

**MINUTES**

**TOWN OF PENNINGTON GAP  
COUNCIL MEETING  
OCTOBER 14, 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  
Town Clerk: Angela K. O'Dell

Lee Co. Rescue Squad: Freeman Vandergriff  
Kay Robbins

Woodway Water Authority: John Henry Myers  
Leeman Christmas Fantasy: Faye Boccock

The Lane Group: Jeff Cochran  
Powell Valley News: Sonya Baumgardner  
Kingsport Times News: Walter Littrell

Citizens/Attendees:

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. 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

5. Larry Fish made a Motion to approve the Minutes for the 9/15/08 Council Meeting with one correction. Connie P. Nunley 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. Lee Co. Rescue Squad - Freeman Vandergriff addressed Council regarding the original deed from March 1991 that conveyed property for the pump station to the Town. He read an excerpt from the deed about paving the adjacent lots. Greg Edwards stated that the wording refers to "developing" the parking lot and doesn't specify "paving". He said the deed was written 17 years ago and the statute of limitations has run out. According to the deed, the lots just need to be developed for parking, not necessarily paved. He said this would not even be enforceable in court. Mayor Smallwood suggested that Tim Dye look at the lots to make a suggestion. Mike Reuille said the money is not in this year's budget, but it could possibly be added to next year's. C. R. Wynn agreed that it would be a good idea to let Tim Dye look at the property and report back to Council. Tina M. Rowe said she would direct him to do this.

B. Faye Bocock advised Council that she was present on behalf of the Leeman Christmas Fantasy. The New Year's Eve ball broke last year and it cannot be used this year until it is repaired. She has checked several places and most of them ask about \$2,000.00, but she has found a place in Kingsport that will do the work for \$1,200.00. Tina Rowe said the Town has \$500.00 in the Beautification Fund and an extra \$500.00 in the Leeman Christmas Fantasy fund. Connie P. Nunley made a Motion to fund the entire \$1200.00 by using \$500.00 from the Beautification Fund, \$500.00 from the Leeman Christmas Fantasy Fund and \$200.00 from the Town's General Fund. 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

B. Woodway Water Authority - John Henry Myers informed Council that, if Woodway Water Authority cannot get a long term contract for water with the Town, they will probably construct their own water plant. He said the long term contract would provide protection for Woodway and for the Town of Pennington Gap. C. R. Wynn asked why any loan agency would agree to loan that kind of money to build another plant when there is one available in such close proximity. Mr. Myers said that Woodway Water Authority has acquired \$6 million in private funding, so they would not require grant funding. Larry Fish asked what length of contract terms Woodway would request. Mr. Myers said at least 10 years. When asked what contract they are currently working under, Tina Rowe said they are operating on the new contract but Woodway hasn't signed it. Mike Reuille reminded Mr. Myers that the cost of operating a water plant increases yearly, so the contracted water rates would need to increase also. Mr. Myers said the rates could be renegotiated if necessary. He said the current charges to Woodway for the Town's water plant operating costs seem unfair. Mayor Smallwood informed him that the operating fee is based on the percentage of water delegated to Woodway (i.e., if they used 20% of the total water produced, they would pay 20% of the maintenance fees). He suggested a work session be set up between the Town and Woodway Water Authority and all the terms of the contract can be discussed.

7. Police Department

A. Monthly Report - Chief Barry Cottrell was on vacation, so Tina Rowe gave this report. There were 33 incident reports with 23 charges filed.

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 by the Lane Group.
2. Livesay and Burchette buildings - see attached report.
3. Sewer Treatment Plant Sludge Disposal Plan Amendment - see attached

report by The Lane Group.

4. Pennington Gap Greenway - see attached report. Mike Reuille made a Motion to approve the Resolution and authorize the necessary signature to apply for the 2008 VDOT Enhancement Grant Program for the Leeman Field bridge and Phase VII of the Pennington Gap Greenway (approximately \$380,000.00). 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

Tina Rowe informed Council that Martha Podren, with TVA, will assist her in applying for the next round of grant funding. VDOT will allow Ms. Podren to use her time as an "in kind" match and this should cover the remaining \$10,368.00 needed.

