

September 20, 2010

MINUTES

**TOWN OF PENNINGTON GAP
COUNCIL MEETING**

**September 20, 2010
MUNICIPAL BUILDING**

RECORD OF ATTENDANCE:

7:00 p.m.

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

Town Attorney: Greg Edwards - Absent
Town Treasurer/
Acting Town Manager: Karen Maggard
Town Clerk: Angela K. O'Dell
Chief of Police: Barry Cottrell

The Lane Group: Sandra Graham
PG Fire Department: Chief James Skidmore

Powell Valley News: Louise Carver

Citizens/Attendees: Pastor Danny Parsons, Pennington Gap Free Pentecostal Church
Tom Phillips

1. Invocation was given by Pastor Danny Parsons, Pennington Gap Free Pentecostal Church.
2. The Pledge of Allegiance was led by Pastor Danny Parsons.
3. Mayor D. R. Carter called the meeting to order at 7:00 p.m. He informed the Clerk that Greg Edwards, Town Attorney, has submitted a letter of resignation to Council, effective

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today. (Copy attached to these Minutes)

4. Mayor Carter advised that two items need to be added to the Agenda – Item 6 A. Tom Phillips – Veterans Day Parade and 6 B. Girl Scout Troop 404 – Use of room in Municipal Building. Larry Holbrook made a Motion to approve the Agenda with those additions. Keith Harless seconded the Motion with vote as follows:

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

5. A Motion to approve the Minutes for the 8/16/2010 Council 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	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

6. Citizen's Recognition

A. Tom Phillips – Veterans Day Parade – Mr. Phillips advised Council that veterans organizations from 4 states have contacted him regarding participation in the parade. He said Patriotic Helping Hands of Big Stone Gap, Va. has donated trophies to be awarded for parade floats. Mr. Phillips said the fire and rescue services have requested permission to sound off their sirens during the parade. Mayor Carter said he believes that permission would have to come from the state. He advised Chief Barry Cottrell to check on this and get back to Mr. Phillips.

Mr. Phillips advised that a memorial service will be held at Cumberland Bowl Park Veterans Day Memorial on November 6th also. He said that food vendors are needed for the celebration. Terry Pope suggested fliers be placed at Mountain Empire Community College during Home Crafts Day. Gary McElyea suggested vendors at the Tobacco Festival also be contacted.

B. Karen Maggard advised Council that Gloria Davis, leader of Girl Scout Troop #404, has requested use of a room in the Municipal Building for their meetings on Thursday evenings from 6:00 p.m. until 7:30 p.m. A Motion was made by Larry Holbrook

to approve use of the room. The Motion was seconded by Gary McElyea with vote as follows:

Mayor D. R. Carter	Aye
Keith Harless	Aye
Larry W. Holbrook	Aye

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Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

Karen Maggard also informed Council that Lisa Harris with Daniel Boone Soil

and

Water Conservation has requested permission to use the area near the water at Leeman Field for “Kids in the Creek” on October 7, 2010 from 9:30 a.m. until 2:15 p.m. Larry Holbrook made a Motion to approve the use for that day and Gary McElyea seconded the Motion. Vote as follows:

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

The Motion passed with a vote of 5-ayes and 1-abstained.

Gary McElyea presented Mayor Carter with a list of requests from the Pennington Gap Woman’s Club regarding Leeman Field. A Motion was made by Gary McElyea to

allow

the Woman’s Club to use the barns at Leeman Field for a yard sale and also for an auction on October 9, 2010 beginning at 10:30 a.m. (all proceeds to go to the Lee Theatre project). 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	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

Mayor Carter advised Council that he has already talked with Joyce Martin

regarding

the Woman’s Club using the inmates to help with replacing the lights on decorations in preparation for Lights at Leeman Field. The inmates can help as long as there is proper supervision.

The Woman’s Club asked permission to auction bicycles the Town police have confiscated with proceeds to be used for the Lee Theatre project. Mayor Carter said the bicycles were not actually confiscated, but were abandoned at various locations in Town. A Motion was made by Mayor D. R. Carter to deny the Woman’s Club request to use the bicycles. Gary McElyea seconded the Motion with vote as follows:

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

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Jimmy V. Smallwood Nay

The Motion passed with a vote of 5-ayes and 1-nay.

Mayor Carter stated that the caretaker at Leeman Field, Paul Wilson, is in charge of locking the gates at night. Regarding the enclosure of the Woman’s Club pavilion, Keith Harless said it would be good to table this item until Fay Bocock could address Council.

