDA, the IDA will request and receive .05 of the .07 meals tax for IDA use. Gary McElyea seconded the Motion. Vote as follows:

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


Amending the 5th Motion after closed session on October 21, Larry Holbrook made a Motion to pay Employee A \$3,216. *as earned, when he becomes eligible on January 2, 2020* if Employee A chooses to retire with service of 20 years. Jill Carson seconded the Motion. Vote as follows:

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

17. Gary McElyea made a Motion to adjourn the meeting, Larry Holbrook seconded the Motion. Vote as follows:

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

Time of adjournment: 8:48 PM


MAYOR LARRY W. HOLBROOK

ATTEST:

KAREN MAGGARD, TOWN CLERK

Council Room
528 Industrial Drive

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
 Gary McElyea
 Terry K. Pope

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

ABSENT DURING VOTE: Jeff Martin, Jimmy Warner

ABSENT DURING CLOSED SESSION: Jeff Martin, Jimmy Warner

MEETING DATE: November 18, 2019


MAYOR LARRY W. HOLBROOK