

January 18, 2011

MINUTES

**TOWN OF PENNINGTON GAP
COUNCIL MEETING**

**January 18, 2011
MUNICIPAL BUILDING**

RECORD OF ATTENDANCE:

7:00 p.m.

Mayor:	D. R. Carter
Council:	Keith Harless Larry W. Holbrook Gary McElyea Terry K. Pope Jimmy V. Smallwood
Town Treasurer:	Karen Maggard – Absent
Town Consultant:	Paul Spangler
Town Attorney:	Charles Slemple, III
Town Clerk:	Angela K. O'Dell
Chief of Police:	Barry Cottrell – Absent
PG Police Dept.:	Sgt. Brian Young
Town Employees:	Linda K. Crusenberry Michael McKinney Gary Garrison
The Lane Group:	Jeff Cochran
PG Fire Department:	Chief James Skidmore
Powell Valley News:	Donna Locke
Citizens/Attendees:	Jim Myers – Cedar Hill Christian Church C. D. Oliver

1. Invocation was given by Jim Myers, Cedar Hill Christian Church.
2. The Pledge of Allegiance was led by Jim Myers.
3. Mayor D. R. Carter called the meeting to order at 7:05 p.m.
4. Mayor D. R. Carter made a Motion to approve the Agenda with the addition of 6A.

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Employment Awards. 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

5. A Motion to approve the Minutes for the 12/20/2010 Council Meeting was made by Larry

Holbrook 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

6. Citizen's Recognition

A. Employment Awards – Mayor D. R. Carter stated that the following employees were recognized for their years of service with the Town: Linda Crusenberry – 15 years, Michael McKinney – 10 years, Gary Garrison – 30 years. Vice Mayor Jimmy Smallwood

commended the employees and told them the Town appreciates their dedication.

7. Police Department

A. Sgt. Brian Young gave the Police Dept. Report. He said there were currently 6 officers working, but one would be attending the academy in February. The department is continuing to conduct nightly checks on local businesses and churches. He also reported that the New Year's Eve celebration was a success with no incidents reported. Sgt. Young said the department filed 20 summonses, 8 warrants and 20 incident reports for the month. There are 2 department vehicles that are in need of repairs. Mayor Carter advised Council that he plans to send Sgt. Young to a special class for evidence handling training in the near future.

B. Fire Dept. Report – Chief James Skidmore reported that the department had 5 incidents in December, 3 of which did not require response. They assisted the St. Charles

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Fire Dept. on one house fire. There was a total of 22.25 man hours with 100 hours for maintenance and meetings and 120 hours for state fire training. Mayor D. R. Carter advised Chief Skidmore that he would like to receive a break-down of the total hours worked by each fire department member with each monthly report.

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

A. Project Updates – Jeff Cochran

1. Lee Theatre Structural Auditorium Design – see attached report. Mr. Cochran said Rural Development requires two copies of the signed contract before the work can be advertised for bids. Terry Pope asked about the rejection letter received from Rural Development. Mr. Cochran advised that it was not a rejection letter, but merely a comment letter. The comments are based on the design revision. Terry Pope made a Motion to authorize advertising for bids as soon as Rural Development gives permission.

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

2. DCR – Recreational Trails Program grant – see attached report.

3. Pennington Gap Greenway – see attached report.

4. Sidewalk problem near Mark’s Alignment – Jeff Cochran advised Council that he met with a VDOT representative and there must be a mountable curb. VDOT will provide information regarding requirements for commercial entrance.

Mr. Cochran informed Council that the Red Hill and Poor Valley Sewer Project is complete except for payment of a change order and the final pay request. Mayor D. R. Carter

made a Motion to approve the payment to Estes Bros. of Pay Request #10 in the amount of

\$55,122.99 and the change order (\$30,406.28). The Motion was seconded by Larry Holbrook

with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Abstain
Larry W. Holbrook	Aye
Gary McElyea	Aye

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Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

Terry Pope asked about the repercussions if someone signed an agreement to make payments on the taxes (in order to keep their name from being published) and then did not comply with the agreement. Mayor Carter said at that time the total amount of taxes would become due and payable. He also stated that the cost of publication can be divided out and added to the balance due for the delinquent customers. Keith Harless said he hoped the Town would exhaust all other means before resorting to publication. Paul Spangler recommended that the published list have an “as of” date on it.

