

**TOWN OF PENNINGTON GAP
PUBLIC HEARING-GARBAGE DUMPSTERS AT MULTI-UNIT RESIDENCE
COUNCIL MEETING**

October 19, 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 September 21, 2020 Council Meeting
4. Approval of Bills to be Paid
5. Citizen's Recognition
 - a. Faye Bocock
6. Unfinished Business
 - a. Close public hearing – Ordinance placing dumpsters at multi-unit residences
 - b. Personnel Policy
7. New Business
 - a. Christmas parade
 - b. Leeman Christmas Fantasy
 - c. RFQ for Professional Architectural/Engineering/Planning/Project Management Services
 - d. COVID-19 Small Business Relief Grant
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 – Garbage
October 19, 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
Treasurer/Deputy Clerk	Tina Rowe
Town Attorney:	Greg Edwards
Police Chief:	Jesse Jones
Powell Valley News:	Rick Watson
Citizens:	Faye Bocock

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**-Larry Holbrook 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**-Larry Holbrook made a Motion to accept the minutes from September 21, 2020 Council meeting after amending to show Gary McElyea as seconding the last motion (12b). 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

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

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

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Jimmy Warner Aye
Larry Holbrook Aye

5. **Citizen’s recognition**-Faye Bocock was present on behalf of the 2020 Census and thanked the town for the use of the community center for training 85 numerators from 9 counties. She expressed that many areas do not have 911 addresses posted. Statistics show approximately 11,000 houses with 2.17-2.4 people per house and that 13,786 people did not complete paperwork, but numerators went to them and all were reported. Everyone thanked Faye. Keith commented that he knew how important the census is for town to obtain grants and that she had followed guidelines. Charity Meadows was over the area. Terry asked Faye if she would discuss the lights for park. *It is on the agenda later.*

6. **Unfinished business:**

a. Close public hearing-Hearing closed at 6:12 PM. Larry Holbrook made a Motion to adopt Ordinance 148.13.1, dumpsters located at buildings or multi-units of 4 or more, to begin January 1st of 2021. 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

b. Personnel policy-Keith emailed SESCO but Joel is out of the office.

7. **New Business:**

a. Christmas parade-Keith asked for thoughts. Jill asked to table to give committee time to plan for what is usually the 1st Friday of December. Jeff Martin would like a vote tonight. Jill would like alternatives safe for the community. Rick agreed with Jill. Gary McElyea does not think it is a good idea to have this year as people don’t wear masks and will be out of cars. Deaths are increasing in Lee County. Safety first. Terry suggested a special called meeting in 2 weeks.

b. Leeman Christmas Fantasy-Faye said she was dumbfounded they had considered not having the event as everyone stays in cars. There will not be a family night gathering. They work all year on the lights. Jeff Martin made a Motion to have the event. Jill asked if donations could be without contact. Terry agreed with Jill and Jeff as long as town employees were not involved. \$1700 was donated last year. Jimmy Warner said a drop box is a good idea. Keith asked about the ball drop for New Year’s. Gary McElyea is against reopening the park. Jill said we need to look at all events separately. Keep New Year’s celebration separate. She would like the Motion to include a drop box placed for donations and seconded the Motion. Roll call vote as follows:

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

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- c. RFQ for Professional Architectural/Engineering/Planning/Project Management-Keith would like to advertise, bid out and have by November council meeting. Terry Pope made a Motion to advertise for the services. 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

- d. COVID-19 Small Business Relief Grant-Keith has been helping businesses apply for the Virginia First grant through Lenowisco. A few did not qualify due to the criteria. Towns of Marion, Bristol City, and Tazewell did similar programs. Keith asked for \$25,000 of CARES fund be set aside for town. Lee County has \$260,000 and \$225,000 is in Pennington. He is proud of Jeannie Stidham. Applications for \$2,500 in town require a small committee set up including Keith, Jeannie and IDA. Jeff Martin made a Motion to set up the committee, 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

- e. Jeff Martin made a Motion to have Terry Pope on the committee. Gary McElyea seconded the Motion. Roll call vote as follows:

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

The grant will be advertised and first come, first served. Details are in the packet.

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 that 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 Jesse. Larry liked the idea. 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.

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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 made sure representatives were at each break-out session of VML conference. Thankful to VML for helping with information to be more effective in work. Keith announced that Jill was elected as VML Vice President. Jeff congratulated her. She said it is all to help SW Virginia. Gary recognized her sacrifices and appreciates her.
- Terry Pope has a safety concern at Bank Street and Joslyn, a bush impedes vision. Joslyn and Ford St. has overgrown and a drop off (VDOT hazard). Jill asked about F&M bushes. Also, we need a map with legend with eating establishments.

11. **Closed session-** At 7:13 PM, Terry Pope made a Motion to go into executive session pursuant to:

Virginia Code Section 2.2-3711A3 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 2.2-3711A6 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.

Virginia Code Section 2.2-3711A7 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.

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 7:50 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
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. Larry Holbrook seconded the Motion. Roll call certification as follows:

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

Terry Pope made a Motion to recess the meeting until November 2, 2020 at 2:00 PM. Jeff Martin seconded the Motion.

Time of Adjournment: 7:52 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: October 19, 2020


MAYOR LARRY W. HOLBROOK