

October 18, 2010

MINUTES

**TOWN OF PENNINGTON GAP
COUNCIL MEETING**

**October 18, 2010
MUNICIPAL BUILDING**

RECORD OF ATTENDANCE:

7:00 p.m.

Mayor:	D. R. Carter
Council:	Keith Harless Larry W. Holbrook Gary McElyea – Absent Terry K. Pope Jimmy V. Smallwood
Town Treasurer/ Acting Town Manager:	Karen Maggard
Town Clerk:	Angela K. O’Dell
Chief of Police:	Barry Cottrell – Absent
Penn. Police Dept.:	Sgt. Gary Shackelford
Lee Co. IDA:	Tim Long
The Lane Group:	Bobby Lane Jeff Cochran
PG Fire Department:	Chief James Skidmore
Powell Valley News:	Louise Carver
Citizens/Attendees:	Jessee Griffith Larry Fish Gloria Jean Miller Anthony Robbins

1. Invocation was given by Bro. Jessee Griffith, Layman.
2. The Pledge of Allegiance was led by Bro. Jessee Griffith, Layman.
3. Mayor D. R. Carter called the meeting to order at 7:00 p.m.

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4. Mayor D. R. Carter made a Motion to approve the Agenda and Jimmy Smallwood seconded the Motion. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

5. A Motion to approve the Minutes for the 9/20/2010 Council Meeting and the 10/7/2010 Special Called Meeting was made by Larry Holbrook and seconded by Terry Pope. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

6. Citizen's Recognition

A. Tim Long of Lee Co. IDA addressed Council regarding the Coal Heritage Trail.

He said the IDA is working on a brochure to enhance the trail and Pennington Gap is part of that trail. Debbie Spencer of the Tourism Committee has suggested the caboose in

Town

be used as a pinpoint area for visitors. It could be considered an interpretive center. The Tourism Committee is seeking permission from the Council to use the caboose in that capacity. The committee will seek funding to make any necessary improvements, so the Town would have no financial obligation. Terry Pope made a Motion to allow the Lee

Co.

Tourism Committee to use the caboose under the Council's direction. The Motion was seconded by Jimmy Smallwood with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

Mr. Long also addressed Council regarding the Stone Face Rock. He stated that

the

Lee Co. IDA is seeking funding from the state for providing a spotlight for the structure.

He said since it is the Town's symbol, it would be good for the Town to be involved in

spotlighting it. Anthony Robbins said that Jack Keith spearheaded the original lighting

of

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the Stone Face Rock years ago. It would be a tribute to Mr. Keith to have that lighting once again. Mr. Long said he would appreciate any assistance the Town would be willing to give

to help with this project. Council agreed that this would be worthwhile project and Mr. Long said he would seek grant funding and get back to Council at a later date.

B. Larry Fish and Gloria Jean Miller – Larry Fish addressed Council regarding the roadway between his property and Mrs. Miller’s property (formerly Howard Street). He said they are the only property owners on the street and they are interested in purchasing the property from the Town. Mr. Fish stated that James Miller has been maintaining the area. He realizes there would need to be a survey and they are willing to pay for that. If the Town is not interested in selling, he would ask that the road be closed.

Mayor Carter stated that he understands that Mr. Fish and Mrs. Miller are hoping to “square up” their property. There is a procedure that would need to be followed and the Council would have to be careful not to set a precedence. Council would have to agree on the sale, a committee would have to view the property and make a recommendation. The Town does not have an attorney at present, so any action would be delayed. Terry Pope made a Motion to table this request until the Town hires a Town Attorney and full Council is present. Jimmy Smallwood seconded the Motion with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

7. Police Department

A. Monthly Report was presented by Sgt. Gary Shackleford. The department issued 47 traffic citations, 2 DUIs, 1 DIP, and charged 3 counts of underage possession of alcohol. The department is currently performing a walk-thru of local banks daily during which they perform a visual inspection. They also work the school zone twice daily. He stated that work has been done to improve the appearance of the Police Dept. building and invited Council to visit the building.

B. Chief James Skidmore presented the Fire Department report. He said the

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department responded to a total of 7 calls and logged 156.5 man hours. Mayor Carter inquired about the floor of the fire department building. Chief Skidmore said the trucks housed in the building weigh up to 60,000 pounds each and this has caused a crack in the floor due to the lack of rebar. Council discussed briefly the cost to make repairs.

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

A. Project Updates – Bobby Lane/Jeff Cochran

1. Lee Theatre Structural Auditorium Design – see attached report. Bobby Lane advised that he met with the Lee Theatre Committee last week and they requested several changes to the design. He reviewed the requested changes and cost adjustment with Council. The estimated cost for the changes is \$18,960.00, but there is a possibility that some of the changes could result in a decrease in construction costs. Mr. Lane requested Council review the plans and inform The Lane Group when they wish to proceed.

Terry Pope advised that the changes requested help get the theatre building back to the original lay-out, which is the aim of the Theatre Committee. He stated that it will be well worth the additional cost if the building does not have to be refurbished in 30 years.

Bobby Lane said The Lane Group would propose an amendment to their contract and this would be submitted to Council for approval. There would be no loss of time since we are awaiting response from funding agencies.

Keith Harless made a Motion to proceed with the design as approved by the Lee Theatre Committee. Jimmy Smallwood seconded the Motion with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

The Lane Group. 2. Regional Sewer Interceptor Extension Project – see attached report by

3. DCR – Recreational Trails Program grant – see attached report. Jeff Cochran advised that both environmental study reports came out favorable to the project. He has submitted the documentation to VDCR.

