

November 16, 2009

**MINUTES**

**TOWN OF PENNINGTON GAP  
COUNCIL MEETING  
November 16, 2009  
MUNICIPAL BUILDING**

**RECORD OF ATTENDANCE:**

**7:00 P.M.**

Mayor: Jimmy V. Smallwood  
Council: Larry Fish  
Keith Harless  
Connie P. Nunley - Absent  
Mike Reuille - Absent  
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  
Thrower Blanton, CPA: Tamara Greer  
Lee Co. Administrator: Dane Poe

Citizens/Attendees: David Jessee  
Betty Sturgill

1. Angela O'Dell led the Lord's Prayer.
2. The Pledge of Allegiance was led by Angela O'Dell.
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 deletion of item #11 and addition of #14B - Closed Session pursuant to Va. Code Section 2.2-3711A3. The Motion was seconded by C. R. Wynn with vote as follows:

Larry Fish	Aye
Keith Harless	Aye

November 16, 2009

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

5. Larry Fish made a Motion to approve the Minutes for the 10/26/2009 Council Meeting. C. R. Wynn seconded the Motion with vote as follows:

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

6. Citizen's Recognition  
No citizens were present to comment.

7. 2008/2009 Audit - Tamara Greer presented to Council the audit report for June 30, 2009. She said the overall audit was favorable, but there were a couple of significant deficiencies.

One of the significant deficiencies concerns separation of duties and would be very hard to remedy since there is a limited number of office employees. Ms. Greer did state that there were no material weaknesses listed this year and there was noticeable improvement since last year. She reviewed the revenues and expenditures in all funds, as well as several new exhibits implemented due to GASB 34. Council was given the findings letter for review also.

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

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 a pre-construction conference was held today and they are ready to issue the Notice to Proceed. A Task Order in the amount of \$105,123.00 needs to be approved by Council. Larry Fish asked the difference between the preliminary design and final design and why both were necessary. Mr. Cochran said the preliminary design is prepared and given to Council and committee for review. Any suggestions made are then addressed and the final design is presented for approval. C. R. Wynn made a Motion to authorize The Lane Group to proceed with the preliminary design per the Task Order. The Motion was seconded by Keith Harless with vote as follows:

November 16, 2009

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

2. Lee Theatre/Tobacco Commission Grant - see attached report by The Lane Group.
3. DCR - Recreational Trails Program Grant - Jeff Cochran informed Council that the deadline has been extended again until December 4, 2009. A report from The Lane Group is attached to these Minutes.
4. Pennington Gap Greenway - see attached report.
5. VDH Waterline Grants - see attached report.
9. Town Attorney
- A. Greg Edwards addressed Council regarding the ordinance update with State Code. He said he is making progress, and once finished there will need to be a Public Hearing.
10. Administrative Reports - Tina Rowe
- A. Southwest Regional Recreation Authority - Tina Rowe informed Council that she attended the SSRA Spearhead Trails Conference last Thursday. A copy of her presentation is in the Council packets. She said the conference was actually an economic development conference because a trail would bring money back into the area. She said you could view the conference online at [spearheadtrails.com](http://spearheadtrails.com).
- B. Lee Theatre/Tobacco Commission Grant - Mrs. Rowe stated that the Town was awarded \$232,815.00 without contingency.
- C. Leeman Christmas Fantasy Schedule - Tina Rowe advised Council that a schedule was included in their packets. She said Mike Reuille said he should be able to work by then, if not she would be happy to assist if needed.
- D. Town Christmas Party - Tina Rowe advised Council that she has checked with Ruby's Country Steakhouse and the restaurant is available for the party on December 14<sup>th</sup>. She
- If Council agrees, she will go ahead and schedule that date. Council had no objections.

November 16, 2009

said she would also invite retired employees to the dinner.

E. Fairground Road - Mrs. Rowe said that she, David Jessee and Dane Poe have been discussing a way to get from the Recreational Trailhead to the mountain. The best solution they have seen is the fairground road at Leeman Field. The Town could possibly take the road back into its care from VDOT. That would only require a letter and the Town's maintenance of the road. David Jessee said the road would require very little maintenance and the Town's possession would eliminate public use. Greg Edwards reminded Council that the Town would only need the road if the Recreational Trail becomes a reality. This could be discussed later.

F. Planning Commission and Board of Zoning Appeals Appointments - Tina Rowe informed Council that all Planning Commission members' terms have expired except C. R. Wynn. He was reinstated in 2006 for 4 years. Tom Reed also needs to be replaced since he moved out of town. C. R. Wynn made a Motion to reinstate all Planning Commission members for 4 years from the date their terms expired (except Tom Reed). Keith Harless seconded the Motion with vote as follows:

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

The Planning Commission was set as follows:

- C. R. Wynn - term expires 2010
- Roberta Smallwood - term expires 2012
- A. J. Hatmaker - term expires 2013
- Connie Daugherty - term expires 2013

Doug Parkey's term on the Zoning Appeals Board expires November 18, 2009. C. R. Wynn made a Motion to nominate Doug Parkey to the Circuit Court for 4 year extension of his term to the Zoning Appeals Board. The Motion was seconded by Keith Harless with vote as follows:

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

G. The Cumberland Horse Association has requested permission to construct a clubhouse type building at Leeman Field. Tina Rowe said the association has applied for a grant to help with this expense. A Motion to approve the request to build a clubhouse for

November 16, 2009

the Cumberland Horse Association once the sketch is submitted to Council and approved was made by C. R. Wynn and seconded by Keith Harless. Vote as follows:

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

11. Police Department

A. Monthly Report - Chief Barry Cottrell was not present, but the report was included in Council packets.

11. Council Member Reports -

No reports were given.

13. C. R. Wynn made a Motion to approve the bills paid and to be paid. The Motion was seconded by Larry Fish with vote as follows:

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

14 and

14A. At 7:55 p.m., Larry Fish made a Motion to go into closed session pursuant to Va. Code Section 2.2-3711A29 for discussion of the award of a 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 and 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. The Motion was seconded by C. R. Wynn with vote as follows:

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

At 8:53 p.m., a Motion was made by Larry Fish to come out of closed session. Keith Harless seconded the Motion with vote as follows:

November 16, 2009

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

other  
than the issue stated:

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

or  
A Motion to proceed with the Recreational Trail pending obtaining all easements relocating the trail around such properties where easements cannot be obtained and also contingent upon the county's contribution of 50% of the cost of the study. The Motion was seconded by Keith Harless. Vote as follows:

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

C. R. Wynn made a Motion to approve the engineering for demolition of the Livesay and Burchett buildings. The Motion was seconded by Keith Harless with vote as follows:

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

13. A Motion to adjourn was made by Larry Fish and seconded by Keith Harless. Vote as follows:

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

November 16, 2009

C. R. Wynn

Aye

Time of adjournment: 8:58 p.m.

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MAYOR JIMMY V. SMALLWOOD

ATTEST:

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ANGELA K. O'DELL, TOWN CLERK

November 16, 2009

November 16, 2009