

July 20, 2009

MINUTES

**TOWN OF PENNINGTON GAP
COUNCIL MEETING
July 20, 2009
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
Town Manager: Tina M. Rowe
Town Treasurer: Karen Maggard
Town Clerk: Angela K. O'Dell - Absent
Police Chief: Barry Cottrell - Absent
The Lane Group: Jeff Cochran
Powell Valley News: Sonya Baumgardner

Citizens/Attendees: None Present

1. Invocation was given by Larry Fish.
2. Larry Fish led the Pledge of Allegiance.
3. Mayor Jimmy V. Smallwood called the meeting to order at 7:11 p.m.
4. Larry Fish made a Motion to approve the Agenda and the 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

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5. Larry Fish made a Motion to approve the Minutes for the 6/15/09 and 7/1/09 Council Meetings. 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

6. Citizen's Recognition
No citizens were present.

7. Police Department

A. Monthly Report was submitted in Council folders. C. R. Wynn asked why the officers were not foot patrolling as requested. He also stated that the court docket showed which officers were writing tickets and asked Chief Cottrell to send out a memo. Tina Rowe advised that he had done that. Connie Nunley said Chief Cottrell should get out of the office more.

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

A. Lane Engineering project(s) update - Jeff Cochran and Tina Rowe

1. Lee Theatre Structural Design - see attached report by The Lane Group.

C. R. Wynn asked if the back opening at the theatre could be made larger to remove the block and furnace at the same time. Jeff Cochran said this had not been considered, but was a possibility. Tina Rowe advised Council she was going to Roanoke for question and answer regarding the Town's application for the TIC special projects funding tomorrow. TIC staff had recommended the project to the Economic Development Committee. That grant application is due August 24, 2009. Jeff Cochran stated that \$250,000.00 will not do all of the work on the theatre, but it will be enough to finance the major structural work.

Mayor Smallwood asked if it would be possible to use piers under the theatre floor. He said three beams could be cut to fit the space with steel posts that can be raised if needed. Fred Woliver mentioned that the design must assume the walls need reinforcement with steel studs to increase wind strength. C. R. Wynn noted that the renovation could include insulation to help with heating and cooling also. Fred Woliver contacted Keith Herring for a second opinion, but has not yet received a response. C. R. Wynn made a Motion to approve the \$3,450.00 task order for structural bidding through Notice to Proceed. 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

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2. Livesay and Burchette Buildings - see attached report by The Lane Group.
3. DCR - Recreational Trails Program Grant - see attached report by The Lane Group.
4. Pennington Gap Greenway - see attached report. Tina M. Rowe stated that she has worked with CVI regarding stabilizing the bank and their estimate was approximately \$145,000.00. U.S. Fish and Wildlife desires stream restoration and will look for funding. However, TVA engineers have looked at the site and think that in order to move the project forward, upper bank stabilization can be done for around \$30,000.00 and TVA could perform some of that work. Tina Rowe recommended going forward with the current construction and include the bank stabilization recommended by TVA, while still pursuing funding for stream restoration as a separate project. C. R. Wynn made a Motion to pursue funding for the stream and habitat restoration and Larry Fish seconded the Motion. Vote as follows:

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

5. VDH Waterline Grants - see attached report. C. R. Wynn made a Motion to advertise for the Depot Hill and River Road projects. 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

6. Regional Sewer Interceptor Extension Project - Jeff Cochran presented attached report. He said the County has not been notified of anything yet.

7. Sludge Disposal Plan Amendment - See attached report. Tina Rowe advised that DEQ implemented a 400 ft. buffer on the Kinser property which reduced the available acreage by 4 acres for a total of 9 acres. Council agreed to continue.

9. Town Attorney - Greg Edwards

- A. Status report - Greg Edwards advised Council that he would have discussion during closed session.

10. Public Works/Leeman Field/Miscellaneous

- A. Calendar of Events - This was distributed in Council folders. Tina Rowe said the Lee Co. Fair is scheduled for September 1 - 5, 2009. Mrs. Rowe also mentioned a "Back to School" movie in the park, but Council said to wait until next year to do another movie.

- B. "C" Field Sub-Lease Request - Tina Rowe advised that First Priority is interested

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in sub-leasing “C” field if the Little League agrees and Town Council consents. C. R. Wynn made a Motion to consent to the sub-lease of “C” Field if the Little League agrees. The Motion was seconded by Larry Fish with vote as follows:

Larry Fish	Aye
Keith Harless	Aye
Connie P. Nunley	Aye
Mike Reuille	Aye

11. Administrative Reports

A. Va. Commission for the Arts Grant - Tina Rowe advised that the Commission for the Arts has awarded the Town the local government challenge grant for the Pro-Art Association in the amount of \$2,000.00.

12. Council Member Reports - None given.

13. C. R. Wynn made a Motion to approve the bills paid and to be paid. The 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

14, 15

16, 17. At 8:01 p.m., Keith Harless made a Motion to go into closed session pursuant to Va. Code Section 2.2-3711A29 to discuss award of the 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; pursuant to Va. Code Section 2.2-3711A1 for assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of employees; pursuant to Va. Code Section 2.2-3711A6 for discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected; and, pursuant to Va. Code Section 2.2-3711A3 to discussion or consideration of the acquisition of 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 Larry Fish with vote as follows:

Larry Fish	Aye
Keith Harless	Aye

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

At 8:45 p.m., a Motion was made by C. R. Wynn to come out of closed session. 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

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
Mayor Jimmy V. Smallwood	Aye

18. A Motion was made by Connie P. Nunley to approve the appraisal of the property in question. Keith Harless 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 Lane Group as the Town's engineer with a 2 year contract (2 - 1 year options). The Motion was seconded by Keith Harless with vote as follows:

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

The Motion passed with a vote of 4 - 2.

13. A Motion to adjourn was made by Keith Harless and seconded by Larry Fish. Vote as follows:

Larry Fish	Aye
Keith Harless	Aye

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

Time of adjournment: 8:50 p.m.

MAYOR JIMMY V. SMALLWOOD

ATTEST:

ANGELA K. O'DELL, TOWN CLERK

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