

Town of Pennington Gap
Council Meeting and Public Hearing – Ordinance Amendments
January 19, 2021

Record of attendance:

6:00 PM

Mayor:	Larry Holbrook
Council:	Jill Carson – by phone 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
Citizens:	Matt Johnson - by phone David Jessee

1. Larry Holbrook called the meeting to order at 6:01 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, 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
Larry Holbrook	Aye

3. **Minutes prior meeting**-Larry Holbrook made a Motion to accept the minutes from December 21, 2020 Council meeting, 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

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

Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye

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Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

5. **Citizen’s recognition**-none

6. **Unfinished business:**

A. **Close public hearing concerning closure of north section of Cross Street between lots 6 & 16.**

David Jessee provided a map showing that the lots in question are a paved driveway in between house and garage. Keith Harless noted that the land behind is a cliff that drops off. Jeff Martin made a Motion to close the hearing. 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
Larry Holbrook	Aye

Jeff Martin made a motion to close the north section of Cross Street, 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

B. **Personnel policy**-Keith and Jeannie have gone over more of the policy and sent section 4.15 –Personal Appearances for everyone to think about and let Keith know what to include.

7. **New Business:**

A. **Approve Fire Department elected officers**- list is in packet. Brian Skidmore said there were not changes from last year. Terry asked if annual election is the best method. Brian replied yes due to turnover year to year. Terry Pope made a Motion to accept the officers as elected. 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

8. **Monthly Reports-**

Keith Harless would like council to think about upcoming year and events for Leeman Field. Jill commented on the rise in virus and not yet a time to relax.

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Treasurer-Tina Rowe reported the municipal utility relief fund for customers 60 days in arrears was received with \$13,000 of the \$23,000 applied already to balances. She will need budget amendments for February with Terry Pope making a Motion to have the public hearing at the February 16 council meeting for budget amendments and Jeff Martin seconding 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

CARES fund will have roughly \$10K left after the 4th quarter is recorded. We had the kickoff for Cloud invoicing and implementation is expected on March 1 for credit card payments online. We need to further explore a policy to protect employees from Amazon charges should the town Card be exceeded.

Jesse Jones revisited the beard policy with other police departments and would like a six month trial allowing beards with strict guidelines on neat and trimmed for public input. No length was decided, with a mention of ½". Gary McElyea made the Motion to allow a six month trial. , 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

9. **Town Attorney-Greg** has closed session info.

10. **Council Reports:**

- Terry Pope would like council to think about summer events for planning should regulations be lifted.

11. **Closed session-** At 6:42 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.

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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.

§ 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 7:25 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 establish a committee to monitor or help the town manager identify properties in violation of town ordinances. Jeff Martin, the police chief, Jill Carson and town manager will be the committee. 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
Larry Holbrook	Aye

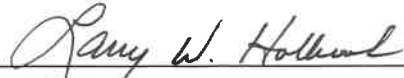
Larry Holbrook made a Motion to adjourn. Roll call vote as follows:

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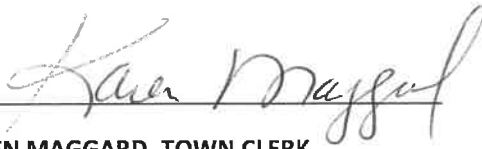
Jill Carson	Aye
Gary McElyea	Aye
Jeff Martin	Aye
Terry Pope	Aye
Jimmy Warner	Aye
Larry Holbrook	Aye

Time of Adjournment: 7:30 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: January 19, 2021


MAYOR LARRY W. HOLBROOK