

November 15, 2010

**MINUTES**

**TOWN OF PENNINGTON GAP  
COUNCIL MEETING**

**November 15, 2010  
MUNICIPAL BUILDING**

**RECORD OF ATTENDANCE:**

**7:00 p.m.**

Mayor: D. R. Carter  
Council: Keith Harless  
Larry W. Holbrook  
Gary McElyea  
Terry K. Pope  
Jimmy V. Smallwood

Town Treasurer/  
Acting Town Manager: Karen Maggard  
Town Consultant: Paul Spangler  
Town Attorney: Charles Slemper, III  
Town Clerk: Angela K. O'Dell  
Chief of Police: Barry Cottrell

The Lane Group: Jeff Cochran  
PG Fire Department: Chief James Skidmore  
Powell Valley News: Louise Carver

Citizens/Attendees: Rev. Bob Richards, Pennington Gap First Christian Church  
Greg Smith, Mayor of Jonesville  
Jessica Bryant, Mayor of St. Charles  
Sharon Maddie, Vice-Mayor of St. Charles  
Norma Collins

1. Mayor D. R. Carter called for a moment of silence in honor of Sgt. Gary Shackleford. Invocation was given by Pastor Bob Richard, First Christian Church.
2. The Pledge of Allegiance was led by Pastor Bob Richards, First Christian Church.
3. Mayor D. R. Carter called the meeting to order at 7:03 p.m.

November 15, 2010

4. Gary McElyea made a Motion to approve the Agenda and Terry Pope seconded the Motion. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

5. A Motion to approve the Minutes for the 10/18/2010 Council Meeting and the 10/25/2010 Recessed Meeting was made by Larry Holbrook and seconded by Jimmy Smallwood. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

6. Citizen's Recognition

A. Request to rename 333 Leigh Avenue – Don Scott drive – Mayor Carter stated that he felt it would be better to discuss this request when Lewis Moore could attend the meeting. He was told with the new 911 system that, once assigned, a street name could not be changed for 2 years. Karen Maggard said she spoke with Mr. Moore and it was her understanding that the name change would only affect the driveway off Leigh Avenue that goes to Don Scott's house. Mayor Carter said that request should not require Council approval.

7. Police Department

A. The Monthly Report was given by Chief Barry Cottrell. He said the department has lost 2 employees due to the death of Gary Shackleford and the resignation of Jason Peters. The department has continued to supply 24 hour service to the Town. Keith Harless stated that he was proud of the representation by the Town Police and Fire Department at Officer Shackleford's funeral.

B. Chief James Skidmore presented the Fire Department report. He said the department responded to a total of 12 calls and spent 242 ½ man hours during the month of October. Chief Skidmore said that Firefighter 1 Training Class began this month and will continue through March. Mayor Carter informed Chief Skidmore that the Police Dept. has

some abandoned bicycles to be distributed to the needy children in Town. He should check with Officer Brian Young regarding this.

Keith Harless inquired about the mid-week fire whistle that used to be sounded in Town. Chief Skidmore said the whistle needs extensive repair, but Council may want to consider doing this so it could be used in case of an emergency.

Mayor Carter commended the Fire Dept. for their assistance during the funeral of Gary Shackelford.

8. Water Plant & Distribution System/Sewer Plant & Collection System/Engineering Projects

A. Project Updates – Jeff Cochran

1. Lee Theatre Structural Auditorium Design – see attached report. Mr. Cochran advised that once the Letter of Conditions has been approved by the Town Attorney, Rural Development can authorize the Town to bid the project. Town Attorney, Charles Slemp III, advised that he would review the letter and respond on Monday.

The

2. Regional Sewer Interceptor Extension Project – see attached report by Lane Group.

construction

3. DCR – Recreational Trails Program grant – see attached report.  
4. Pennington Gap Greenway – see attached report. Jeff Cochran advised that the project has been awarded 2009 VDOT Enhancement Grant funding for construction of the bridge from Leeman Field and Phase VII, but we are awaiting that documentation.

Council

Mayor Carter asked Mr. Cochran to try to submit his report to the Mayor’s Office by 5:00 p.m. each Thursday before the Council meeting so that it can be included in Council packets for review.

