

June 21, 2010

MINUTES

**TOWN OF PENNINGTON GAP
COUNCIL MEETING
June 21, 2010
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
Mayor Elect:	D. R. Carter
Council Elect:	Larry W. Holbrook
	Gary McElyea
	Terry K. Pope
Town Attorney:	Greg Edwards
Town Manager:	Tina M. Rowe
Town Treasurer:	Karen Maggard - Absent
Town Clerk:	Angela K. O'Dell
Police Chief:	Barry Cottrell - Absent
The Lane Group:	Jeff Cochran
Powell Valley News:	Louise Carver
Citizens/Attendees:	Ernie Roberts

1. Council Elect Larry W. Holbrook gave the invocation.
2. The Pledge of Allegiance was led by D. R. Carter.
3. Mayor Jimmy V. Smallwood called the meeting to order at 7:00 p.m.
4. Mayor Smallwood stated that two items need to be added to the Agenda under Citizens
Recognition: B. Tina M. Rowe - Barn at Leeman Field; C. D. R. Carter. Larry Fish made a Motion to approve the Agenda with those additions. Mike Reuille seconded the Motion

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with vote as follows:

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

5. Larry Fish made a Motion to approve the Minutes for the 5/17/2010 Council Meeting and C. R. Wynn 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 Smallwood	Aye

6. Citizen's Recognition

A. Terry K. Pope advised Council that he spoke with citizens when running for a Council seat and heard their concerns and complaints. He said there were comments about property in Town which needs to be cleaned, concerns about water rates, the meals tax and public safety. Mr. Pope stated that he was in awe of the Town's Volunteer Fire Department. They give selflessly to the community and provide a great service. He is in favor of building a new fire station, if possible, and feels that the volunteers should be honored in some way. He suggested a picnic or pool party for the members of the Fire Department.

Mr. Pope said he did have one item he would like to clarify for the new Council's information. He said in the past it has been said that Reuille's Auto Service is the only service station certified to work on the fire trucks and this statement is not correct. Mr. Pope said that he contacted several fire departments (i.e., Roanoke, Salem, Bristol) to inquire about certification. Those departments said it was not a requirement for service. He asked Mr. Reuille if service means his station is the only one that can work on the fire trucks. Mike Reuille said his station is the only one certified to work on the pumps; he said his employees also pick up and deliver the trucks at no charge to the Town. Tina Rowe stated that Reuille's Auto Service is one of few Town garages that is currently paid up-to-date on their business license. Mr. Pope stated that the new Council needs to be informed that any local service station can perform service on the fire trucks.

At this time, C. R. Wynn stated that nothing was being accomplished in this discussion and the 5 minute time limit for citizen's comments had expired. Mr. Pope said he was not aware that Mr. Wynn had been observing the time, but just wanted to make it clear to the incoming Council that Reuille's Auto Service is not the only station that can perform work on the fire trucks.

B. Tina Rowe informed Council that she has been contacted by Lee Foster's Rescue regarding a yard sale in the barn at Leeman Field this weekend. She said the Woman's

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Club stores their lights and equipment in the barn, so this would have to be moved in order for the group to use it. Connie Nunley said it would be difficult to move all of the lights and it could cause damage to the wiring or bulbs. Mayor Smallwood asked about the possibility of the group having a yard sale under one of the pavilions. Tina said she mentioned that to the group, but they were concerned about rain. Council agreed that Mrs. Rowe should tell them it is too inconvenient to use the barn, but they are welcome to use one of the pavilions for the yard sale.

C. D. R. Carter informed all present that the new Mayor and Council members were sworn in June 10, 2010 by the Honorable Judge Tammy McElyea. The Organizational Meeting will be held July 1, 2010 at 10:00 a.m. in the Council Room.

Mr. Carter expressed his appreciation to all Council members. He stated that he has worked hard to get where he is, and it has been an honor to serve with each of them in the past. He wished all out-going Council members the best and asked for their support and prayers. Mr. Carter said his door is always open.

Mr. Carter also said he felt the police officer Mike Reuille commended last month for his heroism should be honored in some way. He suggested a plaque, and Mayor Smallwood said a plaque has already been purchased and will be presented to the officer.