4. Pennington Gap Greenway – see attached report.

He Terry Pope asked Mr. Cochran about the sidewalk in front of Mark’s Alignment. said when the theatre is completed this walkway would be needed. Mr. Cochran said he would have to work with VDOT since it is their right-of-way. He agreed to work up some sketches for Council review.

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9. Administrative Report and Council Action – Mayor D. R. Carter/Karen Maggard
A. Planning Commission appointment – Mayor D. R. Carter made a Motion to
table this item until next month’s meeting. Jimmy Smallwood seconded the Motion. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

B. Public Works Dept. sale of property – Mayor Carter advised Council that they received information earlier regarding two trucks and a street sweeper that could be bid out in order to secure funds for purchase of a street sweeper/vacuum. He said that the public works crew had mentioned in the staff meeting that a sweeper would be very beneficial. A Motion to advertise for sale of surplus property was made by Keith Harless and seconded by Terry Pope. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

C. Bids for 10 thermal-paned windows for municipal building – Mayor Carter informed Council that the money for this has already been budgeted. Keith Harless made a Motion to take bids for 10 thermal-paned windows with proof of insurance and contractor’s license to be supplied by bidders. Larry Holbrook seconded the Motion with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

D. Employee life insurance proposal – Karen Maggard informed Council that this information was included in their packets. There would be no cost to the Town – the agent merely asked permission to offer the additional insurance to employees. Terry Pope

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made a Motion to table this item. The Motion was seconded by Jimmy Smallwood with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

E. Fire Dept. – Mayor Carter stated that the Fire Dept. building is in need of gable ends, vinyl soffit and aluminum fascia. He asked if the 1% of Meals Tax set aside for emergency services could be used for this. Keith Harless said it should be available for this project. Keith Harless made a Motion to take bids for gable ends, vinyl soffit and aluminum fascia for the Fire Dept. building with proof of insurance and contractor’s license to be supplied by bidders. Larry Holbrook seconded the Motion with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

10. Council Member Reports

Keith Harless commended Councilman Smallwood and Councilman Pope for their work on the Williams Auto building.

Larry Holbrook said the sanitation workers have told him there is only one garbage truck in working condition right now. If there are any funds available, it might be a good idea to look into purchasing another used truck for a spare. One of the employees told him that the town of Sneedville, Tennessee may have an old garbage truck they would consider selling. Mayor Carter said he would have Tim Dye check with the town of Sneedville and get back to Council.

Terry Pope said the Woman’s Club has advised that they will need some help preparing for Leeman Christmas Fantasy this year. The trustees can help, but would need a Town employee to monitor them. Mayor Carter said the Police Dept. could probably just do a drive-thru check on the trustees while they are working at Leeman Field. He will make sure that would suffice.

Mr. Pope also informed Council that Ron Carson has contacted him regarding the donation of a row of seats from the Lee Theatre building to display at the African American Cultural Center. This would be a symbol of the segregation that existed when the theatre was first opened. Jimmy Smallwood made a Motion to donate a row of seats of their choosing to be displayed at the African American Cultural Center. The Motion

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was seconded by Keith Harless with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

never
 been nominated as an inductee into the Virginia High School League Hall of Fame. He requested Council's approval to submit a letter of recommendation to nominate Don Williams to the Virginia High School League Hall of Fame. A Motion was made by Larry Holbrook to approve the nomination of Don Williams into the Virginia High School League Hall of Fame and give the Mayor permission to sign any necessary documents. Keith Harless seconded the Motion. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

traffic
 Mayor Carter informed Council that the request to VDOT to allow one-lane during repairs to the Harrell Street railroad crossing was not approved. CSX Transportation will be closing the road completely for one week in order to perform necessary repairs. Mayor Carter said the South Ford Street railroad crossing would need repairs in order to handle the increased detour traffic. He was advised by CSX that temporary repairs would be made to the S. Ford St. crossing until the work on Harrell Street is completed. Then the permanent repairs could be done on S. Ford Street.

The problem with weeds along the railroad tracks from the center of Town down to South Johnson Drive was also discussed by Mayor Carter. He said the property needs to be maintained. He asked for Council's input regarding Town employees or trustees cutting and trimming the property even though it is owned by the railroad. Jimmy Smallwood said he thought this would cause problems. If the Town can't maintain everyone's property he does not think we should maintain the railroad's property. Gary Shackleford asked if the Town could use the property maintenance ordinance to require the railroad to clean up their property.

of
 Terry Pope asked if it would be possible for the railroad to request the assistance of trustees from the regional jail to do the maintenance on the property. After a brief

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discussion,

Council decided the check on other ways to get the maintenance done without the Town being involved.

11. Jimmy Smallwood made a Motion to approve the bills to be paid. The Motion was seconded by Terry Pope with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

12. At 8:26 p.m., Keith Harless made a Motion to go into closed session 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 2.2-3711A7 to discuss potential litigation within the locality. Jimmy Smallwood seconded

the

Motion with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

At 8:56 p.m., Keith Harless made a Motion to come out of closed session and

Jimmy

Smallwood seconded the Motion. Vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

Roll call was taken to verify that nothing was discussed during closed session

other

than the issue stated:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent

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Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

14. A Motion to recess until October 25, 2010 was made by Terry Pope. The Motion was seconded by Larry Holbrook with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye
Gary McElyea	Absent
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

Time of recess: 8:58 p.m.

MAYOR D. R. CARTER

ATTEST:

ANGELA K. O'DELL, TOWN CLERK

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