Jeff Cochran stated that the Lee County Community Foundation grant money could

be used as a match for the VDOT Enhancement Grant or Lee Theatre work. A Motion to apply for this funding for the theatre was made by C. R. Wynn 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

Larry Fish made a Motion to approve the task order to cover Phases I - VII of the Greenway. 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

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. DCR - Recreational Trails Program Grant - Multi Use Trail - see attached report.

9. Town Attorney/Treasurer Reports

A. Easement from School Board - Greg Edwards advised that he is trying to locate the deed to the school so the easement can be prepared. Tina Rowe said that we need the easement by November 1<sup>st</sup> so it can go with the grant application.

B. Quarterly Grant Report - Karen Maggard advised that the report was in the Council packets and offered to address any questions.

C. Identity theft prevention program - Karen Maggard said she has received the template for the utilities. The Town currently complies to most requirements, we just need to formally adopt the program. C. R. Wynn made a Motion to adopt the Identity Theft Prevention Program and the Motion was seconded by Larry Fish. Vote as follows:

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

D. Taxes - Mrs. Maggard advised Council that the Town real estate and personal property taxes did not go into the mail until October 7<sup>th</sup>. She suggested an extension of the due date to November 7<sup>th</sup>. Larry Fish made a Motion to extend the deadline date for Town real estate and personal property taxes to December 5, 2008 to coincide with the County's extension. C. R. Wynn seconded the Motion 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. Ordinance Awareness Ad - Tina Rowe said she would like to run an advertisement in the Powell Valley News about some of the more pertinent Town ordinances as a reminder to citizens. Mayor Smallwood inquired about the cost of an ad. He suggested Mrs. Rowe get a cost comparison for mailing something with the water bills and for running an advertisement. This could be presented to Council next month.

B. Zoning - Tina M. Rowe said Council had previously received a copy of the job description for Zoning Administrator. C. R. Wynn made a Motion to approve the job description as presented and Mike Reuille seconded the Motion. Vote as follows:

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

Connie P. Nunley expressed her feelings that this is placing a great deal of responsibility on the Town's Superintendent of Public Works.

Greg Edwards stated that he needs a list of potential Zoning Appeals Board members to present to the judge for approval. He said the judge does not like to allow Planning Commission members to be Appeals Board members. Connie P. Nunley said she felt it would be in the best interest of the Town and the Council members to not allow family members to be on the Zoning Appeals Board. Larry Fish made a Motion to appoint a total of 5 members to the Zoning Appeals Board. The Motion was seconded by C. R. Wynn with vote as follows:

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

After discussing a possible list of members to serve on the Zoning Appeals Board, Council agreed to recess and look for new members who were not serving on the Planning Commission. Greg Edwards reminded them that before the Board can be set in place, each member must be approved by the judge.

A Building Permit from the county will not be issued until a Zoning Permit is issued by the Town.

11. Council/Committee Reports

Mike Reuille asked about the heat pump Council had discussed last year for the Council room. The Mayor said it had been ordered

12. Larry Fish made a Motion to approve the bills 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

12. A. A Motion was made by Larry Fish at 8:50 p.m. to go into Closed Session pursuant to Va. Code Section 2.2-3711A1 for the purpose of discussion, consideration, or interviews of prospective candidates for employment and assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of employees. C. R. Wynn seconded the Motion with vote as follows:

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

C. R. Wynn made a Motion at 9:15 p.m. to reconvene regular session. Connie P. Nunley 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

13. A Motion to recess was made by Larry Fish and seconded by C. R. Wynn. 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 recess: 9:20 p.m.

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MAYOR JIMMY V. SMALLWOOD

ATTEST:

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ANGELA K. O'DELL, TOWN CLERK



