

July 21, 2008

MINUTES

**TOWN OF PENNINGTON GAP
COUNCIL MEETING
JULY 21, 2008
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 - Absent
Town Manager: Tina M. Rowe
Town Treasurer: Karen Maggard
Town Clerk: Angela K. O'Dell

Pennington Gap
Police Chief: Barry Cottrell

The Lane Group: Jeff Cochran
Powell Valley News: Sonya Baumgardner
Kingsport Times News: Walter Littrell

Citizens/Attendees:

1. The Lord's Prayer was led by Walter Littrell.
2. Walter Littrell 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 and the Motion was seconded by C. R. Wynn. Vote as follows:

Larry Fish	Aye
Keith Harless	Aye

July 21, 2008

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

5. Connie P. Nunley made a Motion to approve the Minutes for the 6/16/08 Council Meeting. Larry Fish seconded the Motion with vote as follows:

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

Mike Reuille made a Motion to approve the Organizational Minutes and Larry Fish seconded the Motion. Vote as follows:

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

6. Citizen's Recognition
No citizens were present.

7. Police Department

A. Chief Barry Cottrell reported that there were 27 incidents with 16 charges placed. He said a fugitive from justice was arrested on 7/20/08, and on 7/18/08 there was an arrest and seizure of 980 Loritab tablets. Chief Cottrell also reported that in an effort to cut down gasoline costs, he has instructed officers to turn off their vehicles when not in use for a call. Also, cars will be parked downtown and officers will be doing more foot patrol.

B. Auxiliary Police Officer Program and Police Personnel Policy Manual - Council had been given a copy of the Auxiliary Police Officer Guidelines prior to the meeting. Mayor Smallwood commented that the auxiliary officers are required to be with a certified officer. He asked how many certified officers the Town currently has, and Chief Cottrell told him four. Mr. Fish stated that he understands auxiliary officers can carry firearms, but asked if there is any training first. Chief Cottrell said Town officers go two times per year for firearm training. He also stated that he is a certified firearms instructor. He said the auxiliary officers could carry the old pistols (if Council agreed), and those pistols could also be used for backup weapons. C. R. Wynn asked if a couple of sections in the Auxiliary Officer Guidelines needed to be clarified, i.e. the section stating that the Town may or may not furnish firearms and to add a clause stating that there is no promise of hiring or consideration of hiring.

Tina Rowe informed Council that the Police Personnel Policy Manual was to be used as a supplement to the Town's Personnel Policy and not a replacement. Larry

July 21, 2008

Fish

asked if the Town Attorney had reviewed and approved the Police Personnel Policy Manual to which Tina Rowe replied that she thought so, but would check to be sure. C. R. Wynn made a Motion to adopt the Auxiliary Officer Procedures manual and allow the auxiliary officers to carry firearms. 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

Larry Fish asked about ranking officers, stating that the Town Charter calls for two ranking officers - the Chief or Town Sergeant. Chief Cottrell said he feels the Town needs an investigator and thought that was in the Charter. He actually has someone in mind for that position. Council recommended someone check the Charter to make sure.

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 that she had attended a Tobacco Commission meeting today. The staff recommended a reward of \$220,000.00 for the Lee Theatre renovation. Jeff Cochran said the ARC money is a 50/50 grant, so the Tobacco Commission funds meet that qualification.

C. R. Wynn asked Mr. Cochran to check the door to the left going downstairs. He said it is hard to open. Mayor Smallwood said Dave Schwartz recently did a walk-thru and he noticed the door.

Tina Rowe said the Tobacco Commission has another round of funding for education grants with applications due August 13th. Larry Fish made the Motion to approve a Resolution authorizing the Town Manager to proceed with that application and the Motion was seconded by Mike Reuille. Vote as follows:

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

Mrs. Rowe also advised that Cumberland Partners will survey the property near the Lee Theatre building this week. Mayor Smallwood said Tim Dye and the public works crew can hook up the sewer once the Town has permission to go through the parking lot.

Larry Fish said Mr. Williams' estate is in court right now, so it may be necessary for the Town Attorney to do a Quick-Take. A Motion was made by Larry Fish to authorize the Town Attorney to go ahead with a Quick-Take for this property. The Motion was seconded by C. R. Wynn with vote as follows:

Larry Fish	Aye
Keith Harless	Aye

July 21, 2008

Connie P. Nunley Aye

Mike Reuille Aye

C. R. Wynn Aye

2. Livesay and Burchette buildings - see attached report. Larry Fish asked if there was an agreement through the Lee Co. Housing Authority on the buildings. Tina Rowe said they had made an offer, but needed to work out some items first.

