

May 18, 2009

MINUTES

**TOWN OF PENNINGTON GAP
COUNCIL MEETING
May 18, 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
Police Chief: Barry Cottrell - Absent

The Lane Group: Jeff Cochran
Powell Valley News: Louise Carver

Citizens/Attendees: None Present

1. Invocation was given by Connie P. Nunley
2. Connie P. Nunley 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

May 18, 2009

Mike Reuille	Aye
C. R. Wynn	Aye

5. C. R. Wynn made a Motion to approve the Minutes for the 4/20/09 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 - Barry Cottrell's report was included in Council packets. Mayor Smallwood said there is a stop sign at the corner of Duff Street and Leigh Avenue which has been down for some time. Tina M. Rowe said that needs to be reported to VDOT.

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. Tina Rowe informed Council that there is one missing piece (approximately \$450,000.00) to fund the entire theatre project. The Tobacco Commission special projects application is due June 15, 2009, but in order to apply for this funding the Town would have to have two partners. She said she talked with Fred Marion about partnering with the Lee County School Board. Mayor Smallwood asked if the Town would lose any control if we partner for funding. Jeff Cochran said "no" - it just means other agencies would benefit from the additional funding and this would increase the Town's chances of receiving special projects monies. C. R. Wynn said the Town should go for it because more partners could make the project better. Council agreed to pursue funding with partners.

2. Livesay & Burchette Buildings - see attached report by The Lane Group.

3. Sewer Treatment Plant Sludge Disposal Plan Amendment - see attached report by The Lane Group.

4. Pennington Gap Greenway - see attached report. Mrs. Rowe advised Council that the Town has run into a couple more issues since the original plan. There is some clean up that needs to be completed before work on the trail can begin and there is a problem with erosion on the bank. This erosion problem needs to be resolved and we are looking into possible methods. These items are not included in the current cost estimates for the greenway trail. Council needs to realize that there will be revisions in the total cost. Larry Fish made a Motion to approve the revised Task Order. Mike Reuille seconded the Motion with vote as follows:

May 18, 2009

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

5. VDH Waterline Grants - see attached report.

6. Regional Sewer Interceptor Extension Project - see attached report by The Lane Group.

7. DCR - Recreational Trails Program Grant - see attached report. Tina

Rowe

said she advised DCR that a feasibility study is underway. She said Council needs to make a decision whether or not they want to continue with the trail or wait until this study is completed. The study cannot be completed until October 2009. Council needs to decide if they want to spend \$27,000.00 and take a chance on not being able to proceed as planned once the feasibility study is completed. She said the County agencies will meet tomorrow and they will base their decision on the Town's vote.

Mayor Smallwood asked about the flexibility of the route and Jeff Cochran said the route could be adapted regardless of the study results. Tina Rowe also informed Council that not all of the easements have been secured yet, but there has been no opposition by land owners.

8. Drying Beds for Water Plant - see attached report.

9. Town Attorney/Treasurer Reports

A. Blight Abatement - Greg Edwards said he has looked at possible solutions for problems with out-of-town property owners. Mrs. Rowe said she has already sent letters, so the next step (per Greg Edwards) is the Notice to Proceed.

B. Noise Ordinance - Greg Edwards advised Council that the current Noise Ordinance is unconstitutional. To keep this ordinance, the Town would have to buy a decibel measure and set levels. He advised Town Ordinances need to be updated with a State Code reference to assist the Court with convictions.

10. Public Works/Leeman Field/Miscellaneous

A. Shave Ice Mobile Unit Request - Tina Rowe advised Council that the lady who requested permission to sell shaved ice at Leeman Field had contacted her again. She asked if she could set up the mobile unit if she brings her own generator. C. R. Wynn made a Motion to allow the mobile unit to be set up to sell shaved ice with the understanding that 10% of the proceeds would go to the Town. Keith Harless commented that if one vendor was allowed to set up at Leeman Field, Council would have to allow any other vendors to set up, too. After a brief discussion, the Motion died for lack of a second.

B. Leeman Field Calendar of Events - Tina Rowe asked if Council has a preference

May 18, 2009

as to when the Leeman Field Pool should open. It usually opens after school is out, but this year that is not until June 9th. The pool has been painted, and is almost ready to open. Mayor Smallwood suggested the pool be opened as soon as it is ready - not to wait for the end of school.

C. Pavilion & Stage Rental Fees - After checking with the Town of Jonesville, Mrs. Rowe advised that they charge \$30.00 and \$35.00 per day for rental of their pavilions. She recommended the pavilions be rented in 3 hour increments at a cost of \$25.00. Keith Harless suggested an option of one-half day rentals. Council suggested Mrs. Rowe study the trend for rentals and make a recommendation later.

11. Administrative Reports

A. Alltel Lease - Tina M. Rowe advised Council that Alltel has chosen to exercise their option to renew the lease. According to the agreement, the lease rate automatically increases 12% upon renewal.

B. Engineering - Mrs. Rowe informed Council the open ended engineering contract with The Lane Group is up June 30th. Council needs to decide if they want to continue with an open ended contract, or bid out the projects individually. Mayor Smallwood suggested advertising for engineers until Council decides. C. R. Wynn made a Motion to advertise for an open ended engineering firm 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

C. Electronics Recycling - Karen Maggard said she received a call from a company out of Knoxville, TN which offers to bring a truck or pallets into Town to set up for electronic recycling. There would be no cost for collection, the pay would be what they collect. The truck (or pallets) could remain here for a week or a month in order to collect various electronic items for recycling. Mrs. Maggard read a list of recyclable materials. Council agreed to allow her to set up this collection.

12. Council Member Reports -

C. R. Wynn addressed Council regarding a comment that Connie P. Nunley had made a few months ago about the Lee Theatre project. Mrs. Nunley had asked if anyone was observing work done by contractors in the building. Mr. Wynn said someone needs to be onsite during structural work. He suggested Fred Woliver be present when work is being done and report back to Council. Mayor Smallwood and Council agreed this should be done.

13. 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
------------	-----

May 18, 2009

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

14, 15

16. At 7:45 p.m., Larry Fish made a Motion to go into closed session pursuant to Va. Code Section 2.2-3711A7 to discuss potential litigation within the locality, pursuant to Va. Code Section 2.2-3711A1 for assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of employees, and 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. 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 8:13 p.m., a Motion was made by Keith Harless 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

A Motion to approve a Resolution to approve the settlement agreement with Willie Bailey and Estes Bros. Construction and authorize the Town Attorney to execute the agreement on the Town's behalf was made by Larry Fish and seconded by C. R. Wynn. Vote as follows:

Larry Fish	Aye
Keith Harless	Aye

May 18, 2009

Connie P. Nunley Aye

Mike Reuille Aye

C. R. Wynn Aye

A Motion to advertise for a Public Hearing to dispose of public real estate and amend the noise ordinance on June 15, 2009 at 6:30 p.m. was made by Connie P. Nunley. 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

13. A Motion to recess until June 1, 2009 at 11:00 a.m. was made by Larry Fish 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

Time of recess: 8:18 p.m.

MAYOR JIMMY V. SMALLWOOD

ATTEST:

ANGELA K. O'DELL, TOWN CLERK

May 18, 2009

May 18, 2009