

September 15, 2008

MINUTES

**TOWN OF PENNINGTON GAP
COUNCIL MEETING
SEPTEMBER 15, 2008
MUNICIPAL BUILDING**

RECORD OF ATTENDANCE:

7:00 P.M.

Mayor: Jimmy V. Smallwood
Council: Larry Fish
Keith Harless
Connie P. Nunley
Mike Reuille
C. R. Wynn

Town Attorney: Greg Edwards
Town Manager: Tina M. Rowe
Town Treasurer: Karen Maggard
Town Clerk: Angela K. O'Dell - Absent

Pennington Gap
Police Dept.: Chief Barry Cottrell
Officer Jason Peters

The Lane Group: Jeff Cochran
Powell Valley News: Louise Carver
Kingsport Times News: Walter Littrell

Citizens/Attendees:

1. Invocation was given by Larry Fish.
2. Larry Fish led the Pledge of Allegiance.
3. Mayor Jimmy V. Smallwood called the meeting to order at 7:00 p.m.
4. Larry Fish made a Motion to approve the Agenda. The Motion was seconded by C. R. Wynn with vote as follows:

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Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye

- 5. Larry Fish made a Motion to approve the Minutes for the 8/18/08 Council Meeting with one correction. He requested the Clerk make the necessary changes related to who seconded

a

Motion. C. R. Wynn seconded the Motion with vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye

- 6. Citizen's Recognition

- A. Lee Co. Rescue Squad - No one was present for this item.
- B. Woodway Water Authority - John Henry Myers was not present.

- 7. Police Department

34

he

- A. Monthly Report - Chief Barry Cottrell reported that for the month there were incidents resulting in 23 charges. He said the department has one less employee now and is working with the Town Manager on a new hire. The officers are still conducting foot patrol through Town.

B. Police Personnel Policy Manual - Greg Edwards recommended one change in the police manual in the section regarding auxiliary officers. He suggested the following statement: "Auxiliary officers will not carry firearms when on duty unless otherwise authorized". The Police Chief can authorize this if necessary. Chief Cottrell also advised Council that he checked with VML and they will cover an auxiliary officer if an emergency should deem it necessary for them to drive the police cruiser. C. R. Wynn made a Motion to approve the Police Policy Manual with the discussed change and Larry Fish seconded the Motion. Vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye

them

Council suggested the Chief go over the new policy with each officer and have

sign that they received a copy.

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

A. Lane Engineering project(s) update - Jeff Cochran

1. Lee Theater Project - see attached report by the Lane Group. Jeff Cochran suggested it is in the Town's best interest to rescind the 2008 application to ARC for grant funds and apply for a greater amount of funds in 2009 (\$440,000.00). Connie P. Nunley expressed concern about turning down \$109,000.00 in an attempt to get more funding next year. Larry Fish asked if the new application is better. This will be discussed further in closed session before any Motion is made.

Connie P. Nunley asked who oversees work on the Lee Theater building and Jeff Cochran said The Lane Group would sign off as a representative of the Town.

2. Livesay and Burchette buildings - see attached report. There is a copy of a proposal in Council packets.

3. Sewer Treatment Plant Sludge Disposal Plan Amendment - see attached report by The Lane Group. A Motion to pay \$30,000.00 to the contractor was made by Larry Fish and seconded by Mike Reuille with vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye

4. Pennington Gap Greenway - see attached report. Council suggested the Town Attorney send one more letter to the owners of Riverbend Shopping Center and give opportunity to respond until 9/30/08. Greg Edwards had previously advised that the School Board granted an easement to the Town for a parking lot with access from Middle School Drive.

5. Leeman Field DCR-VOF Grant Status - see attached report. Larry Fish made a Motion to change the lock on the concession stands and hold the key (since the Town only has authority to change them). The Leasee should pick up the key at the Town office if needed. Connie P. Nunley seconded the Motion with vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye

- 6. Regional Sewer Interceptor Extension Project - see attached report.

Jeff

Cochran said they may hang the sewer on the bridge.

