

**MINUTES**

**TOWN OF PENNINGTON GAP  
COUNCIL MEETING  
October 15, 2007  
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 Clerk: Angela K. O'Dell

Lane Engineering: Bobby Lane

Citizens: Bill Avery  
Katherine Lawson - Lawson Therapeutic Massage

1. Bobby Lane led the Lord's Prayer.
2. Bobby Lane led the Pledge of Allegiance.
3. Mayor Jimmy V. Smallwood called the meeting to order at 7:00 p.m.
4. Connie P. Nunley made a Motion to approve the Agenda with the addition of 6A. Katherine Lawson and 6B. Bill Avery, and the deletion of item 9H. 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

5. Larry Fish made a Motion to approve the Council Meeting Minutes of 9/17/07 and 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

6. Citizen's Recognition

A. Katherine Lawson - Lawson Therapeutic Massage - Ms. Lawson advised Council that she opened her business as 123 N. Kentucky Street on June 1, 2007. She has approximately 45 clients. She discussed the parking problem on the street in front of her building and asked for any suggestions Council might have regarding this. Mayor Smallwood suggested the apartment tenants park in the gravel lot behind the Police Station to free up the parking spaces in front of the building. C. R. Wynn said it would be good to have 2-hr. parking restrictions during business hours. Keith Harless said he made a Motion to that effect at one time, but the signs have not been placed. Council advised Tina Rowe to make sure the "2-hr. parking during business hours" signs are placed in Town.

B. Bill Avery reminded Council that he is the new landlord for the building on Kentucky Street where the sewer system collapsed when the garbage truck drove over it. He said he received an estimate from a contractor and submitted it to the Town with no response. Tina Rowe said that she contacted the insurance again, but they still claim the Town has no liability. Greg Edwards advised Mr. Avery that he needs to file suit against the Town. The Town would then contact our insurance, and it may fall back on the prior insurance company to take care of the claim.

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

A. Lane Engineering project(s) update - Bobby Lane

1. Lee Theater Project - see attached report. Tina Rowe said she plans to invite Terry Kilgore to the banner presentation during the Tobacco Festival. Larry Fish suggested inviting Ronnie Montgomery also. Mrs. Rowe advised that the Lee Theater committee is planning a jam session Friday night before the Tobacco Festival in front of the theater building with various groups. Mrs. Rowe also informed Council that the Tobacco Commission Staff has not recommended the Town's application for funding. Larry Fish said the Town should definitely apply for the funding in the spring.

2. Livesay & Burchette Buildings - see attached report. Tina Rowe said the Program Income money could possibly be used to eliminate blight by demolishing the buildings. Mayor Smallwood asked about the cost of demolition and Bobby Lane said possibly \$15,000.00 to \$20,000.00 for both buildings. Mr. Lane said that he felt like demolition would be the best way to handle the buildings. Council advised Mrs. Rowe to check with the interested buyer and see if he is still interested after the structural report. They also advised Mrs. Rowe to check with Scott Napier to see if DHCD is willing to take

over the building and renovating if the Town will give them a deed. There would have to be some conditions if they did this.

3. Transportation Enhancement Program - Sidewalk Project - see attached report

4. Pennington Gap Greenway - see attached report. Bobby Lane requested Council authorize a task order by letter allowing Lane Engineering to complete the final design work. A Motion to approve letter and necessary signatures 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

Tina Rowe advised that a funders meeting was held at Lane Engineering last month. She met with Faye Cooper with DCR the following day. Ms. Cooper is knowledgeable in municipal easements. We will be coordinating a meeting with the Riverbend Shopping Center owners at the end of this month to secure the easement for the greenway. Also, Mrs. Rowe will be attending a meeting with VDOT in Radford on October 23, 2007 to discuss elements of the newly awarded grant.

