

**TOWN OF PENNINGTON GAP  
COUNCIL MEETING**

July 20, 2020  
6:00 PM

1. Call Meeting to order- 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– Mayor Larry Holbrook
2. Approval of Agenda
3. Approval of Minutes for June 15 Council Meeting, July 1 Organizational Meeting.
4. Approval of Bills to be Paid
5. Citizen’s Recognition
6. Unfinished Business
  - a. Personnel Policy Sesco answers
7. New Business
  - a. Fueling Main-Brett Sechrest
  - b. Social media archival
8. Monthly Reports – Water, Sewer, Treasurer, Public Works, Police Dept., Fire Dept. Lee Theatre (reports in council packets)
9. Town Attorney Report-Greg Edwards
10. Council Member Reports
11. Council Action
12. Adjourn

528 Industrial Dr.  
Pennington Gap, VA 24277

Town of Pennington Gap  
Council Meeting  
July 20, 2020

**Record of attendance:**

**6:00 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-by phone
Treasurer/Deputy Clerk:	Tina Rowe
Clerk:	Karen Maggard-absent
Town Attorney:	Greg Edwards
Police Chief:	Jesse Jones-by phone
Powell Valley News:	Rick Watson
Fueling Main Project:	Brett Sechrest-by phone
Citizens:	none

1. Mayor Holbrook called the meeting to order by reading the statement, at 6:00 PM
2. Jeff Martin made a Motion to accept the agenda, Jimmy Warner seconded the Motion. Vote as follows:

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

3. Larry Holbrook made a Motion to accept the minutes from June 15, 2020 Council Meeting and July 1 Organizational meeting. Jeff Martin seconded the Motion. Vote as follows:

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

4. Jill Carson made a Motion to pay the bills as presented, Larry Holbrook seconded the Motion. Vote as follows:

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

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5. No citizens spoke

6. A. Old Business- Personnel Policy

Terry Pope made the Motion to table the proposed personnel policy, Jill Carson seconded the Motion. Vote as follows:

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

7. A. Fueling Main

Terry Pope stated that he had a conversation with Brett Sechrest at which time Brett joined the meeting by phone and discussed the Fueling Main two-part process. 1. IPF, 2. Funding Platform and how communities handle smart projects. Jill asked if any close towns are participating. Brett answered that due to regulations of FCC, he would have to send more information later.

8. Monthly reports included in the council pack.

Keith suggested that since all posts and record of such on social media are FOIAable, to bid out an archive process. Terry Pope made the Motion to bid out social media archiving, Gary McElyea seconded the Motion. Vote as follows:

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

Jill said she appreciated more thorough Police Dept. reports and that she didn't see a Theatre report.

9. Greg Edwards reported the PSA mediation September 29<sup>th</sup> and Trial date of December 17.

10. Council Reports:

- Jill Carson has closed session items on new hires.
- Gary McElyea said 14 people are causing problems at the park. Hard to keep up. Need chain link fence or close park. Mayor Holbrook said the police dept. is still patrolling. Keith said it is not on camera and fencing would be covered by CARES fund per VML. Terry asked if CARES paid for cameras, Keith will ask VML but cameras may exceed network limit and licensing fee. Greg said if "no trespassing" signs are up on the pavilions, they can be charged with trespassing, a criminal violation. Gary suggested a roll of chain link fence. Masks could be mandated on anyone in the park. Keith reported a Frisbee golf tournament.

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- Jeff Martin had no report.
- Terry Pope stated we are doing him a disservice when he is doing everything (dirt drag race). We need to mandate a finishing time to take that off Jeff. Jeff said Lauren is contacting Port-a-tree software which should cut down on time. Terry then asked about the cigarette tax. Keith met with Dane Poe and the county's cigarette tax will be implemented July 1, 2021. Greg said the town should be able to do (the same as the wheel tax). Terry asked for a motion, contingent upon county passing a cigarette tax for July 1, 2021. Jeff Martin made the Motion to implement the cigarette tax to be effective when the county makes it effective. Terry Pope seconded the Motion. Vote as follows:

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

- Jimmy Warner had no report, nor did Mayor Holbrook.
- Keith gave an update on blighted property. Old Mill apartments is in compliance with county code. Pressure washer arrived and will wash sidewalks, etc. to help with cleaning. Mayor Holbrook mentioned the flowers now throughout town.

11. Terry Pope made a Motion to amend the agenda to include closed session. Jeff Martin seconded the Motion. Vote as follows:

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

At 7:00 PM, Terry Pope made a Motion to go into executive session pursuant to Virginia Code Section 2.2-3711A1 for assignment, appointment, promotion, salaries, disciplining, or resignation of employees.

Virginia Code Section 2.2-3711A6 for discussion of the investment of public funds. Larry Holbrook seconded the Motion. Vote as follows:

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

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At 8:15 PM, Terry Pope made a Motion to reconvene to regular session, Jeff Martin seconded the Motion. 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 statement to attest that nothing was discussed during closed session other than the issues stated. Certification as follows:

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

12. Terry Pope made a Motion to hire three police officers at the requested rates and promote Mathew Lawson to Lieutenant with \$1.00/hr. raise. Jeff Martin seconded the Motion. 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 hire three seasonal temporary COVID-19 crewmen. Jeff Martin seconded the Motion. 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 transfer money from the water fund to the sewer fund for FY20. Jeff Martin seconded the Motion. Vote as follows:

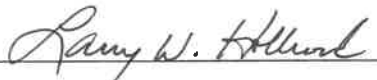
Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

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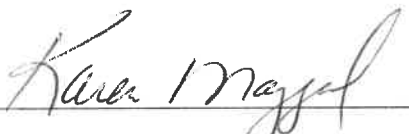
13. Jeff Martin made the Motion to adjourn. Gary McElyea seconded the Motion. Vote as follows:

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

Time of Adjournment: 8:21 PM

  
\_\_\_\_\_  
MAYOR LARRY W. HOLBROOK

ATTEST:

  
\_\_\_\_\_  
TINA ROWE, DEPUTY 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:**

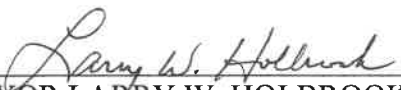
AYES:                    Mayor Larry W. Holbrook  
                              Terry K. Pope  
                              Gary McElyea  
                              Jeff Martin  
                              Jill Carson  
                              Jimmy Warner

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: July 20, 2020

  
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MAYOR LARRY W. HOLBROOK