

April 20, 2009

**MINUTES**

**TOWN OF PENNINGTON GAP  
COUNCIL MEETING  
April 20, 2009  
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 - Absent
Town Manager:	Tina M. Rowe
Town Treasurer:	Karen Maggard
Town Clerk:	Angela K. O'Dell
Police Chief:	Barry Cottrell - arrived at 7:18 p.m.
Sewer Plant Operator:	Joe Reasor
The Lane Group:	Jeff Cochran
Thrower Blanton & Assoc:	Tamara Greer
Powell Valley News:	Sonya Baumgardner
Citizens/Attendees:	None Present

1. Invocation was given by C. R. Wynn.
2. C. R. Wynn led the Pledge of Allegiance.
3. Mayor Jimmy V. Smallwood called the meeting to order at 7:00 p.m.
4. Mayor Smallwood said there needs to be one addition to the agenda - Item 8A-9. Water Meters. Larry Fish made a Motion to approve the Agenda with that addition. The Motion
5. 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 3/16/09 Council Meeting. 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

No citizens were present.

7. Audit Report - Tamara Greer with Thrower Blanton & Associates distributed to Council the draft audit report. She reviewed various aspects of the report. She stated that the auditors are required to make public two communications: 1) an overview of when and how the audit was conducted and any issues with management, and 2) the internal control letter findings.

Ms. Greer reviewed recommendations which were included in the audit report. One of those recommendations involved setting up a Finance/Audit Committee as a communication liaison. Council was given advice as to the role of such a committee and various sources for assistance.

8. Water Plant & Distribution System/Sewer Plant & Collection System/Engineering Projects  
A. Lane Engineering project(s) update - Jeff Cochran and Tina Rowe

1. Lee Theater Structural Design - see attached report by The Lane Group.

2. Livesay & Burchette Buildings - see attached report by The Lane Group.

C. R. Wynn asked Jeff Cochran if the Town had not already had two planning grants on the buildings. The main reason for the planning grant is to try to offset the \$62,000.00 cost of demolition. Council discussed the possibility of an auction, or some other way to dispose of the buildings.

3. Sewer Treatment Plant Sludge Disposal Plan Amendment - see attached report by The Lane Group.

4. Pennington Gap Greenway - see attached report. Tina Rowe informed Council that in Phase V of the project there is an outstanding grant application to construct the bridge. There is a need to stabilize the bank so the trail won't erode which is not included in current cost estimates. She met with the U.S. Fish and Wildlife Agency and they suggested using cedar trees rather than the more expensive rip-wrap which Jeff Cochran had

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mentioned. This is something Council will need to review further so that a decision can be made.

5. VDH Waterline Grants - see attached report.

6. Regional Sewer Interceptor Extension Project - see attached report by The Lane Group. C. R. Wynn made a Motion to award the bid to Estes Bros. Construction contingent upon approval of Va. Dept. of Housing and Community as a "Construction Ready" grant. 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

7. DCR - Recreational Trails Program Grant - see attached report. Jeff Cochran said the Town and County would need to review the costs of the environmental studies needed and decide if they want to continue as part of the final application. Tina Rowe recommended the Town wait until next month, look at the General Budget, and review the information with the County before reaching a decision.

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

9. Water Meters - Tina Rowe recommended the Town purchase 75 water meters from the town of Coeburn at a savings of \$55.00 per meter. C. R. Wynn made a Motion to purchase the meters from Coeburn and to instruct Mike McKinney (meter reader) to find out exactly how many meters are having problems so that we can make a better assessment of the situation. 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

9. Town Attorney/Treasurer Reports

A. Blight Abatement - Greg Edwards was not present. Tina Rowe said she has asked Attorney Edwards for guidance regarding out of state property owners and compliance.

10. Public Works/Leeman Field/Miscellaneous

A. Shave Ice Mobile Unit Request - Tina Rowe advised Council that she has been approached by a lady regarding placing a shaved ice mobile unit at Leeman Field. She would

not require water, but would need to use the Town's electricity. Mrs. Rowe said the Town could charge 10% of the sale proceeds to cover the cost of electricity. Keith Harless asked if this would affect the Little League's concession sales and Connie P. Nunley said it would provide some competition. With no Council member willing to make a Motion to allow the unit to be parked at Leeman Field, the issue was dismissed.

