

December 19, 2011

MINUTES

TOWN OF PENNINGTON GAP

**COUNCIL MEETING
December 19, 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
Phil Hensley
Town Attorney: Charles Slemph, III

Town Clerk: Angela K. O'Dell

Police Department: Chief Bryan Young

Vaughn & Melton: Andy Miles
PG Fire Department: Brian Skidmore

Powell Valley News: Louise Carver

Citizens/Attendees: Tom Phillips
Jean Martin
Willie Rogers
Rev. Timothy Cradic
Debra Martin
Sharon Newman

1. Invocation was given by Pastor Timothy Cradic, Pennington Gap Church of God of Prophecy.

2. The Pledge of Allegiance was led by Pastor Timothy Cradic.
3. Mayor D. R. Carter called the meeting to order at 6:08 p.m.
4. Terry Pope made a Motion to approve the Agenda with the addition of item 6B. Tom Phillips. 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

5. A Motion to approve the Minutes for the 11/21/2011. Council Meeting was made by Gary McElyea and 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. Sharon Newman addressed Council on behalf of the PHS Alumni Association which was formed in August 2011. She said there are currently 750 members of the association. The association was formed to commemorate the 100 year reunion of Pennington High School, and they have planned a big reunion for anyone who ever attended or worked at Pennington High School. The reunion is planned for June 29-July 1, 2012 with June 30th being at Leeman Field Park. Ms. Newman said there are several events planned and any funds raised (above the cost of the reunion) will be used for improvements at Pennington Middle School.

The Alumni Association requests the Town Council approve a Proclamation or Resolution

commemorating the 100th anniversary. They would also like for Mayor Carter to attend the event

and open the ceremony. Ms. Newman said the association had hoped to temporarily use space

at the Lee Theatre building for an office in March/April of 2012. Since it is doubtful the building

will be ready by then, Mayor Carter mentioned the possibility of using the caboose in front of

Pennington Middle School as an office location.

Ms. Newman advised Council that she is prepared to give a check for payment of

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the

rental of all pavilions and the stage at Leeman Field Park for June 30, 2012 if Council approves the use. Mayor D. R. Carter asked the association to stress that no alcohol is allowed at the park.

Ms. Newman said this has already been done. Jimmy Smallwood made a Motion to approve the reserving of all pavilions and the stage at Leeman Field Park for the PHS Alumni Association on

June 30, 2012. The Motion was seconded by Terry Pope 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. Tom Phillips addressed Council regarding the Veteran's Day Parade. He stated that he has been asked to change the date for the parade and include it with the Lee Co. Fall Festival in October. He checked with the local veterans and they object to the change. They feel it would not be considered a real veteran's event if included in the Fall Festival. Mayor Carter said it might help with attendance if held the same day. Mr. Phillips said the veterans would still prefer a separate event. He requested the Town pay the insurance for the event and the Mayor and Town Council members participate next year.

7. Police Department

A. Monthly Report – Chief Bryan Young said he had hoped to introduce Officer Kilbourne to Council. He reported that the Town Police patrolled 9,390 miles with a fuel cost of \$2931.00. They responded to 318 calls with 3 arrests and 62 summonses. The department purchased 6 new portable radios. Chief Young reported that all officers except one are certified for radar. The officers are assisting with transports as directed. Phil Hensley said he had met with the Sheriff's Dept. and the County Administrator regarding grant funding for transports. There are some funds available to assist with this expense.

On behalf of the Police Dept., Chief Young expressed his appreciation to the mayor and council members for the Christmas bonus. He also advised that the department is trying

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to

implement a new safe driver program with help from local businesses.

Mayor D. R. Carter said each police cruiser is now equipped with leg chains for use with combative prisoners. The police department now has a new computer and has been scheduled for an internet class.

8 B. Fire Dept. Report – Brian Skidmore reported that the department responded to calls (4 of which were in Town). The department logged 134 hours for meetings, maintenance and training. He also expressed appreciation for the certificates given for Christmas. Mayor D. R. Carter presented a framed Resolution to Brian Skidmore in appreciation of the work of the Fire Department. Brian Skidmore requested a fence or wall be installed around the oil tank at the Fire Dept. building to discourage theft.

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

A. Project Updates – Andy Miles, Vaughn & Melton/Phil Hensley

1. Lee Theatre Structural Auditorium Design – Phil Hensley advised Council that there is a meeting scheduled December 21, 2011 regarding the ruling for application for historical status for the Lee Theatre. After that meeting, he hopes to meet with the State Historical representative, the Woman’s Club and various other agencies involved and get the project ready to bid this summer. The total project cost is approximately \$1,050,000.00 and historical status would save the Town approximately \$300,000.00. Engineer Andy Miles advised that if the Town is granted historical status there may be some savings, but there may be some other expenses, too. The cost efficiency would be reviewed before accepting historical status. See attached report for more information.

2. DCR – Recreational Trails Program Grant – Mr. Hensley advised Council that DCR recently granted approval of the appeal regarding the easements. The Town has been given permission to go to bid with the project. Andy Miles will prepare the bid advertisement and we hope to begin construction in March 2012.

3. Pennington Gap Greenway – See attached report. Gary McElyea made a

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Motion to accept the \$9,000.00 grant from U.S. Fish and Wildlife. 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

B. Sewer Sludge Disposal – Andy Miles advised Council that Fred Woliver suggests the Town proceed with the Doyle Cook property for disposal. He should be able to get it lined up and permitted by mid-January 2012.

Mayor D. R. Carter informed Andy Miles that the previous engineering firm was supposed to follow up on the renewal of the wholesale water contracts with St. Charles, Dryden and

Woodway. To date, that has not been done. The Town requires a cost analysis in order to bring the contracts up to date. Mr. Miles said he would be glad to work on that.

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

A. Resolution honoring Pennington Gap Volunteer Fire Dept. – This was presented earlier in the meeting.

B. Advertisement re: after hours utility calls – Mayor D. R. Carter informed Council that the utility crew is often called out to work after hours and the problem belongs to the landowner. Each employee called out is now paid by the Town at a minimum of 2 hours regular rate. He feels that if the problem is found to be on the customer’s side of the meter, the customer should be billed for the man hours used on the call. After a brief discussion, Jimmy Smallwood made a Motion to discuss amending the current policy and to have the Town attorney advertise such. 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

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

Street
Jimmy Smallwood said the Town needs to pave a parking lot area on N. Main where the Town has torn down the old buildings.

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Terry Pope made a Motion to purchase lunch for the Town employees on 2011, at a cost not to exceed \$200.00. 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

inmates
Mayor D. R. Carter advised Council that the inmate labor has been restricted to 2 per day for the Town.

12. Terry Pope made a Motion to approve the bills to be paid and 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

13,14. At 8:25 p.m., Terry Pope made a Motion to go into closed session pursuant to Va. Va. Code Section 2.2-3711A7 to discuss potential litigation within the locality, and 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

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A Motion was made at 10:08 p.m. by Keith Harless to reconvene regular session. Larry Holbrook 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
Jimmy V. Smallwood	Aye

A Motion was made by Larry Holbrook to approve the appropriation of \$12,000.00 for pending or potential litigation arising from events that occurred prior to July 1, 2010 pending the attorney's ability to make a statement regarding this issue. 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

16. A Motion to adjourn was made by Terry Pope 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

Time of adjournment: 10:20 p.m.

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MAYOR D. R. CARTER

ATTEST:

ANGELA K. O'DELL, TOWN CLERK

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