

**TOWN OF PENNINGTON GAP
PUBLIC HEARING-AMEND TRASH COLLECTION ORDINANCE
COUNCIL MEETING**

November 16, 2020
6:00 PM

1. Call Meeting to order and open public hearing- *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 October 19, 2020 Council meeting and November 2, 2020 Recessed meeting.
4. Approval of Bills to be Paid
5. Citizen's Recognition
6. Unfinished Business
 - a. Engineering Bids
 - b. Personnel Policy
7. New Business
 - a. Close Public Hearing – Trash Collection Ordinance
 - b. Farmer's Market Committee (council member, employee and town manager)
 - c. Public Hearing on amending Town Ordinances
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. Closed session
12. Council Action
13. Adjourn

528 Industrial Dr.
Pennington Gap, VA 24277

Town of Pennington Gap
Council Meeting and Public Hearing – Ordinance on Trash Collection
November 16, 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
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
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.*

Greg read the proposed ordinances:

148-13. Household solid waste containerization and removal.

A. 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.

§ 148-14. Commercial and institutional solid waste containerization and removal.

A. 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.

Matt Johnson, who owns 247 Summit mobile home park, was present and expressed concern that a dumpster had been placed at that location recently, a car had backed into it, and that tenants were now expected to use it rather than receive service at their individual homes. Some are older and unable to walk far. He ask for a discount on their monthly garbage billing for not having the previous service. Brian Skidmore addressed his concerns by adding that the dumpster had been moved to the top of the park now. Anyone disabled can call the office and ask for consideration on having theirs picked up at the home. This would be addressed on a case by case basis. We are just starting this service and will need to revisit the set-up occasionally until we are satisfied with the outcome. Jill suggested he explain to tenants why it has been done. Matt thanked Jesse Jones for help on some other issues. Jeff Martin added that Family Tire would like a dumpster, Keith had already spoke with them.

Town of Pennington Gap
Council Meeting and Public Hearing – Ordinance on Trash Collection
November 16, 2020

2. **Agenda**-Terry Pope 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**-Gary McElyea made a Motion to accept the minutes from October 19, 2020 Council meeting and November 2, 2020 Recessed meeting. 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
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

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

6. **Unfinished business:**

- A. Engineering Bids-Keith said seven companies have replied. He would like a committee to rate and interview by Zoom. Terry, Brian, Keith, Gary and Jimmy volunteered to be the committee.
- B. Personnel policy-Terry, Jill, Keith, Jeannie and Tina will meet one more time before next council meeting. Should be complete then.

7. **New Business:**

- A. **Close Public Hearing-Trash Collection Ordinance**-With no other comments the hearing was closed. Jimmy Warner made a Motion to approve the amendments to the ordinance. 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

Council Room
528 Industrial Drive

Town of Pennington Gap
Council Meeting and Public Hearing – Ordinance on Trash Collection
November 16, 2020
Larry Holbrook Aye

- B. **Farmer’s Market Committee**-Review of the Ordinances found that the Farmer’s Market required a committee, one council member, town manager and one employee. Keith recommends that Jeannie Stidham, who has been taking care of most of market issues be the employee. Jeff Martin volunteered to be on the committee.
- C. **Public Hearing amending Town Ordinances**-several ordinances need to be updated, deleted etc. and requires a Public Hearing. Terry Pope made a Motion to have the hearing with the next Council Meeting on December 21, 2020 at 6:00 PM. 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

8. **Monthly Reports-**

Jill thanked Jesse for a detailed report and Larry Holbrook thanked him for all the updated to the department. Jesse followed up on his last report, Taser certification is ongoing. Chief’s Association dues are \$190/year. He would like to re-establish community advisory committee. Meeting on October 21 for recognition.

Would like to do Shop-a-Cop following COVID guidelines. Jeff thanked him and Larry expressed approval.

No Shave November is next month and department members will pay \$100 toward it. Council agreed.

Jill said General Assembly ended today and is handing down Police Reform.

Treasurer-Taxes will be out by the end of the week.

Brian Skidmore-The County gave \$250,000 to rescue squads and he asked for washers and dryers for gear decontamination after each use for every fire department in Lee. They were ordered last week. Will order new turn out gear before the end of the year. Public works has been extremely busy with distribution issues. New trash truck will be here end of the week.

- 9. **Town Attorney**-Greg has the MOU with the County, he edited it and the County agreed.

10. **Council Reports:**

- Jill Carson reported on progress made with the Ordinance Meeting held last Friday. Also, Comcast closed the Norton office and now Gray, TN is the closest.
- Gary McElyea asked about plans for the Employee Christmas. Keith would like to split the giving to include something like a gift card for Thanksgiving and an item for Christmas in lieu of dinner. Discuss under closed session.
- Jeff Martin asked about the use of the back of town hall for Toys for Tots. Keith said tables are ready and he had told them.

Town of Pennington Gap
Council Meeting and Public Hearing – Ordinance on Trash Collection
November 16, 2020

- Terry Pope asked if anyone was allowed to call in a work order for services on someone else's property. The office personnel should make sure the caller is the owner or tenant of property needing services. Also, we may need to replace the speed trailer. Keith agreed that for less than \$5K, one with solar power could be in the next budget. Terry announced that Verizon has officially moved to new town location. On a matter of road safety and concern, Brian answered that VDOT met with our staff, that it had been essentially forgotten, and that our crew was going to just go ahead and take care of it this week due to the delay.
- Jill announced that Keith Harless had been awarded the Cumberland Gap Regional Tourism Association 2020 Region Strong award for building a stronger regional economy through tourism.

11. **Closed session-** At 6:52 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.

§ 2.2-3711(A)(5): Prospective business. Provides an exemption for:

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.

§ 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.

§ 2.2-3711(A)(7): Actual or probable litigation. Provides an exemption for:

Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

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

At 7:23 PM, Terry Pope made a Motion to reconvene to regular session, Jeff Martin seconded the Motion. Roll call vote as follows:

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

Town of Pennington Gap
Council Meeting and Public Hearing – Ordinance on Trash Collection
November 16, 2020

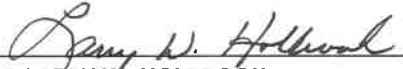
Jimmy Warner Aye
Larry Holbrook Aye

Terry Pope made a Motion to attest that nothing was discussed during closed session other than the issues stated. Jeff Martin seconded the Motion. Roll call certification as follows:

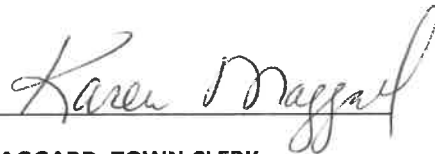
Jill Carson Aye
Gary McElyea Aye
Jeff Martin Aye
Terry Pope Aye
Jimmy Warner Aye
Larry Holbrook Aye

Larry Holbrook made a Motion to adjourn the meeting. Gary McElyea seconded the Motion.

Time of Adjournment: 7:24 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;

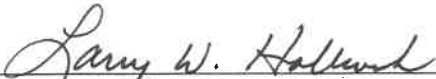
NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Pennington Gap, Virginia hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in closed session to which this certification 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: November 16, 2020


MAYOR LARRY W. HOLBROOK