

June 16, 2008

MINUTES

**TOWN OF PENNINGTON GAP
COUNCIL MEETING
JUNE 16, 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
Town Manager: Tina M. Rowe
Town Treasurer: Karen Maggard - Absent
Town Clerk: Angela K. O'Dell

Pennington Gap
Police Chief: Barry Cottrell - Absent

PG Volunteer Fire Dept.: James Skidmore, Fire Chief

The Lane Group: Jeff Cochran
Powell Valley News: Sonya Baumgardner

Lee Theater Committee: Roberta Smallwood
Joyce Martin

Citizens/Attendees: Allen Brewer

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. Larry Fish made a Motion to approve the Agenda with the addition of 14A. Closed Session

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pursuant to Va. Code Section 2.2-3711.A.30, Citizen's Recognition - James Skidmore, Joyce Martin and Allen Brewer, and 9C. Mutual Aid Agreement. The Motion was seconded by Connie P. Nunley 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 Minutes for the 5/20/08 Council Meeting and the Public Hearing on 6/9/08. 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

6. Citizen's Recognition

A. James Skidmore, Fire Chief, reported to Council that the July 4th fireworks have arrived. Mayor Smallwood asked how long the display would last. Mr. Skidmore said it should be about a 30 minute display.

Mr. Skidmore asked Council to approve a Resolution so that the fire department can finance a 2004 Chevrolet truck through Farmers & Miners Bank. He explained that the Town is not co-signing for the loan, but merely stating that we will accept the title and authorize the fire department to borrow the money. Greg Edwards explained that the Town will not be responsible if the fire department does not satisfy the loan.

Mr. Skidmore advised that the fire department has been taking their trucks to Dot to get diesel fuel. They have a charge card for a station here in Town, but that station has been out of diesel fuel for 4-5 months. He asked if it would be possible to set up an account with Sunoco, so they would not have to drive so far for diesel fuel. Tina M. Rowe said she would check with the treasurer and have her set up an account.

He also informed Council that the fire department has applied for a \$60,000.00 Homeland Security Grant for the purchase of a 1987 pumper/tanker. If approved, the department will be responsible for \$3,000.00. Larry Fish asked where the department would get the \$3,000.00, and Tina Rowe said it was already included in the 2008-2009 budget. He presented Council with the 2007 financial reports.

B. Allen Brewer informed Council that Leeman Field will be surveyed so he and his mother can open the right-of-way in the front of the field. He inquired as to how the Town would like it marked (stakes, paint, etc). Mike Reuille said nothing should be used that could be dangerous to children.

C. Joyce Martin, of the Lee Theater Committee, addressed Council and presented a written statement on behalf of the committee. The committee asked Council to specifically

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define their duties. Mrs. Martin advised that they do not consider themselves “just” a fund-raising committee. (See attached statement) She said she has contributed a great amount of time to the theater committee. She took a position on the committee because she was excited about the project and wanted to help.

Connie P. Nunley commended the Lee Theater Committee for their accomplishments. C. R. Wynn said that he did not state that the committee is a fund-raising committee. The Town Clerk, Angela O’Dell, said that she included in the Minutes the comment that she understood him to make and asked if she needed to make any changes. She stated that it is her job to accurately report what is said at the Council meetings and that is what she attempts to do. Roberta Smallwood read an excerpt from the May Council Minutes in which Mr. Wynn said “the Theater Committee should not be involved in renting or leasing the theater; their job is to help raise funds”. Mr. Wynn said he felt that things were being “read into” his statement. He offered his resignation from the Lee Theater Committee, effective immediately, saying that he does not like to be misquoted or have things “read into” his statements. Tina M. Rowe said she assumed the comment was made about the fund-raising committee on the theater committee.

Greg Edwards said the committee could be set up as a non-profit organization. Mrs. Martin said she had heard that was a complicated procedure. Mr. Edwards advised it is not so complicated if there is a parent organization, such as the Town. He said he will provide the committee with more information on non-profit status.

7. Police Department

A. Barry Cottrell was not present to give the police report. Tina M. Rowe said he had asked her to inform Council that the price for the officer’s guns is \$220.00 each. She asked if Council wishes to approve this amount and give the officers first opportunity to purchase. There was a discussion about auxiliary officers carrying firearms. Tina Rowe stated that there was an Auxiliary Police Manual included in Council packets which needs to be adopted. Larry Fish suggested this issue be tabled until Council can get more information. He also recommended Chief Cottrell keep the firearms locked and inventoried for now.

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. Larry Fish made a Motion to apply for the \$25,000.00 grant from Rural Development and authorize the Mayor or Town Manager to sign. The Motion was seconded by Connie P. Nunley with vote as follows:

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

Jeff Cochran stated that he needs Council direction regarding the contractor. The

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contract can be terminated or the Town can seek liquidated damages. When asked if the contractor was bonded, he replied there was no bond, but some of the money was held by the Town. Greg Edwards said he would get a copy of the contract and review it before Council makes a decision regarding termination or liquidated damages. He can then poll Council for their opinions.