- 7. Water Source Feasibility (springs) - see attached report.

- 8. Drying Beds for Water Plant - see attached report.

9. DCR - Recreational Trails Program Grant - Multi Use Trail - see attached report.

- 9. Town Attorney/Treasurer Reports

A. Theatre Committee Rules - Greg Edwards presented Council with a copy of the rules for review. Larry Fish made a Motion to approve the draft of the rules for the committee. The Motion was seconded by C. R. Wynn with vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye

- 10. Public Works/Leeman Field/Misc

A. Personnel Policy - Tina M. Rowe - C. R. Wynn made a Motion to change the mileage reimbursement rate to 44.5 cents per mile (same as Lee County) and approve the Personnel Policy with changes to Section 7.14 as presented with the exclusion of the Fire Dept. volunteers. Larry Fish seconded the Motion with vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye

B. License Fee/Decal Ordinance change - C. R. Wynn made a Motion to remove

all

reference to decals from the Motor Vehicle License Tax Ordinance and Larry Fish seconded the Motion. Vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye

C. Zoning - Tina M. Rowe advised Council that a Zoning Appeals Board needs to

be put into place soon. The following people were recommended as possible members of the Board: Tom Reed, A. J. Hatmaker, Roberta Smallwood, Lisa Stewart, Douglas Parkey, Dottie Matlock, and Fred Myers. Keith Harless suggested a broader

representation

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of the Town, i.e. 1/3 of the citizens have an income at poverty level. Greg Edwards suggested talking with each of these people to see if they would be willing to serve on the Zoning Appeals Board. The total number of board members needed and terms of service was discussed, with no definite decisions being made yet. C. R. Wynn made a Motion to appoint Tim Dye as Zoning Administrator and Mike Reuille seconded the Motion. Vote as follows:

Larry Fish	Aye
Keith Harless	Abstain
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye

11. Council/Committee Reports - no reports were given.

12. Keith Harless made a Motion to approve the bills to be paid. The Motion was seconded by

Larry Fish with vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye

12. A. A Motion was made by Connie P. Nunley at 8:15 p.m. to go into Closed Session pursuant to Va. Code Section 2.2-3711A1 for the purpose of discussion, consideration, or interviews of prospective candidates for employment and assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of employees and pursuant to

the Va. Code Section 2.2-3711A28 for discussion of the award of a public contract involving

the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. Larry Fish seconded the Motion with vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye
Mayor Jimmy V. Smallwood	Aye

At 9:40 p.m., Larry Fish made a Motion to reconvene regular session and Mike Reuille seconded the Motion. Vote as follows:

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Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye
Mayor Jimmy V. Smallwood	Aye

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

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye
Mayor Jimmy V. Smallwood	Aye

Connie P. Nunley made a Motion to approve the structural plan at a cost of \$26,600.00. Mike Reuille seconded the Motion with vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye
Mayor Jimmy V. Smallwood	Aye

C. R. Wynn made a Motion to withdraw the 2008 ARC grant for \$109,851.00. The Motion was seconded by Larry Fish with vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye
Mayor Jimmy V. Smallwood	Aye

C. R. Wynn made a Motion to reapply for 2009 ARC grant funding due Sept. 24th in 2009 and Larry Fish seconded the Motion. Vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye
Mayor Jimmy V. Smallwood	Aye

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Keith Harless made a Motion to approve the concept plan for the buildings on Main Street which was recommended by K. W. Poore and Associates. The first step is to seek

Planning Grant Funds from VDHCD to determine the financial feasibility of proposed adaptive reuse and for preparation of preliminary building plans and the CDBG application.

C. R. Wynn seconded the Motion with vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye
Mayor Jimmy V. Smallwood	Aye

13. A Motion to adjourn was made by Connie P. Nunley and seconded by Larry Fish. Vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye
Mayor Jimmy V. Smallwood	Aye

Time of adjournment: 9:45 p.m.

MAYOR JIMMY V. SMALLWOOD

ATTEST:

KAREN MAGGARD, TOWN TREASURER

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