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B. Leeman Field Calendar of Events - The following dates and events were given by Tina Rowe:

4/25/09, 4/26/09 - Circus (3:00 p.m. on 4/26)

4/26/09 - 4-H Beef Show (12:00 noon)

5/1/09, 5/2/09 - Woman's Club Yard Sale

6/12/09, 6/19/09, 6/26/09 - Movies Under the Stars

C. Pavilion and Stage Rental Fees - Mrs. Rowe informed Council that many groups have been interested in renting the stage. The rental is usually \$100 for the full day. She said Council may want to consider renting the stage and/or pavilions in increments (i.e. hourly), at a lesser rate. Mayor Smallwood asked if the facility would need to be cleaned after each use. C. R. Wynn suggested charging a flat \$50 up front as a deposit. The money could be returned if the renter cleans up after their activity. Council suggested Mrs. Rowe give a proposal for this idea at the next Council Meeting.

D. Stimulus Finding - Tina Rowe said she and Mike Reuille attended a meeting in Wytheville, Virginia, earlier in the day, regarding the stimulus. There is another meeting scheduled this summer and it should be more informative.

E. Comcast Cable Franchise Agreement - Mrs. Rowe said Comcast had made one change in the agreement. The information regarding the government access channel was omitted. However, the Town can advertise for free any time on Channel 19. She needed Council approval with that change. C. R. Wynn made a Motion to approve the Comcast Cable Franchise Agreement with the change. 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

11. Police Department

A. Monthly Report - Chief Barry Cottrell advised Council that Jason Peters is back to work now. He said on April 25<sup>th</sup>, Dustin Lane will be graduated from the academy and on July 22<sup>nd</sup> Brian Young will go to the academy. Chief Cottrell also reported that the home at 316 Forest Avenue was cited for non-compliance with the Town ordinance regarding solid waste storage. He said since April 1<sup>st</sup> the officers have assisted animal control with the capture of nine dogs. He said the department has applied for an SRO grant for an officer at Pennington Middle School and for a COPS grant for one additional Town officer. He said the COPS grant would pay the entire salary for 3 years with a requirement that the Town pay the officer for twelve additional months.

Council discussed possible solutions to the leash law non-compliance in Town. Chief Cottrell said the lack of a holding area makes it hard for the police to do anything. A possible

solution would be to use a dog trap to catch and hold the dog until animal control can pick it up. Larry Fish recommended training the Town Police Officers to handle dogs and getting

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a holding cage until Animal Control can pick up any strays. Council suggested they check into this.

12. Council Member Reports - Mike Reuille asked about using stimulus money to help build a new police and fire department on land which had been previously donated. He asked Mayor and Council to help get this project started in any way possible. Tina Rowe stated that Congressman Boucher has asked the Town to rate the projects for which we requested stimulus money in the order of priority. Connie P. Nunley asked if the new fire/police department had ever officially been approved by Council, stating that she did not remember it being discussed. Council members agreed it had not officially been approved.

13. C. R. Wynn made a Motion to approve the bills paid and 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

14, 15

16. At 8:17 p.m., Larry Fish made a Motion to go into closed session pursuant to Va. Code Section 2.2-3711A7 to discuss potential litigation within the locality, pursuant to Va. Code Section 2.2-3711A1 for assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of employees, and pursuant to Va. Code Section 2.2-3711A29 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 such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. 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

At 8:35 p.m., a Motion was made by Keith Harless to come out of closed session. 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

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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

A Motion to approve the Southern Corrosion Water Tank Maintenance Agreement 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

A Motion to go ahead with sewer sludge disposal at the Cynthia Kinser farm was made by Larry Fish and seconded by C. R. Wynn. Vote as follows:

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

13. A Motion to adjourn was made by Larry Fish and seconded by C. R. Wynn. Vote as follows:

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

Time of adjournment: 8:38 p.m.

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MAYOR JIMMY V. SMALLWOOD

ATTEST:

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ANGELA K. O'DELL, TOWN CLERK

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