5. Leeman Field DCR-VOF grant status - see attached report. Mr. Lane advised that Council had previously approved the purchase of 2 range hoods at \$7600.00. He has discovered the total cost of the hoods will be \$15,170.00 instead of \$7600.00. Without the range hoods there can be no cooking inside, just warming up foods. Mrs. Rowe advised Council that they need to decide if they want to allocate an additional \$5595.00 to the range hoods or if we should pursue the tenants of the concession stands for the funds. If that route is taken, the Council may have to consider a long term agreement to secure the investment made by the tenants. Council directed Tina Rowe to check with the Rescue Squad to see if they have contributed to the upkeep of Leeman Field as previously agreed. Mike Reuille made a Motion to come up with the funding for the range hoods from the reserve fund and pursue funding from the Lessees to reimburse the Town. Larry Fish seconded the Motion with vote as follows:

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

6. Regional Sewer Interceptor Extension Project - see attached report

8. Town Attorney/Treasurer Reports

A. Quarterly Grant Reports - Tina Rowe said the report has been distributed to Council. She prepared the spreadsheet this month, since she was more familiar with it. Karen Maggard will prepare it next month.

9. Public Works/Leeman Field/Misc

A. The Public Works Monthly Report was distributed for review. Tina Rowe said Council needs to desire how they want to hire a new police officer. It was agreed that a committee needs to be set in place for this. The following committee members were chosen: Tina Rowe, Barry Cottrell, Mike Reuille, Connie P. Nunley.

B. Broadband - Tina Rowe advised that Design Nine is doing additional demand aggregation work and there should be more information next month.

C. Comprehensive Plan - Mrs. Rowe advised that the Planning Commission is proposing to update the Comprehensive Plan in preparation for future zoning. This requires a public hearing, then the Planning Commission must make a recommendation to Council, then there needs to be approval at the Council Meeting. She said the commission cannot move forward until the Comprehensive Plan is approved. The Planning Commission will set up a public hearing. C. R. Wynn said there was one change that would extend the commercial zone throughout west and east Morgan Avenue, and Main Street, and Kentucky Street up to the railroad. Tina Rowe asked Greg Edwards if the change is approved, does the Town need to have a separate public hearing for that and the Planning Commission's public hearing, or can they be combined.

D. ATV Trail - Tina Rowe informed Council that the Community Design Assistance Center (with VT) has agreed to work on the conceptual plan in order for the Town to submit an application to DCR in February.

E. Blight Elimination - Mrs. Rowe said that she would like for Council to approve the demolition of the property on S. Johnson Street. She sent a letter to the address on record,

but it was returned. She feels the house is a potential health hazard and risk to the community, and the cost of demolition could be levied against the property. C. R. Wynn made a Motion to complete demolition of the property pending the Town Attorney's approval. 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

F. Caretaker - Jonathan Korman has moved into the caretaker house at Leeman Field. He has already begun working, and Fred Woliver is taking care of repairs at the caretaker house.

G. Tina Rowe said that Barry Cottrell has informed her that Phoenix Distributors has offered a \$12,500.00 credit with their company as a bid for the equipment the Police Dept. is trying to sell because they cannot use. This would be enough to purchase 6 rifles, 5 shotguns and 6 pistols. C. R. Wynn made a Motion to accept the Phoenix credit bid if all the guns are needed and at a legitimate cost, if not to take the bid of \$10,500.00 cash. Mike Reuille seconded the Motion 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

Mike Reuille mentioned the surplus police vehicles that are parked at the station. He said something needs to be done with these - possibly they could be bid out.

10. Council Committee Reports

Mike Reuille reported that the new fire truck is here and should serve the department at least 20 years.

C. R. Wynn said that 911 has begun on the west end of town. The new street signs are being placed.

Connie P. Nunley suggested Tina Rowe compose a “thank you” letter to VDOT for the paving they did in town.

Keith Harless welcomed Greg Edwards as the new town attorney.

11. C. R. Wynn made a Motion to approve the bills paid and to be paid. 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

12. At 8:30 p.m., Larry Fish made a Motion to go into closed session pursuant to Va. Code Section 2.203711.A.1 for discussion, consideration, or interviews of prospective candidates for employment and 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. 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

A Motion was made to reconvene regular session at 9:10 p.m. by Larry Fish. 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



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MAYOR JIMMY V. SMALLWOOD

ATTEST:

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ANGELA K. O'DELL, TOWN CLERK

