

September 21, 2009

**MINUTES**

**TOWN OF PENNINGTON GAP  
COUNCIL MEETING  
September 21, 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 - Absent  
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 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 with the addition of 10.B. October meeting date change. 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

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5. Larry Fish made a Motion to approve the Minutes for the 8/17/2009 Council Meeting. 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

No citizens were present.

7. Police Department

A. Monthly Report was submitted in Council folders.

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.

2. Regional Sewer Interceptor Extension Project - see attached report.

3. DCR - Recreational Trails Program Grant - see attached report by The Lane Group. Council decided to discuss this further during closed session.

4. Pennington Gap Greenway - see attached report.

5. VDH Waterline Grants - see attached report. Mayor Smallwood asked if any customers would be lost with the new line and Mr. Cochran said "none". C. R. Wynn asked if Council could receive additional information on the contractors before approving.

He said information such as references, past credit history, etc. would be helpful since some contractors were not local. A Motion was made by C. R. Wynn and seconded by Mike Reuille to approve the award of the two projects to Boyd Construction with the scale back as discussed by Jeff Cochran. Vote as follows:

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

9. Town Attorney/Treasurer Reports

A. Ordinance update with State Code - Greg Edwards said the Town Police are running into problems getting warrants with just Town codes and no State Code number. He needs to update the County computer system will recognize the offense. He will begin working on this.

Mr. Edwards also advised the statute has been changed regarding presenting a lab analysis on drug cases. There is the possibility that the lab technician may need to be present, but he is looking into using video in those cases. He will review this further

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and prepare the necessary updates.

10. Public Works/Leeman Field/Miscellaneous

A. Calendar of Events - Tina M. Rowe advised Council of the following events she will attend:

9/23/09 Tobacco Commission Economic Development Committee meeting in Abingdon, VA

9/24/09 VML Fall Workshop in Abingdon, VA

10/1/09 Receive bids for structural on Lee Theatre

10/3/09 Pennington Gap Womans Club Annual Meeting

10/18/09 - 10/20/09 VML Conference

10/24/09 Tobacco Festival

B. October Council Meeting date - Mayor Smallwood suggested the October meeting

be set after the VML Conference so Council can get a report on the conference. Larry Fish made a Motion to set the date for the meeting for Monday, October 26, 2009 at 7:00 p.m. 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

11. Administrative Reports - Tina Rowe

A. Southwest Regional Recreation Authority's Feasibility Study - Tina Rowe said

there is a mini-conference to be held in November to unveil the results of the study. Council

needs to decide if they want to proceed with the project. She stated that she would feel more comfortable making this decision after the meeting scheduled for September 29<sup>th</sup>.

B. State Budget Cuts - Mrs. Rowe just wanted to make Council aware that the cuts would affect the Police Dept. There will be a reduction of \$3,345.00 in the HB599 funding used for law enforcement.

C. Ordinance Enforcement & Community Relations - Tina Rowe informed Council

that she and the Police Dept. are working on ordinance enforcement. They have picked up three dogs recently that were in violation of the Town's Dogs Running at Large Ordinance. She has sent more property maintenance letters also. Mrs. Rowe also informed Council that she received a letter from CSX in response to her inquiry about the railroad tracks for a Town citizen.

Mrs. Rowe advised Council that Lee High School will be conducting a reality store

and needs volunteers. She feels it would be good to have the Town represented, so, if

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Council has no objections, she and Chief Cottrell will attend.

12. Council Member Reports - None given.

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

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16. At 7:30 p.m., Larry Fish made a Motion to go into closed session pursuant to Va. Code Section 2.2-3711A7 for consultation with legal counsel; pursuant to Va. Code Section 2.2-3711A1 for assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of employees; 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	Aye
Mike Reuille	Aye
C. R. Wynn	Aye

At 8:25 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



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MAYOR JIMMY V. SMALLWOOD

ATTEST:

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ANGELA K. O'DELL, TOWN CLERK

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