

June 15, 2009

MINUTES

**TOWN OF PENNINGTON GAP
COUNCIL MEETING
June 15, 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 - Absent
Town Clerk:	Angela K. O'Dell
Police Chief:	Barry Cottrell - Arrived at 7:08 p.m.
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 7:00 p.m.
4. Larry Fish made a Motion to approve the Agenda and 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

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5. C. R. Wynn made a Motion to approve the Minutes for the 5/18/09 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

6. Citizen's Recognition
No citizens were present.

7. Police Department

A. Monthly Report was submitted in Council folders.

B. Virginia Drug Task Force - Chief Barry Cottrell advised Council that the Police Dept. has applied for membership in the Virginia Drug Task Force. The cost for membership is \$5,000.00 annually. He advised that the Town must agree to supply one full-time officer when needed for special work on the task force. If money is seized in a drug bust, it would be divided equally among members of the task force. Chief Cottrell was asked if the money would only be divided if it is seized in the Town's jurisdiction and Tina Rowe asked if the seized money would be distributed based on population. He stated that any money seized in any jurisdiction would be divided equally among all task force members. This is how the Sheriff's Office has purchased several items.

Mrs. Rowe advised Council that there is \$5,000.00 set aside in the new budget, but (according to the Mike Reuille's Motion) it is to be used for equipment and facilities. Mike Reuille said that any equipment purchased because of the Virginia Drug Task Force membership would legitimize the use of this money. C. R. Wynn made a Motion to approve the Pennington Gap Police Dept.'s participation in the Virginia Drug Task Force. 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

Chief Cottrell asked about the investigator position. Mr. Fish said the Charter calls for a Police Chief or Sargent, but he feels both are needed in case the chief is not available. Chief Cottrell said that he understood from the town attorney that the Police Department could appoint rankings as necessary. Greg Edwards said he thinks the department can set up a ranking within the department, but there must be one "top" person in charge. The Charter allows the Town to determine what that "top" person is called. The chief read a report of work the investigator has done since appointed in January 2008. C. R. Wynn stated that he thought this matter was settled previously, but could not find a Motion to that

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effect. A Motion was made by C. R. Wynn, to be effective immediately, that the Police Department consist of a Chief, Sargent, and Investigator. Larry Fish seconded the Motion with vote as follows:

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

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.

Jeff Cochran informed Council that The Lane Group needs a Motion to proceed with the Special Task Order so they can advertise for bids and proceed with the project. Tina M. Rowe asked if there is a cost estimate available for Council review. The estimate has not been presented yet. Council decided to wait until they see a cost estimate to proceed with the Motion.

Tina M. Rowe advised Council that Fred Woliver has met with the structural engineer per Council request. Mr. Woliver has met with the engineer and did not feel it was necessary to report to Council about this. Larry Fish asked if there are any plans for Council to review the structural engineer's recommendations. Mr. Cochran said this information has already been presented to the Lee Theatre Committee. Connie P. Nunley asked about the Education Task Force Committee. She stated she did not remember anything about such a committee. Mrs. Rowe said the committee was created a few years ago during the broadband project and was advised by Joe Blevins, of CDBG, to continue education efforts in order to receive future grant funding for the theatre. Council recently appointed Jeff Harber to the committee. Mrs. Rowe informed Council that she needs a Resolution in order to apply for funding through the Tobacco Indemnification Special Projects Grant. The Resolution would allow the Town to apply for funding while partnering with the Lee County School System and the Regional Adult Education Program. The Town would furnish the building and the partners would provide teachers and classes per the MOU (Memorandum of Understanding)

which she handed out before the meeting. Larry Fish made a Motion to adopt the Resolution to seek funding through the Tobacco Indemnification Special Projects Grant Program. 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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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. The Town was tentatively awarded a \$350,000.00 VDOT grant for the bridge and last phases of the project.
5. VDH Waterline Grants - see attached report.
6. Regional Sewer Interceptor Extension Project - Jeff Cochran presented attached report. He said the County was awarded \$400,000.00 from the construction ready fund. The next step is the Notice to Award and Notice to Proceed.

B. Miles Hollow Sewer Line Replacement - Tina M. Rowe said she talked with Fred Woliver and they are not ready to request funds yet

9. Town Attorney - Greg Edwards

A. Status report - Greg Edwards advised Council that a lawsuit has been filed to enforce the option to purchase the Lee Theatre property. He said the former plat included the theatre building and lot behind it, but not the entire area for which the Town had exercised an option to purchase.

Mr. Edwards said Council will be given a copy of the court docket as soon as he receives it. He said it would be good for Council to know what the police officers are doing. Mr. Edwards also advised that the deed for the Gabriel property has been sent to Susan Gabriel per Tina Rowe. She is awaiting the signatures and return of the deed.

10. Public Works/Leeman Field/Miscellaneous

A. Calendar of Events - This was distributed in Council folders.

11. Administrative Reports

A. Set Organizational Meeting date & time - The Organizational Meeting was scheduled for July 1, 2009 at 12:00 noon.

B. VML Conference - Tina M. Rowe advised Council that the VML Conference will be held in October. The conference will take place in Roanoke this year. There is more information in Council folders. She needs to know as soon as possible if any Council members are interested in attending.

12. Council Member Reports -

Keith Harless reported that the Lions Club has torn out the old stalls in the first exhibit barn at Leeman Field and they are going to pour a concrete floor. He asked if the Town would be willing to pay the remaining \$2,000.00 to finish the concrete work. Keith Harless made a Motion for the Town to pay \$2,000.00 for finishing the concrete work at Leeman Field and Larry Fish seconded the 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

13. Larry Fish 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

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- 16, 17. At 7:55 p.m., Larry Fish 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 2.2-3711A7 to discuss potential litigation within the locality. 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 9:24 p.m., a Motion was made by Larry Fish to come out of closed session. 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

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
Mayor Jimmy V. Smallwood	Aye

A Motion to adopt the Wage Rate Scale as presented was made by Larry Fish and seconded by Mike Reuille. Vote as follows:

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

A Motion to adopt the 2009/2010 Budget and the Virginia State Code was made by Larry Fish. The Motion was seconded by C. R. Wynn with vote as follows:

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

13. A Motion to recess until July 1, 2009 at 12:00 noon was made by C. R. Wynn and seconded by Keith Harless. Vote as follows:

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

Time of recess: 9:30 p.m.

MAYOR JIMMY V. SMALLWOOD

ATTEST:

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ANGELA K. O'DELL, TOWN CLERK

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