

August 17, 2009

MINUTES

**TOWN OF PENNINGTON GAP
COUNCIL MEETING
August 17, 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
Town Manager: Tina M. Rowe
Town Treasurer: Karen Maggard - Absent
Town Clerk: Angela K. O'Dell
Police Chief: Barry Cottrell
The Lane Group: Jeff Cochran
Powell Valley News: Louise Carver

Citizens/Attendees: D. R. Carter

1. Invocation was given by D. R. Carter.
2. D. R. Carter 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 with the addition of 12.A. Finance Committee Appointment per request by Mayor Smallwood. 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

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5. Larry Fish made a Motion to approve the Minutes for the 7/20/09 and 7/30/09 Council Meetings. C. R. Wynn seconded the Motion with vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye (Abstain - from voting on 7/30/09 Minutes because she was absent)
Mike Reuille	Aye
C. R. Wynn	Aye

6. Citizen's Recognition

D. R. Carter addressed Council regarding the proposed Old Dominion Power Company rate increase. He presented the Clerk with documents which are attached to these Minutes. Mr. Carter advised that since July 17, 2009, there have been publications regarding a proposed rate increase of 21%. Since everyone would be affected by such a drastic increase, he requested that the Town Council submit a letter to the State Corporation Commission in opposition to the increase. He also stated that a Public Hearing is scheduled at J. I. Burton High School on November 18, 2009, and he feels a representative from the Town should attend. C. R. Wynn advised Mr. Carter that Council will be discussing this matter under item 11.A. per the request of the City of Norton.

7. Police Department

A. Monthly Report was submitted in Council folders. Chief Barry Cottrell informed Council that Officer Bryan Young is in his third week at the Police Academy. There are five officers currently working. The Police Dept.'s application for the School Resource Officer grant was not approved. The department has received a \$11,500.00 grant from DMV for traffic enforcement. This money will be used for the purchase of a car camera, a radar unit, and for overtime. Chief Cottrell also advised Council that the department has been placed on a waiting list for the Drug Task Force. Tina Rowe asked about foot patrols and Chief Cottrell said the foot patrol is still active (each officer does one foot patrol per shift), but has been prohibited somewhat due to the weather.

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

1. Lee Theatre Structural Design - see attached report by The Lane Group. Jeff Cochran said the Tobacco Commission has given the Town permission to use 100% of the Tobacco Commission grant funds for Phase I of the structural repairs. Advertising will begin this week and the Town will take bids on September 17, 2009.

2. Regional Sewer Interceptor Extension Project - see attached report. Keith Harless made a Motion to issue the Notice to Proceed for this project. The Motion was seconded by Larry Fish with vote as follows:

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

3. DCR - Recreational Trails Program Grant - see attached report by The Lane Group.

4. Pennington Gap Greenway - see attached report.

5. VDH Waterline Grants - see attached report. Mr. Cochran said there is a pre-bid conference scheduled for August 18, 2009 at the Town Hall.

6. Sludge Disposal Plan Amendment - See attached report.

9. Town Attorney/Treasurer Reports

A. PPTRA Resolution - Karen Maggard - Tina Rowe advised Council that there is a Resolution regarding the new tax relief of 70.75% for qualifying vehicles which needs to be adopted. Connie P. Nunley made a Motion to approve the PPTRA Resolution and Keith Harless seconded the Motion. 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/Miscellaneous

A. Calendar of Events - This was distributed in Council folders.

11. Administrative Reports - Tina Rowe

A. City of Norton Request - Tina Rowe advised that a copy of the proposed Resolution is in Council packets. The Resolution would express the Town Council's opposition to the proposed rate increase by Old Dominion Power Company. C. R. Wynn made a Motion to adopt a Resolution in opposition to the proposed rate increase and also to approve the Town's submission of a letter to the State Corporation Commission. The Motion was 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

B. October meeting date change - Due to the VML Conference, Tina Rowe requested the October Council Meeting date be changed to October 12, 2009. Larry Fish made a Motion to approve the October 12th meeting date and C. R. Wynn 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

C. Resolution for Tobacco Commission Grant Application - Larry Fish made a Motion to adopt the Resolution approving the Tobacco Commission Economic Development grant application. 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

12. Council Member Reports - None given.

A. Mayor Smallwood stated that he would like to appoint a Finance Committee to comply with the Town Charter. The Committee members would be Connie P. Nunley, Karen Maggard and himself. C. R. Wynn said he thought a Finance Committee made up of all the Council members had already been appointed. Mayor Smallwood said any committees are to be re-appointed at the Organizational Meeting. Larry Fish said he had no problem with the Mayor appointing a committee, but feels the Town Manager should be on such committee. Larry Fish made a Motion to add the Town Manager to the Finance Committee and Keith Harless seconded the Motion. The Town Attorney said he would need to do further research to make sure this is the correct procedure for committee appointments before a vote is taken. After a lengthy discussion, Council decided to table this matter until more information could be obtained.

13. Connie P. Nunley 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 7:35 p.m., Larry Fish made a Motion to go into closed session pursuant to Va. Code Section 2.2-3711A7 for consultation with legal counsel; pursuant to Va. Code Section 2.2-3711A1 for assignment, appointment, promotion, performance, demotion, salaries,

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disciplining, or resignation of employees; pursuant to Va. Code Section 2.2-3711A3 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. 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 8:20 p.m., a Motion was made by Keith Harless to come out of closed session. 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

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

A Motion was made by Larry Fish to table the Finance Committee appointment and the Motion was seconded by Keith Harless. Vote as follows:

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

Larry Fish made a Motion to adopt the Resolution allowing the Mayor to sign the VDOT option to purchase Town-owned property behind Lee Nursing and Rehab for the Highway 58 By-Pass. Mike Reuille seconded the Motion with vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye

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C. R. Wynn

Aye

13. A Motion to adjourn was made by Keith Harless 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

Time of adjournment: 8:20 p.m.

MAYOR JIMMY V. SMALLWOOD

ATTEST:

ANGELA K. O'DELL, TOWN CLERK

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