

Town of Pennington Gap  
Council Meeting and Public Hearing – Ordinance Amendments  
December 21, 2020

**Record of attendance:**

**6:07 PM**

Mayor:	Larry Holbrook
Council:	Jill Carson 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
Office staff:	Linda Crusenberry-by phone
Powell Valley News:	Rick Watson
Citizens:	Matt Johnson

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**-Terry Pope 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. **Minutes prior meeting**-Larry Holbrook made a Motion to accept the minutes from November 16, 2020 Council meeting after correcting that Carson, Warner and Maggard were present and not by phone, Tina Rowe was by phone. 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

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

Jill Carson	Aye
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Council Room  
528 Industrial Drive

Town of Pennington Gap  
Council Meeting and Public Hearing – Ordinance Amendments  
December 21, 2020

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

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

6. **Unfinished business:**

A. **Close public hearing concerning amendments and updates to town ordinances.** The hearing was closed without comment. Greg read the proposed changes aloud;

Chapter:

- 57-Alcoholic Beverages, repeal and use Code of Virginia as adopted instead.
- 60-1 A, D-change "cattle, horses, mules" to "hooved animals"
- 74- add requirement of 911 numbers on house or at street of multi-housing
- 78- After reasonable notice, change "and" to "or" publish...
- 83-4 replace with "No open burning allowed in Town limits"
- 83-5 add F-Designated Town agents and employees allowed to conduct contained open burn"
- 83-6, 83-7 remove, renumber 83-8 to 83-6
- 86-1 include after checks "and charge backs from credit/debit cards"....
- 97-1 after 2.2-3300, "and other designated town events"
- 117-3 remove
- 117-5 C- change "man" to "person"
- 117-5 E- remove "30 day jail..."
- 117-6 remove
- 120-remove
- 136-2 insert after owners "occupied or vacant" developed or undeveloped, strike "during the months...."
- 143 change "manager" to "designee"
- 143-8-add "violation of this is a class 4 misdemeanor"
- 143-18 furthermore- (address cleanout) Keith will provide
- ??148-8-add "violation of this is a class 4 misdemeanor".
- 148-13A-. All household solid waste shall be containerized in receptacles provided by the Town. If it is not feasible for the Town to provide the container, waste shall be containerized in trash bags which are at least 1.5 mil thick and not exceeding 30 gallons' capacity and/or in trash cans. If the household is deemed to have an excessive amount of trash, the household will be furnished an additional receptacle at an additional charge.
- 148-13B – after In all instances..."unless special circumstances exist which may include but not limited to disability of the occupant of the dwelling."
- 148-14A- All commercial and institutional solid waste shall be containerized in a receptacle provided by the Town. If there is deemed to be excessive waste, the business must furnish a dumpster at their expense.
- 148-23E insert "148-5"
- 160-3,4 Date change to "December 5, or as set by Town Council"
- 160- insert current rates
- 160-25A-covers food trucks
- 167-2,3,7,8,9,10A (3), 13,20, 25,26,27,28- remove all
- 167-9,10 fire lanes
- 167-10A (9) "...or fire lanes", (12) No Parking in handicap zone unless there is a visible handicap tag or placard
- 167-10 insert (C) All parking in Town corporation limits shall be directional with flow of traffic.
- (C moves to D)
- 167-14-raise parking violations fine (council vote)
- 170-move to article under 167
- 175-2 (K) remove

Terry Pope made a Motion to accept the updates as read, Jeff Martin seconded the Motion.  
Roll call vote as follows:

Jill Carson	Aye
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Council Room  
528 Industrial Drive

Town of Pennington Gap  
Council Meeting and Public Hearing – Ordinance Amendments  
December 21, 2020

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

B. **Personnel policy**-Tina has been held up by taking care of the pre-audit.

7. **New Business:**

A. **Employee Recognition**-Linda Crusenberry was honored by phone with a plaque for her 25 years of Service to the town. Keith Harless was also recognized for 5 years of service and given a plaque by Larry Holbrook.

B. **Business Window Decorating Contest winners**-Karen Maggard announced that Powell Valley News wins First Place, Farmers & Miners Bank is Second and Roberson Dental Office is Third. They will be given \$50, \$25 and \$15 prizes respectively.

8. **Monthly Reports-**

**Brian Skidmore** would like permission to extend the seasonal workers term on a month to month basis since we are still unable to bring inmate help to the job. Terry reminded him he was granted the authority to do so earlier. He also reported the fire department has three used vehicles he would like to sell and use the funds to replace with one, any additional funding would be from County funds.

