

January 20, 2009

**MINUTES**

**TOWN OF PENNINGTON GAP  
COUNCIL MEETING  
January 20, 2009  
MUNICIPAL BUILDING**

**RECORD OF ATTENDANCE:**

**7:00 P.M.**

Mayor: Jimmy V. Smallwood  
Council: Larry Fish - Absent  
Keith Harless - Arrived at 7:08 p.m.  
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  
Kingsport Times News: Walter Littrell

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. C. R. Wynn made a Motion to approve the Agenda with the addition of item 10 D. VML Legislative Bulletin regarding repeal of the Business License Tax. Mayor Smallwood said he would like a discussion during closed session which could be included in item #14. The Motion was seconded by Mike Reuille with vote as follows:

Larry Fish	Absent
Keith Harless	Absent

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Connie P. Nunley	Aye
Mike Reuille	Aye
C. R. Wynn	Aye

5. Connie P. Nunley made a Motion to approve the Minutes for the 12/15/08 Council Meeting. C. R. Wynn seconded the Motion with vote as follows:

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

6. Citizen's Recognition

A. Robert Williams was not present.

7. Police Department

A. Monthly Report - Chief Barry Cottrell read the Police Dept. report which included 30 incident reports filed. Mayor Smallwood requested that the report presented to Council be typed instead of handwritten. Chief Cottrell advised that Officer Dustin Lane is in his second week at the Academy.

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. Tina M. Rowe advised Council that the Lee Theatre Committee would like their permission to make the mural their next project. Connie P. Nunley said that would be a good idea since there is no more work that can be done now. Council agreed.

2. Livesay and Burchette buildings - see attached reports

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

4. Pennington Gap Greenway - see attached report.

5. Leeman Field DCR-VOF Grant Status - see attached reports by Lane Engineering and Tina Rowe.

6. Regional Sewer Interceptor Extension Project - see attached report. Jeff Cochran advised Council that a Resolution needs to be passed raising the VDOT surety bond to \$100,000.00. Mayor Smallwood asked about the maintenance for the proposed pumping station. Mr. Cochran said this would probably be a joint effort. Mayor Smallwood asked how many customers this project would benefit and Mr. Cochran said a total of 68 customers with approximately 24 of those being in Town. The mayor expressed his opinion that the pumping station is not a good idea; past experience shows pumping stations present a lot of problems. C. R. Wynn made a Motion to approve a project-specific Resolution raising

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the Town's bond capacity to \$100,000.00. Mike Reuille seconded the Motion with vote as follows:

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

7. Water Source Feasibility (springs) - see attached report.
8. Drying Beds for Water Plant - see attached report.
9. DCR - Recreational Trails Program Grant - see attached report.

B. Engineering Contract - Tina M. Rowe advised Council that the open-ended contract with The Lane Group expired December 18, 2008 with a term of 2 years. Mayor Smallwood suggested taking bids for an engineering firm before renewing the contract. Connie P. Nunley made a Motion to advertise for engineering services for the Town of Pennington Gap. The Motion failed for lack of a second. C. R. Wynn made a Motion to extend The Lane Group's contract for 6 months. The Motion was seconded by Mike Reuille with vote as follows:

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

Tina M. Rowe addressed Council regarding a VDOT meeting she and Jeff Cochran had attended. The question was posed by VDOT that if the contractor is not abiding by VDOT rules who has the authority to halt the work. VDOT representatives suggested the engineer be given power to do so, but Jeff Cochran said there may be a liability problem with this. If there is an imminent threat, the engineers would have a moral obligation to step in, but to interpret and enforce the fine points of OSHA are not a part of their job. It was mentioned by Council that the Town Manager has the power to halt the work on behalf of the Town if notified that OSHA rules are not being followed. Mrs. Rowe also said that VDOT said they would have their own inspector on the job if they felt rules and ENS operations were being violated and the Town would have to pay for it.

9. Town Attorney/Treasurer Reports

A. Easement from School Board - Greg Edwards informed Council that Tye Harber is the new Chairman of the School Board and he will get the easement signed.

B. Deeds for Theatre - Greg Edwards said Mrs. Rowe has the correction deed. He

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needs to get more information on the Gabriel property from C. R. Wynn.

10. Public Works/Leeman Field/Misc

A. Ordinances & Enforcement - Tina Rowe advised Council that many property owners have contacted her and worked out extensions regarding the violation of Town ordinances. She said the new Blight Legislation introduced by VML (copies in Council packets) will help with this. Mrs. Rowe informed Council that there is a copy of the mailings regarding ordinance compliance in their packets also.

B. Internship request - Tina Rowe said Jeff Harber is pursuing a Master's Degree and needs 150 hours intern work. He is requesting permission to perform this internship with the Town of Pennington Gap. Mrs. Rowe said he would be a great asset to the Educational Task Force for the Lee Theatre project. C. R. Wynn made a Motion to appoint Jeff Harber to the Educational Task Force and Connie P. Nunley seconded the Motion. Vote as follows:

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

C. Lease Renewals - The Council was advised by Tina Rowe that Jonathan Korman wishes to renew his lease agreement for the caretaker's house at Leeman Field. A Motion to renew that lease was made by C. R. Wynn and seconded by Mike Reuille. Vote as follows:

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

Tina Rowe said the Little League has contacted her and they would like to renew their lease for another 5 years. She suggested the Town add a stipulation about not practicing in front of the stage. A Motion was made by C. R. Wynn and seconded by Keith Harless to approve the renewal of the Little League lease for a term of 5 years with the stipulation mentioned. Vote as follows:

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

Greg Edwards recommended adding proof of insurance to paragraph #5 of the lease

agreement.

D. VML Legislation - Mrs. Rowe advised that she had received a bulletin from VML regarding proposed legislation to repeal local business license. The representative suggested the Town Council pass a Resolution opposing the House Bill and contact Terry Kilgore. C. R. Wynn made a Motion to approve a Resolution opposing the proposed House Bill 2205 regarding appealing the business license and to send a letter to Terry Kilgore. The Motion was seconded by Keith Harless with vote as follows:

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

11. Council Reports

Keith Harless expressed his appreciation to those who worked on the New Years celebration at Leeman Field.

Connie P. Nunley voiced a complaint about dogs running at-large through Town. C. R. Wynn suggested the Town send a representative to talk with Dane Poe regarding the County Dog Warden helping out in Town. He was told there is currently no dog catcher, but the county will interview for the position tomorrow.

12. Keith Harless made a Motion to approve the bills to be paid. The Motion was seconded by C. R. Wynn with vote as follows:

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

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15. At 7:48 p.m., C. R. Wynn made a Motion to go into closed session for the following reasons:

1. 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 of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body;

2. Pursuant to Va. Code Section 2.2-3711A1 for the discussion, consideration, or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body ; and,

3. Pursuant to Va. Code Section 2.2-3711A7 to discuss potential litigation within the

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locality.

The Motion was seconded by Connie P. Nunley with vote as follows:

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

At 8:30 p.m., C. R. Wynn made a Motion to reconvene regular session and Connie P. Nunley seconded the Motion. Vote as follows:

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

16. A Motion to adjourn was made by Connie P. Nunley and seconded by C. R. Wynn. Vote as follows:

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

Time of adjournment: 8:31 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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