

Town of Pennington Gap  
Council Meeting  
September 21, 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: Tina Rowe-by phone

Clerk: Karen Maggard

Town Attorney: Greg Edwards

Police Chief: Jesse Jones

Powell Valley News: Rick Watson

Citizens: none

1. Larry Holbrook called the meeting to order at 6:02 PM 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. The Agenda was amended to add 6(b) Tank maintenance bids under Unfinished Business. Larry Holbrook made a Motion to accept the agenda as amended, 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. Larry Holbrook made a Motion to accept the minutes from August 17, 2020 Council meeting. 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. Jill Carson made a Motion to pay the bills as presented after clarification of expenditures on body cameras and digital cameras. Jesse Jones explained that the digital were for scenes and

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could be added to the computer, body cameras worn, recording activity during calls. 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. Citizens recognition: none

6. Unfinished business:

- a. Personnel Policy-Keith has met with Tina, Jill and Terry and worked to refine the policy. They have sent final questions to SESCO and once those are answered will submit the policy for approval. Would like to table until October meeting.
- b. Water tank maintenance bids-Brian would like approval for the town manager to approve the bid, the deadline is September 22. Jeff Martin made a Motion for the town manager to make final approval on the bids for tank maintenance. 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

7. New Business:

- a. Any employee or council member who wants to attend the virtual VML conference, deadline is this week. Jill encouraged everyone to take advantage of the opportunity at less cost due to being online.
- b. Halloween discussion for October 31, 5-8 PM is the normal time. Jeff Martin made a Motion to have it on a regular schedule with parents making the decision to participate. Larry Holbrook 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

- c. Ordinance to address multi-unit over four garbage service-Keith Harless explained that it would be easier on garbage collection to install dumpsters at sites where multiple units over four exist. Jimmy Warner agreed with the idea. Jeff Martin made a Motion to have a public hearing before the next council meeting and 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

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Larry Holbrook                      Aye

- d. Brian explained the need for a new 5-year plan on water rate adjustments. The health department will help with the plan and the session will include the finance committee.
  
- 8. Monthly Reports-Keith Harless relayed that the moratorium on utility disconnects expired September 16 but was re-extended until October 5, except for businesses. October 6 will be cut-off day for any customers who have not made an agreement to pay. Terry Pope made a Motion to post this new cut-off date on social media, web and paper to notify everyone . 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

Property clean-ups discussed at the August meeting updates are that Taymont and Old Mill apartments have mowed. Keith re-addressed some of the properties Mr. Johnson mentioned he had no help from the town on trash etc. were actually left by tenants owing large amounts of delinquent bills.

Also, a town truck was involved in an accident last week. Tony has looked at it for repairs and is here to discuss if anyone has questions. The frame is bent and it would have been worth roughly \$7,000 before the accident. Our uninsured motorist insurance should pay and pursue the case, leaving about \$22,000 for replacement cost to find a suitable used truck. Jeff Martin made a Motion to supplement the budget to purchase a truck. Jimmy Warner 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

Vandals at the park sprayed the walking bridge concrete with derogatory words and we have cleaned it off with three men taking 2.5 hours and a steam jenny. Keith would like to advertise a reward to identify the vandals. Terry Pope asked about cameras in that area. Keith responded that the bid on electric alone was \$128,000. Jeff will check on another bid.

Brian Skidmore-reported the river water/sewer lines break by the VDOT contractor last week has been billed to VDOT today.

Jesse Jones- requested upgrade of tasers, body cams and evidence storage. These have been licensed through the sheriff's office and license agreements are limited. We can trade in tasers and upgrade body cameras to include a signal from the holster to turn on. \$13,000 each budget year for 2-5 with a down payment of \$6000 this year. He will try to obtain additional funding from the Commonwealth Attorney's Office. Jeff Martin made a Motion to obtain the upgrades. Jill Carson seconded the Motion. Roll call vote as follows:

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

9. Town Attorney-Greg will draw up an agreement for the County, that if any town purchases on the CARES fund are not covered, the town will reimburse the county for them.
10. Council Reports:  
Mayor Holbrook noted that all council are limited to 5 minutes each and no personal issues are to be entertained.
- Jill Carson has spent some time on the personnel policy and is working on some answers. VML looking to hire someone to serve the small localities. They are revisiting the city/town partnerships that used to be in place. Looking at ordinances also.
  - Terry Pope received calls about feral cats and the county animal control does not handle. We need some avenue for helping. He asked about the office status. Keith is awaiting the software on the door locks and staff will return on a limited basis.  
New businesses-Charly's will open for business downtown October 5. Verizon set for November 1 opening.
- No others had a report.
11. At 7:06 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 2.2-3711A5 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 its facilities in the community.*

*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.*

*Virginia Code Section 2.2-3711A8 Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. 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

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528 Industrial Drive

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Jimmy Warner Aye

Larry Holbrook Aye

At 7:52 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 statement to attest that nothing was discussed during closed session other than the issues stated. Roll call certification as follows:

Jill Carson Aye

Gary McElyea Aye

Jeff Martin Aye

Terry Pope Aye

Jimmy Warner Aye

Larry Holbrook Aye

12. Larry Holbrook made a Motion to turn the old town hall real estate located at 201 Constitution Rd. over to the Town IDA. Jeff Martin seconded the Motion. Roll call vote as follows:

Jill Carson Abstain

Gary McElyea Aye

Jeff Martin Aye

Terry Pope Abstain

Jimmy Warner Aye

Larry Holbrook Aye

Jeff Martin made the Motion to allow Town Manager Keith Harless to enter negotiations at the PSA mediation meeting and to execute all necessary documents related to a settlement. 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

Gary McElyea made a Motion to adjourn, Jeff Martin seconded the Motion.

Time of Adjournment: 7:56 PM

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**MAYOR LARRY W. HOLBROOK**

**ATTEST:**

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**KAREN MAGGARD, TOWN CLERK**