3. Transportation Enhancement Program - Sidewalk Project - see attached report by The Lane Group.

4. Pennington Gap Greenway - see attached report.

5. Leeman Field DCR-VOF Grant Status - see attached report.

6. Regional Sewer Interceptor Extension Project - see attached report.

7. Water Source Feasibility (springs) - see attached report.

8. Drying Beds for Water Plant - see attached report. Tina Rowe advised that she checked with Lenowisco regarding funding for the balance of the costs. They cannot give any more funding, so the funds will need to come from the Reserve Fund.

9. DCR - Recreational Trails Program Grant - Multi Use Trail - see attached report.

B. Sewer Plant Request - Joe Reasor was not present. Tina Rowe said he is interested in covering the drying beds, but wants to get more pricing information before presenting this to Council.

9. Town Attorney/Treasurer Reports

A. Theatre Committee Rules - Greg Edwards was absent so this was not discussed.

B. Decals - Karen Maggard, Treasurer, informed Council of the cost if the Town continues to purchase town decals separate from the county. The other collection option would be the DMV stop.

C. DMV Stops - Karen Maggard advised that there would be a \$25.00 application fee to set up for DMV stops. The computer work would be done by the Town, and there would be a \$20.00 fee to remove a stop at cancellation or collection. This fee could be added to the customers bill. Tina Rowe said if the Town raises the decal fee to \$30.00 per vehicle, this would generate an additional \$20,000.00 revenue. This revenue could be used to help with the salary scale once the minimum wage increases. C. R. Wynn made a Motion to do away with the decals and go with the DMV stops, raise the fee to \$20.00 per vehicle and schedule the Public Hearing. The Motion was seconded by Larry Fish with vote as follows:

Larry Fish Aye

Keith Harless Nay

Connie P. Nunley Nay

Mike Reuille Nay

C. R. Wynn Aye

Mayor Smallwood Nay

July 21, 2008

The Motion failed with a vote of 2 - 4.

Connie P. Nunley made a Motion to do away with the decals, go with the DMV stops, and leave the fee at \$10.00 per vehicle. The Motion was seconded by C. R. Wynn. Vote as follows:

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

Mayor Smallwood brought up the question of people who renew their tags for two years and the Town Treasurer said she would have to check into this. She is not sure what the procedure would be.

10. Public Works/Leeman Field/Misc

A. Movies Under the Stars - Tina Rowe reported that two movies have been shown and both have been a big success. The next movie is scheduled for August 1st.

B. Recommendation by Planning Commission on zoning - C. R. Wynn said the previous changes mentioned have been completed. He made a Motion to move forward with the Zoning Ordinance per the Planning Commission recommendation and to set a Public Hearing date. The Motion was seconded by Mike Reuille. Before a vote was taken, Mayor Smallwood and Connie P. Nunley pointed out a couple of minor errors in the document regarding changing the Town of Jonesville to the Town of Pennington Gap. C. R. Wynn amended his Motion to include these changes being made and correction of any other errors and setting the Public Hearing for August 18, 2008 at 6:00 p.m. The amended 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

11. Council Committee Reports

No reports were given

12. C. R. Wynn made a Motion to approve the bills to be paid and Larry Fish seconded the Motion. Vote as follows:

Larry Fish	Aye
Keith Harless	Aye

July 21, 2008

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

13 & 14.

At 7:50 p.m., Larry Fish made a Motion to go into Closed Session for the following reasons:

- 1) Va. Code Section 2.2-3711A7 to discuss potential litigation within the locality.
- 2) Va. Code Section 2.2-3711A3 for discussion or consideration of the acquisition 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 7:55 p.m., Larry Fish made a Motion to reconvene regular session. C. R. Wynn 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

C. R. Wynn made a Motion to refuse the offer of Joyce Brewer. 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

15. Larry Fish made a Motion to adjourn. Keith Harless seconded the Motion with vote as follows:

July 21, 2008

Larry Fish Aye
Keith Harless Aye

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

Time of adjournment: 7:56 p.m.

MAYOR JIMMY V. SMALLWOOD

ATTEST:

ANGELA K. O'DELL, TOWN CLERK