**Jesse Jones** reported the finish of Shop with a Cop with the department helping six children. He would also like to purchase and install some cameras in problem areas. He ask council to allow for the overtime rate for special assignment, paid by grant funding, to raise and match the rate the grant allows automatically. The new rate began in October at \$30/hour and is determined by fuel and maintenance costs. Gary McElyea made the Motion to allow for automatic match as the grant changes, 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

**Treasurer**-Tina reported PSA updated balances \$269,000 are due by September 2021. CARES funding deadlines-must incur the expense by December 30 and pay by January 15<sup>th</sup>. We have received the Municipal Utility Relief grant which will pay on qualifying amounts over 60 days in arrears first. We will be changing our credit card processor to a cloud invoice portal for customers which will provide up to 24 months history of their bill at a cost of \$100/month with a 36 month contract covered by CARES funding. The customer will not pay service fees to use this. Mattern & Craig has been working on the Rural Development grant information and we will be eligible for \$30k grant funding. The pre-audit has gone to the auditors. Jill reminded everyone the recent stimulus package does not include towns/cities. We need to look at the budget

Town of Pennington Gap  
Council Meeting and Public Hearing – Ordinance Amendments  
December 21, 2020

impact due to loosing free labor from the inmate program. Tina estimated that to be \$25k a quarter in expense now.

**Keith Harless** reported on the Restaurant Support Program and commended employees who made it possible. The public comments are of approval, the restaurants were grateful. The postal service took them mailing in at 6:45 AM and the first public comment by 10 AM. Police are continuing to deliver apartment complexes. Trash bins are ordered for each household with a logo and serial number. A business grant is still available to those in town who have not received other funding. A follow-up of the committee on engineering services recommends three engineers would allow for use on particular projects as needed. Terry Pope made a motion to contract with Goins, Cain, Rash & West, Mattern & Craig and Hill Studios so that rates can be obtained and wording on competitive services be included. Larry Holbrook seconded the Motions. Roll call vote as follows:

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

9. **Town Attorney**-Greg announced the PSA final order has been entered.

10. **Council Reports:**

- Jill Carson reminded council of the January 11 state budget overview session. Joan Short had contacted her on names for family crisis centers or food banks in the county. Keith will respond. She asked if we could clean graffiti from the Old Mill Apartment building. Gary McElyea and Jeff Martin both voiced citizen complaints on the trash there. Keith said the owner was looking for dumpster services for construction. Greg explained how it is private property and we can only ask the owners to comply.
- Terry Pope would like to work with animal control on aligning county laws with the town's leash law. Greg said if there is a violation of town ordinance, town can write the violation and subpoena animal control. He would still like visibility at the Bank Street/Morgan Ave. improved with trimming. He also observed our crew working in extreme cold and wet conditions at the leak near his home and would like to thank all those for their work.
- Jimmy Warner wished everyone a Merry Christmas, the town lights look great and he appreciates all the efforts during the year of COVID-19 circumstances.
- Larry Holbrook thanked employees in such a trying time and wishes everyone a prosperous new year.

11. **Closed session**- At 7:25 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.*

Council Room  
528 Industrial Drive

Town of Pennington Gap  
Council Meeting and Public Hearing – Ordinance Amendments  
December 21, 2020

**§ 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.*

**§ 2.2-3711(A)(6): Investment of public funds.** Provides an exemption for:

*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.*

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 8:00 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
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

Terry Pope made a Motion to have a public hearing with the January 19, 2021 meeting at 6:00 PM to propose closing north section of Cross Street between lots 6 and 16. Larry Holbrook 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 pay all CARES expenses by January 15, 2021. Larry Holbrook seconded the Motion. . Roll call vote as follows:

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


Town of Pennington Gap  
Council Meeting and Public Hearing – Ordinance Amendments  
December 21, 2020

Jimmy Warner	Aye
Larry Holbrook	Aye

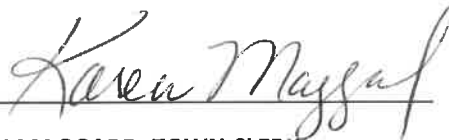
Jeff Martin made a Motion to adjourn, Larry Holbrook seconded the Motion. Roll call vote as follows:

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

Time of Adjournment: 8:05 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;

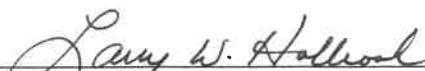
**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Town of Pennington Gap, Virginia hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in closed session to which this certification 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: December 21, 2020

  
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MAYOR LARRY W. HOLBROOK