Jeff Cochran advised that USDA Rural Development has agreed to a grant of \$25,000.00 and to administer the ARC funds on behalf of the Town. Tina M. Rowe said that Rural Development recommended the funds be put toward equipment such as seating for the theater building. The Tobacco Commission revised application has been submitted and Mrs. Rowe hopes to hear something next month.

2. Livesay and Burchette buildings - see attached report.
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.
9. Sewer Treatment Plant Sludge Advertisement - see attached report.
10. DCR - Recreational Trails Program Grant - Multi Use Trail - see attached report.

9. Town Attorney/Treasurer Reports

A. Accounting/Auditing RFPs - Tina M. Rowe advised Council that she only received one proposal for the auditing from Thrower & Blanton, P. C. The proposal was for \$9,500.00 to \$10,500.00 per year for a 3 year contract (depending on how the books are when presented to them). She also advised Council that there may be an additional fee of \$3500.00 if the Town was required to have a single audit if it received over \$500,00.00 in grants. No proposals were received for the accounting, but a local accountant was out of Town. Mrs. Rowe said that accountant may be interested in the proposal. A Motion was made by Keith Harless to hire Thrower and Blanton, P.C. for the Town's auditors. 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

B. Adopt 2008/2009 Budget and Virginia State Code - Mayor Smallwood thought it would be a good idea to discuss the decal fees before adopting the new budget. He suggested the Town keep the decal fee the same as the County. Connie P. Nunley said she spoke with Rita McCann, County Treasurer, and there was a mistake in the newspaper article at the Jonesville Town Council meeting. (Their information was incorrect.)

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According to Mrs. McCann, the Town can set their own decal fee, and the County decal will still be free. The Commissioner of Revenue will bill the Town's taxes separately and the Town will be responsible for printing its decals and setting its rates. Mayor Smallwood asked about the Board of Supervisors, and Tina Rowe said Dane Poe gave her the same information as the County Treasurer. Council agreed to wait on this subject until the County makes a decision.

Larry Fish made a Motion to adopt the 2008-2009 Budget as written and adopt all amendments to the Virginia State Code. 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

Tina M. Rowe said the task order for \$9,800.00 has been approved. She asked if Council wants to use this money for the Stone Mountain ATV Trail or to purchase bleachers for Leeman Field Park. The cost of bleachers to seat approximately 100 people

would be \$8,500.00. If the task order money is used for bleachers, the money for the ATV Trail could come out of the reserve fund. Connie P. Nunley made a Motion to purchase bleachers and 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

C. Mutual Aid Agreement - Greg Edwards presented the Mutual Aid Agreement to Council for review. Larry Fish made a Motion to approve the Mutual Aid Agreement and to authorize the necessary signatures. 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	Aye

10. Public Works/Leeman Field/Misc

A. VML - Model Transportation Resolution; Conference - Larry Fish made a Motion to adopt the Model Transportation Resolution. Keith Harless seconded the Motion with vote as follows:

Larry Fish	Aye
Keith Harless	Aye

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

The Motion passed with a vote of 4-1.

B. Fire Dept. Resolution - Larry Fish made a Motion to adopt the Fire Department Resolution and authorize the necessary signatures. 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	Aye

C. Newly acquired Year property - Tina Rowe advised that the Town crew have finished clearing off this property. A construction company has asked about dumping waste somewhere in Town. Tim Dye suggested this property since it needs to be built up. The company said they would seed the property once they have finished dumping. Mayor Smallwood asked how many cubic feet of waste there would be and Mrs. Rowe said she would check on this.

Mrs. Nunley asked if there would be a problem with run-off if the property is built up. Tina Rowe said she will get the specifics and get back to Council.

D. Broadband Grant - Mrs. Rowe said the information in the packet was the last item on broadband which Council will receive.

E. The Organizational Meeting Date was set for Wednesday, July 2, 2008 at 1:00 p.m.

11. Council Committee Reports

None of the Council members had a report.

12. Larry Fish made a Motion to approve the bills to be paid and Keith Harless seconded the Motion. Vote as follows:

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

13, 14 & 14A.

At 8:45 p.m., Connie P. Nunley made a Motion to go into Closed Session for the following reasons:

1) Va. Code Section 2.2-3711A1 for discussion, consideration, or interviews of prospective candidates for employment and assignment, appointment, promotion,

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performance, demotion, salaries, disciplining, or resignation of employees

2) Va. Code Section 2.2-3711A7 to discuss potential litigation within the locality

3) Va. Code Section 2.2-3711A30 for discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion fo 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.

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

At 9:25 p.m., Larry Fish made a Motion to reconvene regular session. 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

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

Keith Harless made a Motion to allocate money from the reserve fund for the sludge drying beds the way they were originally designed, award the bid to the low bidder, and look for the money from Lenowisco. 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

16. Keith Harless made a Motion to adjourn. Mike Reuille seconded the Motion with vote as follows:

Larry Fish	Aye
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Keith Harless Aye

Connie P. Nunley Aye

Mike Reuille Aye

C. R. Wynn Aye

Time of adjournment: 9:26 p.m.

MAYOR JIMMY V. SMALLWOOD

ATTEST:

ANGELA K. O'DELL, TOWN CLERK

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