F. ADT Security proposal for Water Treatment Plant – Keith Harless said the person he mentioned at the last Council meeting has met with Gary Garrison. This would be a different type of security than what ADT provides. ADT provides an alarm type and this would be a camera monitoring security. This is not a monthly alert system. After talking with the Water Plant Supervisor, Gary Garrison, it was decided that it might be better to go with the ADT Security’s alert type system. The camera monitoring would be beneficial, but the Town already has other accounts with ADT Security. Council asked Town Consultant, Paul Spangler, to check on some type of Homeland Security Grant to help with the cost. Council also directed Mr. Spangler to check on security in various areas of Town such as Leeman Field Park.

G. Zoning Board of Appeals appointment – Ernie Roberts was contacted and did not accept the nomination for appointment to the Zoning Board of Appeals. Mayor D. R. Carter asked for recommendations for the position. Gary McElyea made a Motion to nominate Michelle Warner for appointment to the Zoning Board of Appeals pending her acceptance. 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

The Clerk was directed to notify Mrs. Warner and inform Council of her acceptance

or decline.

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

into
was
A. Howard Street closing update – Mr. Slemph advised Council that he is looking into the legal requirements for street closing. Jimmy Smallwood made a Motion to table this item indefinitely until the attorney has obtained all of the legal information. 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

swap.
Terry Pope said he is talking with adjacent property owners about a property swap.

Mayor Carter advised that he has been approached by some property owners with concerns.

has
further
research.
B. Woodway Water contract – Mayor D. R. Carter stated that Attorney Slemph has advised that both parties must agree to any changes in this contract. It will require further research.

11. Council Member Reports

hard
during the inclement weather to keep the streets cleaned.
Terry Pope expressed his appreciation to all the Town employees who worked so hard

Jimmy Smallwood asked about the sale of real estate for delinquent taxes. If the real estate is sold, who would get paid first. Attorney Slemph said the first payment would be to whoever has first lien on the property.

property
and constructing a garage type building to house the Fire Dept. vehicles. Terry Pope said that he had some cost figures for a 7,000 sq. ft. pre-engineered building at a cost of
property

and constructing a garage type building to house the Fire Dept. vehicles. Terry Pope said that he had some cost figures for a 7,000 sq. ft. pre-engineered building at a cost of

approximately \$469,000.00. Keith Harless said a portion of the Meals Tax money

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collected

could be used to help with the cost. Council agreed that this is something that needs further discussion and a decision needs to be made in the near future.

Keith

Harless said he has checked on e-bay and the price would be around \$16,000.00 for a used

Street

truck. Mr. Holbrook also stated that he received a call from a citizen on N. Kentucky regarding a sewer line problem. Mayor Carter said he is aware of the problem and the citizens have been advised that the clog is not in the Town's line; it is their responsibility. He said he cannot send Town employees on private property due to liability issues. The responsibility for fixing the line belongs to the citizens and the property owner.

Keith Harless suggested the Town check on the cost for hiring someone to scrape snow (when needed) on Town owned streets.

Town

Mayor D. R. Carter said new AT & T cell phones have been distributed to 13 employees. He said some unnecessary services have been eliminated. There is a move to collect old cell phones in Lee County and to send them to the military forces. A box will be

be

placed at the Municipal Building for collection of old phones to be refurbished and distributed through the Cell Phones for Soldiers project. A Motion was made by Terry Pope to donate any non-working or out of date cell phones owned by the Town to the Cell Phones

for Soldiers project. 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

As an added note, Terry Pope informed Council that today was Town Consultant, Paul Spangler's, birthday.

12. Jimmy Smallwood made a Motion to approve the bills to be paid and Keith Harless 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

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13. At 8:48 p.m., Keith Harless made a Motion to go into closed session pursuant to Va. Code Section 2.2-3711A7 to discuss potential litigation within the locality. 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 9:50 p.m. by Keith Harless to reconvene regular session. 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

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 Keith Harless to seek bids to purchase a spreader for the Sewer Plant contingent upon the Town Treasurer locating sufficient funds. 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

14. A Motion to adjourn was made by Keith Harless and seconded by Gary McElyea. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye

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Gary McElyea Aye

Terry K. Pope Aye
Jimmy V. Smallwood Aye

Time of adjournment: 9:56 p.m.

MAYOR D. R. CARTER

ATTEST:

ANGELA K. O'DELL, TOWN CLERK

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