

August 15, 2011

**MINUTES**

**TOWN OF PENNINGTON GAP**

**COUNCIL MEETING  
August 15, 2011  
MUNICIPAL BUILDING**

**RECORD OF ATTENDANCE:**

**6:00 p.m.**

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

Town Treasurer: Karen Maggard  
Town Consultant: Paul Spangler – Absent  
Town Attorney: Charles Slemph, III

Town Clerk: Angela K. O'Dell  
Police Department: Sgt. Bryan Young  
Vaughn & Melton: Andy Miles  
PG Fire Department: Brian Skidmore

Powell Valley News: Louise Carver  
Lee Co. IDA: Mike James, Director

Citizens/Attendees: Rev. Chuck Robinson, Wells Chapel Church  
Jerry Parsons

1. Invocation was given by Pastor Chuck Robinson, Wells Chapel Church.
2. The Pledge of Allegiance was led by Pastor Chuck Robinson, Wells Chapel Church.
3. Mayor D. R. Carter called the meeting to order at 6:00 p.m.
  
4. Jimmy Smallwood made a Motion to approve the Agenda and the Motion was seconded by Larry Holbrook with vote as follows:  
Mayor D. R. Carter                      Aye

August 15, 2011

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 7/18/2011 Council Meeting with one correction on page 12 was made by Larry Holbrook. 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

6. Citizen's Recognition

A. David & Lisa Stewart – The Stewarts were not present. This item will be discussed during Closed Session.

B. Evelyn Miller was not present or represented.

C. Jerry Parsons – Ground Zero Music Venue – Music Festival at Leeman Field – Mr. Parsons presented a proposal to Council for a Music Festival at Leeman Field. He said the date is flexible. Mayor Carter said this could be discussed further at the September Council Meeting.

D. Mike James – Lee Co. IDA – Mr. James advised Council that the Town had recently agreed to help finance a hotel/motel feasibility study. The total cost of the study is \$6450.00 and they have received a grant for one-half the cost. Mr. James asked if the Town would be willing to split the remaining cost with the County in order to have the study performed. This would mean the Town would be responsible for \$1,075.00. A Motion

was made by Keith Harless to approve the Town's paying \$1,075.00 for the hotel/motel feasibility study. 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

7. Police Department

A. Monthly Report - Chief Bryan Young presented the July report to Council. There are currently six (6) active officers. Matthew Lawson was hired Friday to replace Dustin Lane, who resigned. Chief Young said the department had logged 7,926 miles for the month at a fuel cost of \$2,594.00. The department reported 74 summonses with 6

August 15, 2011

arrests. They are working on several drug cases and were involved in a stolen vehicle  
pursuit at Leeman Field.. The bank and business checks are continuing as well as the  
walk -  
thrus at Leeman Field.

B. Fire Dept. Report – Brian Skidmore reported that Chief James Skidmore has  
gone  
back to work, but is restricted to a desk job. The department responded to 9 calls which  
included 3 mutual aid calls.

7. Water Plant & Distribution System/Sewer Plant & Collection System/Engineering Projects  
A. Project Updates

1. Lee Theatre Structural Auditorium Design  
2. DCR – Recreational Trails Program grant – Gary McElyea informed Council  
that  
he has an application which needs to be submitted by September 1, 2011. He said the  
entire trail project needs to be completed sometime between November and April because  
of the bat habitat which must be protected.

3. Pennington Gap Greenway  
Andy Miles, of Vaughn & Melton Consulting Engineers, was introduced to Council. Mr.  
Miles said he has no new updates since he has just been hired as Town engineer. He  
advised

Council of a couple of new grant opportunities. One of the grant applications would be  
due

August 31, 2011. The other grant from the Dept. of Housing and Community  
Development

was for funding of up to \$3 million dollars to a governmental locality for revitalizing an  
existing industrial structure. Applications will be accepted from September through  
December, 2011. The grant is a dollar to dollar match for up to \$600,000.00. This might  
be  
a funding possibility for the Lee Theatre project.

Mayor D. R. Carter led a discussion regarding the sewer sludge problem. He said  
a

local farmer is going to accept the sludge until the Town can find an alternative solution.  
Andy Miles said he would talk with Fred Woliver regarding the nutrient application  
problem  
and research this further.

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

A. Tax Authority Consulting Services – Charles Slemph, III reported that a  
summarization has been sent to him for review. The summarization was presented  
to Council for review. Today John Rife sent an e-mail to begin receiving the necessary  
data to proceed.

B. ADT Security – Mayor D. R. Carter has asked the ADT technician to relocate  
the alarm for the maintenance area  
and also to install additional motion sensors in the  
office. A Motion was made by Jimmy Smallwood to approve these changes at a cost

August 15, 2011

of \$535.00. Gary McElyea 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

C. Publish delinquent business licenses – Mayor Carter asked Karen Maggard

what

progress has been made on this. Mrs. Maggard said she could either prepare an advertisement

for the Powell Valley News or one more letter could be sent to all delinquent business owners.

Council reviewed an updated list of delinquencies. Larry Holbrook made a Motion to send

a letter to the delinquent businesses and specify that if the taxes are not paid within 30 days

of the letter's date the business name will be published as delinquent. The Motion was seconded by Gary McElyea with vote as follows:

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

After a brief discussion, Larry Holbrook amended his Motion to state that if the payment is not received 30 days after the letter's date, the business names will be sent to a collection agency. 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

10. Town Attorney Reports – Charles H. Slemph, III

Attorney Slemph said he had nothing to discuss in open session.

11. Council Member Reports

Keith Harless advised Council that the fair will soon be here. The Lions Club will have a BBQ dinner on August 27<sup>th</sup> in case any members are interested. Mr. Harless also said something needs to be done about the exhibit barn at Leeman Field. The post have rotted due to termite damage.

Larry Holbrook asked if the loitering problem in front of Circle of Faith Ministries has been addressed. Chief Young said, according to the Town ordinance, in order to

August 15, 2011

charge

someone with loitering they must be interfering with traffic or harming property or people. A “No Trespassing” sign might deter.

Gary McElyea made a Motion to approve the Mayor’s signature on the DCR grant application which is due by September 1, 2011. 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

Jimmy Smallwood asked the procedure for emergency calls to the police department.

Chief Young said the calls goes to the Sheriff’s Office dispatch and then they get the call out to the Town’s officers.

- 12. Jimmy Smallwood made a Motion to approve the bills paid and to be paid (except for any payments to The Lane Group) 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

- 13,14. At 7:42 p.m., Terry Pope made a Motion to go into closed session pursuant to Va. 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, salaries, disciplining, or resignation of employees. 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

A Motion was made at 9:30 p.m. by Larry Holbrook to reconvene regular session. Keith Harless seconded the Motion with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye

August 15, 2011

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
Jimmy V. Smallwood	Aye

A Motion was made by Terry Pope to assess the value of two parcels of land owned

by the Town of Pennington Gap. 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

Terry Pope made a Motion to allocate out of the General Fund up to \$3,000.00 for Pitts, Lake & Bell, P.C., as outside trademark attorneys. 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 by Mayor D. R. Carter to hire a new full-time employee in the municipal office. 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

16. A Motion to adjourn was made by Larry Holbrook and seconded by Terry Pope. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Absent

August 15, 2011

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

Time of adjournment: 9:35 p.m.

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MAYOR D. R. CARTER

ATTEST:

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ANGELA K. O'DELL, TOWN CLERK

August 15, 2011