9. Administrative Report and Council Action – Mayor D. R. Carter/Karen Maggard

windows

A. Bids for 10 thermal-paned windows for municipal building – Chief James Skidmore opened the bids at the request of the Mayor. The lowest bid was given by HTAZ Enterprises, DCM Construction, but the bid was not very specific as to the type of windows to be installed. A Motion was made by Gary McElyea to table this item until more information can be obtained. The Motion was seconded by Jimmy Smallwood with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye

November 15, 2010

Terry K. Pope                   Aye  
Jimmy V. Smallwood           Aye

At the Mayor's request, Chief Skidmore opened the bids for gable ends, vinyl soffit and aluminum fascia for the Fire Dept. Building. There were 2 bids and the lowest was submitted by Gingerich Construction. Terry Pope made a Motion to approve the bid by Gingerich Construction and give the Mayor permission to sign any necessary paperwork. Jimmy Smallwood seconded the Motion with vote as follows:

Mayor D. R. Carter           Aye  
Keith Harless                Aye  
Larry W. Holbrook           Aye  
Gary McElyea                Aye  
Terry K. Pope                Aye  
Jimmy V. Smallwood         Aye

B. Bids for Public Works Dept. surplus property sale – Mayor Carter directed Chief James Skidmore to open the bids. A Motion was made by Mayor D. R. Carter to reject the one bid for the street sweeper in the amount of \$351.00 and try to sell the sweeper for salvage. Terry Pope seconded the Motion with vote as follows:

Mayor D. R. Carter           Aye  
Keith Harless                Aye  
Larry W. Holbrook           Aye  
Gary McElyea                Aye  
Terry K. Pope                Aye  
Jimmy V. Smallwood         Aye

Jimmy Smallwood made a Motion to accept the highest bid of \$600.00 from Robert Middleton for the 1987 dump truck. The Motion was seconded by Larry Holbrook with vote as follows:

Mayor D. R. Carter           Aye  
Keith Harless                Aye  
Larry W. Holbrook           Aye  
Gary McElyea                Aye  
Terry K. Pope                Aye  
Jimmy V. Smallwood         Aye

Larry Holbrook made a Motion to approve the highest bid of \$530.00 from Stephen Jones for the 1989 pickup truck. The Motion was seconded by Gary McElyea with vote as follows:

Mayor D. R. Carter           Aye  
Keith Harless                Abstain

November 15, 2010

Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

The Motion passed with a vote of 5- ayes and 1- abstained.

C. Planning Commission appointment – Mayor D. R. Carter advised that he had sent letters to current planning commission members seeking recommendations to fill the vacancy, but had received no response. A Motion was made by Mayor D. R. Carter to appoint Tye Harber to fill the vacancy on the Planning Commission which would expire June 30, 2011 contingent upon approval by the court. Jimmy Smallwood seconded the Motion. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

D. Board of Zoning Appeals – Ernie Roberts’ term expires 11/18/2010 – Mayor D. R. Carter made a Motion to table this item until the December Council Meeting and Terry Pope seconded the Motion. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

E. Leeman Christmas Fantasy - Council volunteers to work November 26, 2010 – Mayor Carter said Council members need to get in touch with the ladies at the park to let them know when they can work.

F. Lee Theatre Building – permission to stucco side of building near Pennington Pharmacy – Terry Pope advised Council that the Lee Theatre Committee has raised a total of \$38,904.00 and hoped to use part of that money to stucco the east wall of the theatre building. Previously, the committee had an estimated cost of \$14,000.00 for that work. Treasurer Karen Maggard advised Council that some of the money raised by the committee has already been committed in order to receive grant funding. Jeff Cochran said there are funds pledged by the Theatre Committee in the original package which were committed in order to obtain Tobacco Commission funding. The money was committed for the

purchase

of the marquee in the budget analysis.

Terry Pope advised that there has been a misunderstanding regarding what the committee thinks they have committed and what the town has committed on their behalf. He feels it would be beneficial to go ahead and take bids for the stucco work while

clarifying

exactly how much money is available for that particular project. A Motion was made by Terry Pope to take bids for stucco work on the east wall of the Lee Theatre building. The Motion was seconded by Jimmy Smallwood. Before a vote was taken on this Motion,

Gary

McElyea amended the Motion to take bids once the money is reimbursed by the Tobacco Commission and the funds are available. Mr. Pope said he felt it would be advantageous

to

go ahead and take bids in order to get some idea as to how much money would be needed.