7. Police Dept. Monthly Report - Chief Barry Cottrell was absent, but the report was included in Council packets.

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

A. Project Updates - Jeff Cochran/Tina Rowe

1. Lee Theatre Structural and Auditorium Design - see attached report by The Lane Group. The final pay request to Quesenberry's Inc. in the amount of \$49,064.83 (including a \$15,227.00 change order) has been submitted for Council's approval. A Motion was made by Larry Fish and seconded by C. R. Wynn to approve the final pay request. Vote as follows:

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

2. Regional Sewer Interceptor Extension Project - see attached report from The Lane Group. C. R. Wynn made a Motion to approve the sixth pay request to Estes Bros. in the amount of \$88,388.35. The Motion was seconded by Mike Reuille with vote as follows:

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

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pavilions and grounds, he has several questions about Mr. Korman's compliance to the lease agreement. Connie Nunley said that she feels this definitely needs to be addressed in the future. Mr. Pope stated that the new Council has the right to make any necessary changes in the future. Greg Edwards said this was true, except in the case of contracts.

C. Bridge Naming - C. R. Wynn said L. F. Williams lived most of his life in the Town of Pennington Gap. He was very cooperative with the Town in any endeavors and signed any necessary easements. A Motion was made by C. R. Wynn to name the new bridge The L. F. Williams Memorial Bridge. 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
Mayor Jimmy Smallwood	Aye

D. Tobacco Commission Joint Application for Trail Phase II - Mrs. Rowe said that Jeff Cochran had already addressed this subject. There is a copy of the application in Council packets and it will be reviewed July 15, 2010 in Abingdon.

E. Adopt 2010/2011 Budget and Virginia State Code - Larry Fish made a Motion to adopt the 2010-2011 Budget 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
Mayor Jimmy Smallwood	Aye

A Motion was made by Larry Fish to adopt the State Code as written effective until July 1, 2010. 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
Mayor Jimmy Smallwood	Aye

F. Southwest Virginia Cultural Heritage Commission - Tina Rowe informed Council that she attended a meeting in Abingdon, Virginia on May 26, 2010 regarding the development of the Southwest Virginia Heartwood Center. She submitted information about Leeman Field and the Lee Theatre to be included in the presentation. The Commission has requested that communities submit a 5 - 7 minute video to be shown at the Heartwood Center. The cost for preparing the video is \$7,000.00. Mrs. Rowe said Council could consider including information at the center now, or may choose to wait until the projects are completed. Mrs. Nunley said she feels it would be

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better to consider this when the projects are completed.

G. Theatre Committee - Mrs. Rowe advised that Sandy Montgomery has resigned her seat on the Lee Theatre Committee. Council may want to appoint someone to that seat, or leave that appointment to the new Council. The current Council agreed to allow the newly elected Council to fill that committee seat.

11. Council Member Reports

Larry Fish stated that for him this night concluded 12 long years as a member of Town Council. He thanked all employees and Council members with whom he has served. Mr. Fish said that there had been “ups and downs” during the years, but he feels much was accomplished for the improvement of the Town.

Connie P. Nunley said the property located on Joslyn Avenue (where the rest home was located) is in need of maintenance. It is now a rental home, but the outside is in poor condition. She asked that this problem be addressed in the future.

Mrs. Nunley said she appreciates the opportunity to serve on the Town Council. She said it wasn’t always smooth sailing, but she feels much has been accomplished. It has been a learning experience and she appreciates all the help given to her during her four years on Council.

Keith Harless asked for Council’s prayers for his daughter, who is now in Australia as a Student Ambassador. He said it has been a privilege to serve with his fellow Council members.

12. Larry Fish made a Motion to approve the bills paid and to be paid. 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
Mayor Jimmy Smallwood	Aye

13. At 7:47 p.m., Connie P. Nunley made a Motion to go into closed session pursuant to Va. Code Section 2.2-3711A3 for 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 and pursuant to Va. Code Section 2.2-3711A1 for assignment, appointment, promotion, performance, demotion, salaries, disciplining,

or resignation of employees. The Motion was seconded by Larry Fish 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
Mayor Jimmy Smallwood	Aye

At 8:05 p.m., Larry Fish made a Motion to reconvene regular session 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
Mayor Jimmy Smallwood	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 Smallwood	Aye

Connie P. Nunley made a Motion to accept the Quit Claim Deed of Gift from Norma Williams, Ronnie Montgomery, Paulette Williams Kelly, and Richard Williams and to authorize the sitting Mayor to sign the deed upon acceptance. 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
Mayor Jimmy Smallwood	Aye

A Motion was made by Connie P. Nunley to purchase the Paulette Williams Kelly property pending a successful title search for the amount of \$20,000.00. Mike Reuille seconded the Motion with vote as follows:

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

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C. R. Wynn Aye
Mayor Jimmy Smallwood Aye

14 A Motion to adjourn was made by Connie P. Nunley and seconded by Larry Fish. Vote as follows:

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

Time of adjournment: 8:08 p.m.

MAYOR JIMMY V. SMALLWOOD

ATTEST:

ANGELA K. O'DELL, TOWN CLERK

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