

July 16, 2007

MINUTES

**TOWN OF PENNINGTON GAP
COUNCIL MEETING
July 16, 2007
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: Donnie Williams
Town Manager: Tina M. Rowe
Town Clerk: Angela K. O'Dell
Town Treasurer: Karen Maggard

Pennington Gap Police
Dept.: Acting Chief Barry Cottrell
Lane Engineering: Jeff Cochran

Powell Valley News: Donna Locke

Davenport & Co., Inc.: David Rose
Penn. Fire Dept.: Chief James Skidmore
Design Nine: Andrew Cohill
Jonesville Town Council: John Porterfield

Citizens: Kathy Kavanaugh, KCG Call Centers
Tom Phillips, VFW
Lorenza Farrow, VFW

1. Invocation was given by Donnie Williams.
2. Donnie Williams led the Pledge of Allegiance.
3. Mayor Jimmy V. Smallwood called the meeting to order at 7:00 p.m.

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- 4. Connie P. Nunley made a Motion to approve the Agenda with the following additions: .
6D. John Porterfield - Jonesville Town Council; 6E. Rhonda Rivers; 6F. Kathy Kavanaugh-KCG Call Centers. 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 |

- 5. C. R. Wynn made a Motion to approve the Council Meeting Minutes of 6/18/07 and Mike Reuille 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

A. Tom Phillips from the VFW addressed Council with a request for a Veterans Parade. He said he has contacted local churches regarding care packages and a blood drive. Everyone he talked with is in support of a parade and the banks have said they will donate to the cause. He has several pages of names who have signed a petition in support of the parade also. The parade will bring people together and bring more people into Town. The route would be from Lee Bank & Trust to Pennington Middle School, then there would be music at Leeman Field. Mr. Phillips is not sure about the date yet, he has to get permission from VDOT. Donnie Williams recommended that he get with Acting Police Chief Barry Cottrell when a date is confirmed.

C. R. Wynn made a Motion to support and encourage the Veterans Parade. The Motion was seconded by Mike Reuille with vote as follows:

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

- B. Norma Parsons - Lee East Little League donation request - Tina M. Rowe said that

Mrs. Parsons has requested that the Town donate money for the Lee East Little League trip to participate in the State Championship. Connie P. Nunley made a Motion to donate \$100.00 from the Parks & Recreation fund’s unallocated funds. Keith Harless seconded the Motion. After discussion, Mrs. Nunley rescinded her Motion.

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C. Wal-Mart - Tina M. Rowe said that she was approached while at Wal-Mart by an employee and asked if they could use the pool at Leeman Field for a fundraiser. She has since been informed that the fundraiser is actually for Children's Miracle Network and Wal-Mart has asked her to hold off on this request until they obtain more information.

D. John Porterfield of Jonesville Town Council said that his presentation would overlap the previous request by Tom Phillips regarding a Veterans Parade.

E. Rhonda Rivers had asked Tina Rowe to request the use of the area around the stage at Leeman Field on August 4, 2007 for a fundraiser. C. R. Wynn made a Motion to grant the request for use of the stage area and to donate the fees back to the organization. Mike Reuille seconded the Motion with vote as follows:

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

F. Kathy Kavanaugh - KCG Call Centers - Ms. Kavanaugh invited Council to the official ribbon cutting ceremony for their new building on Industrial Drive on July 23, 2007 at 10:30 a.m. She also expressed her appreciation to Acting Chief Barry Cottrell for all his assistance with the move. Ms. Kavanaugh informed Council that she had previously requested permission to open the alley behind her house and was told it was fine to do that at her expense. She plans to do this in the fall. Mayor Smallwood told her the Town does not have anything to do with that. Donnie Williams said the Town does not get involved in opening alleys, because if they did so for one citizen, there would be other requests. Ms. Kavanaugh said she just felt like she needed to inform Council that she does plan to open the alley herself as far as her new garage.

7. Broadband Grant - Andrew Cohill gave a presentation about the broadband study. Phase 1 is 85% complete. A decision would need to be made by August to apply for Phase 2 funding

for more extensive study and analysis. He presented 3 decision options to Council:

1) Wait - the timing is not right; 2) A modest investment in duct, street repairing, etc.; or, 3) Pursue a more aggressive approach for additional funds. Mayor Smallwood asked what the Town business owners think about broadband. Mr. Cohill said if the Town decides to pursue this further, there needs to be educational training for local businesses.

Mr. Cohill further explained that broadband would lower what businesses and residents are paying for telephone, internet and TV services by providing more choices among providers. The Town will not sell these services; they will be sold and serviced by local and regional companies. This would create new jobs and help attract new companies to this area.

8. Police Department

A. Monthly Report was given by Acting Chief Barry Cottrell. He advised Council

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that taking home the police cruisers is a common practice for the following reasons:

1) communication 2) response time 3) vehicle maintenance. He also said he has received permission from the ATF and State Police to sell or trade the two out of use guns. They were appraised at a value of approximately \$10,000.00. He asked permission to trade the two guns for \$9,000.00 in police supplies from Arrington Police Distributors. C. R. Wynn made a Motion to approve trading the guns for the equipment, but withdrew that Motion after further discussion. Connie P. Nunley made a Motion to advertise for sealed bids to agencies with the proper credentials with Council having the right to refuse such bids. The Motion was seconded by Keith Harless with vote as follows:

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

Larry Fish asked Acting Chief Cottrell about being inaccessible when he is off duty (at home). With no cell phone service where he lives and no service at his home number, do officers have someone else designated they can go to with questions. Acting Chief Cottrell said he thought all officers were aware of how to handle this, but Mr. Fish said he had been asked, so, obviously not.