Mr. McElyea's amended Motion died for lack of a second. Mayor Carter took a vote on the

the

original Motion made by Terry Pope. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

10. Council Member Reports

Terry Pope asked Jeff Cochran about the sidewalk crossing near Mark's Alignment. Mr. Cochran said he would talk with VDOT and get some ideas if directed

by

Council. A Motion was made by Terry Pope to direct The Lane Group to look for solutions

solutions

for the sidewalk situation near Mark's Alignment. The Motion was seconded by Jimmy Smallwood with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

Mr. Pope said he has had several calls and suggestions about using the L & N Avenue

road as a detour when the repair work is done to the CSX railroad crossing on Harrell Street.

November 15, 2010

This would be a more direct detour, but L & N Avenue would require some repair work before it could be used. Mayor Carter directed Karen Maggard to contact Allen Sumpter regarding CSX railroad doing road construction on L & N Avenue to allow use of that road as a by-pass.

Gary McElyea informed Council that he had a request from the Woman’s Club to close the Leeman Field gate to vehicles from the Friday after Thanksgiving until the end of Leeman Christmas Fantasy. The vehicle gate could be locked during daylight hours, but the walk-thru gate could be left open. This would prevent vehicle traffic from causing any problems with the lights. Recently, there was some damage done by a car driving around the park. Gary McElyea made a Motion to close the vehicle gate at Leeman Field during daylight hours from the Friday after Thanksgiving until the end of Leeman Christmas

Fantasy, and to give notification of this to the Powell Valley News. Jimmy Smallwood seconded the Motion with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

Mayor D. R. Carter discussed with Council the cost of an employee Christmas Party.

He made a Motion to give the 22 regular Town employees a Christmas bonus in the amount of \$125.00 each and to give each employee a \$10.00 gift certificate toward the purchase of a ham instead of having an employee Christmas Party this year. The Motion was seconded

by Keith Harless with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

A Motion was made by Mayor D. R. Carter to give the 3 temporary employees a \$50.00 Christmas bonus and a \$10.00 certificate for a ham. Gary McElyea amended that Motion to a \$75.00 Christmas bonus and a \$10.00 certificate for a ham. Mr. McElyea’s

November 15, 2010

amended Motion was seconded by Larry Holbrook with vote as follow:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

11. Jimmy Smallwood made a Motion to approve the bills to be paid and Gary McElyea seconded the Motion. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

12. At 8:30 p.m., Terry Pope made a Motion to go into closed session pursuant to Va. Code Section 2.2-3711A1 for assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of employees. The Motion was seconded by Jimmy Smallwood with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

A Motion was made at 9:24 p.m. by Terry Pope to reconvene regular session. Jimmy Smallwood seconded the Motion with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

Roll call was taken to verify that nothing was discussed during closed session other than the issue stated:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye

November 15, 2010

Jimmy V. Smallwood Aye

A Motion was made by Larry Holbrook to give water plant employee Ricky Smith a step raise according to his classification on the wage rate scale. Jimmy Smallwood seconded the Motion with vote as follows:

Mayor D. R. Carter Aye  
Keith Harless Aye  
Larry W. Holbrook Aye  
Gary McElyea Aye  
Terry K. Pope Aye  
Jimmy V. Smallwood Aye

Larry Holbrook made a Motion to give sewer plant employee Sam Miles a step raise according to his classification on the wage rate scale. The Motion was seconded by Gary McElyea with vote as follows:

Mayor D. R. Carter Aye  
Keith Harless Aye  
Larry W. Holbrook Aye  
Gary McElyea Aye  
Terry K. Pope Aye  
Jimmy V. Smallwood Aye

Keith Harless made a Motion to approve the Compensation Agreement for Paul

D.

Spangler as Town Consultant and authorize the Mayor to sign any necessary documents. The Motion was seconded by Terry Pope. Vote as follows:

Mayor D. R. Carter Aye  
Keith Harless Aye  
Larry W. Holbrook Aye  
Gary McElyea Aye  
  
Terry K. Pope Aye  
Jimmy V. Smallwood Aye

14. A Motion to adjourn was made by Keith Harless and seconded by Larry Holbrook. Vote as follows:

Mayor D. R. Carter Aye  
Keith Harless Aye  
Larry W. Holbrook Aye  
Gary McElyea Aye  
Terry K. Pope Aye  
Jimmy V. Smallwood Aye

November 15, 2010

Time of adjournment: 9:27 p.m.

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MAYOR D. R. CARTER

ATTEST:

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ANGELA K. O'DELL, TOWN CLERK

November 15, 2010