A Motion was made by Larry Fish and seconded by C. R. Wynn that all cruisers be parked at the Police Dept. after a shift (not taken home). Vote as follows:

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

9. Water Plant & Distribution System/Sewer Plant & Collection System/Engineering Projects
A. Lane Engineering project(s) update - Jeff Cochran

1. Lee Theater Project - Tobacco Commission Grant - see attached report.

A Motion was made by Larry Fish to authorize Mayor Smallwood to negotiate with contractors and issue a Notice to Proceed if costs are within the approved guidelines. The Motion was seconded by Connie P. Nunley with vote as follows:

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

C. R. Wynn made a Motion to approve a Market Study with K. W. Poore & Assoc. at a cost of \$10,500.00 to \$14,000.00. The Motion was seconded by Larry Fish with vote as follows:

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

2. Livesay & Burchett buildings- see attached report.
3. Transportation Enhancement Program - Sidewalk project - see report.
4. Pennington Gap Greenway - see report. Tina M. Rowe announced that the

Town has been awarded a \$200,000.00 grant from VDOT, but was denied the grant from DCR. Jeff Cochran discussed the river route vs. mainland route for the Greenway trail. He said the trail is being held to a ½ ft. limitation, per the archeological find. This causes a burden and does not mimic the surface. Martha Podren with TVA has suggested going along the sewer line route for the trail. Council agreed with Mr. Cochran that the river route originally proposed would be the most desirable. He said he does not know at this time what the additional cost would be for the river route, but it would take more than the \$353,000.00 currently budgeted. Council requested Mr. Cochran bring back an additional cost estimate for the river route next month.

5. Leeman Field DCR-VOF renovation grant status - see report. A Motion to grant a variance to the Flood Plain Management Ordinance to allow for reconstruction of facilities at Leeman Field in the floodway was made by C. R. Wynn. The Motion was seconded by Connie P. Nunley with vote as follows:

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

6. Red Hill Sewer - see attached report.

10. Town Attorney/Treasurer Reports

A. Bond Refinancing - David Rose, from Davenport & Co., Inc., reviewed the results of the request for proposals. Carter Bank & Trust will lock in for a 20 year rate of 4.1%, prepayable anytime at par. This is an excellent opportunity in case interest rates go down. This refinancing would shorten bond maturity by at least 4 years with an estimated savings of \$472,000.00.

C. R. Wynn made a Motion to approve a Resolution to accept Carter Bank & Trust's proposal and for bond counsel to take all necessary action. Keith Harless seconded the Motion with vote as follows:

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

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B. Meals Tax - Mike Reuille made a Motion to raise the Meals Tax to 5% with 1% to be in a separate account for emergency services, to be effective August 1, 2007. The Motion was seconded by C. R. Wynn with vote as follows:

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

C. Town Attorney Position - Tina M. Rowe said this matter would be discussed in closed session.

11. Public Works/Leeman Field/Misc

A. Monthly Report was distributed for review.

B. Monument at Leeman Field to honor Lee Athletic Association - Donnie Williams stated that Birg Sergent will get back with someone with a list of names.

C. Leeman Field Caretaker Lease Agreement - Tina M. Rowe informed Council that she has a copy of the lease agreement which will be advertised.

D. Used garbage truck purchase inquiry - Mrs. Rowe said that Fred Woliver told her he had found a used garbage truck for sale for \$6,000.00. Mayor Smallwood said that truck has already been sold.

12. Council Committee Reports

Connie P. Nunley said the shrubbery planted during the Downtown Revitalization is looking bad. She asked if the public works crew could go through and weed and water the shrubs. Mayor Smallwood told her they have already begun taking care of that.

13. C. R. Wynn made a Motion to approve the bills paid and to be paid. Keith Harless seconded the Motion with vote as follows:

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

14. At 9:12 p.m., Connie P. Nunley made a Motion to go into closed session pursuant to Va. Code Section 2.2-3711A4 for the protection of the privacy of individuals in personal matters not related to public business. The Motion was seconded by C. R. Wynn with vote as follows:

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

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C. R. Wynn Aye

A Motion to come out of closed session was made by Keith Harless at 9:25 p.m. and seconded by Connie P. Nunley. 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

A Motion was made by Larry Fish to have the Town sewer line appraised and make an offer to Joyce Brewer in accordance with that appraisal. Mike Reuille seconded the Motion. Vote as follows:

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

15. A Motion was made at 9:26 p.m. by Larry Fish to go into closed session pursuant to Va. State Code Section 2.2-3711A7 for discussion of potential litigation within the locality. 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

At 9:35, Mike Reuille made a Motion 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

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than the issue stated:

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

At 9:36 p.m., Keith Harless made a Motion to go into closed session 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. The Motion was seconded by Larry Fish with vote as follows:

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

At 9:41 p.m., C. R. Wynn made a Motion to reconvene regular session and Larry Fish seconded that Motion. Vote as follows:

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| 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 |

Larry Fish made a Motion to rescind his June Council Meeting Motion to advertise for the hiring of a Town Attorney. C. R. Wynn seconded the Motion to rescind with vote as follows:

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

Tina M. Rowe was instructed to call Mr. Abbot tell him to attend the August Council Meeting and Council will go into closed session after citizen's recognition to interview him.

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15. Larry Fish a Motion to adjourn. The Motion was seconded by C. R. Wynn with vote as follows:

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

Time of adjournment: 9:43 p.m.

MAYOR JIMMY V. SMALLWOOD

ATTEST:

ANGELA K. O'DELL, TOWN CLERK

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