A Motion was made by Keith Harless table the request to enclose the Woman’s Club pavilion

until Fay Bocock could address Council next month. Gary McElyea seconded the Motion

with vote as follows:

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

Mayor D. R. Carter informed Council that there was a letter in their packets regarding the closing of the railroad crossing on Harrell Street for repairs. CSX Transportation plans to close the road for 3 days in order to work on the crossing. After meeting with VDOT representatives, Mayor Carter has proposed a letter to request that one-way traffic be allowed on the road during that repair. Terry Pope made a Motion to approve the letter of request and deny the request for a 3-day complete closure of the road

traffic. 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	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

7. Police Department

A. Monthly Report - Chief Barry Cottrell reported that the Town Police Department currently has 5 certified officers. He gave an incident report and advised Council that the Smart, Safe and Sober Campaign begins October 1st. He also advised that parking areas throughout Town have been cleared of loiterers according to the property owners’ requests.

Mayor Carter asked Chief Cottrell about the fire on Hwy. 421. He said he received a complaint that someone tried to call the Police Dept. (546-1151) several times with no

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answer. He was also told that the secretary was in the office, but had been instructed not to answer the phone. Chief Cottrell stated that the phone had been out of service and only recently repaired by Verizon. He also said that if the phone is not answered the call goes directly to the Lee County police dispatch.

Mayor Carter instructed Chief Cottrell that there needs to be more patrol for speeding conducted on S. Ford Street. He also inquired about a complaint form submitted by Sheila Quillen. After being informed by Chief Cottrell that he had not received the complaint, Mayor Carter told him he needs to check with Officer Shackleford because he was given

the complaint form to pass along to the chief and other officers. Mayor Carter also advised the chief that it is included in the police officers' job descriptions that they are to observe and report street light outages. There are several lights out that need to be marked and reported to Old Dominion Power Company.

Fire Chief James Skidmore presented the Fire Dept. report. In August the department responded to a total of 10 calls and one mutual aid request by Keokee Fire Dept. There were 114 1/4 man hours logged and 60 man hours of training. Chief Skidmore also informed Council that the house fire on Hwy. 421 is under investigation. He determined that it would be too dangerous to send in a firefighter; the department used 25,000 to 30,000 gallons of water on that particular fire.

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

A. Project Updates - Jeff Cochran/Karen Maggard

1. Lee Theatre Structural & Auditorium Design - See attached report by The Lane Group. Sandra Graham presented the proposed plans for the structural and auditorium design to Council. Her presentation addressed several aspects of the design including the marquee, flooring changes, lighting, ceiling changes, sound system, etc. After a lengthy presentation, Ms. Graham advised that October 17, 2010 is the proposed advertisement date for bids for the project. She said that Rural Development has approved funding for the project.

Terry Pope stated that there are several areas of the design which will need to be addressed further. Ms. Graham informed that the design has been approved by the Lee Theatre Committee, but Mr. Pope said he feels there has been some misinformation. Ms. Graham advised that once the advertisement for bids has been completed, there will be time to make addendums to the design. Keith Harless made a Motion to approve the

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advertisement for bids with approval of the Lee Theatre Committee. The Motion was seconded by Gary McElyea with vote as follows:

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

2. Regional Sewer Interceptor Extension Project - see attached report by The Lane Group. A Motion was made by Larry Holbrook to approve Pay Request #9 to Estes Bros. in the amount of \$50,083.15. Gary McElyea seconded the Motion with vote as follows:

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

The Motion passed with a vote of 5- ayes and 1-abstained.

3. DCR - Recreational Trails Program Grant - see attached report. Councilman Gary McElyea advised that he attended the recent meeting and the Tobacco Commission approved the project going to the next level. The project will be a partnering venture with Lee County and this will increase the chances of funding.

4. Pennington Gap Greenway - see attached report by The Lane Group.

5. VDH Waterline Grants - The Lane Group did not give a report on this project. Karen Maggard advised that the project has been completed.

9. Town Attorney - Greg Edwards

A. Ordinance update with State Code – Attorney absent - no report given.

B. Greenway easement for County – Attorney absent - no report given.

C. Update on flea markets and yard sales - The Town attorney was absent, but advised Mayor Carter that an ordinance would be needed to control this.

D. Update on private road near Leigh Avenue – Mayor Carter advised that a citizen has requested the street be widened near R. C. Shelton’s farm. The Town Attorney has advised him this is not a Town street.

10. Administrative Reports and Council Action - Mayor D. R. Carter/Karen Maggard

A. Fire Department building roof - Chief James Skidmore opened the bids for the fire department building roof. The two lowest bidders were Gingerich Construction and Handyman Services. Jimmy Smallwood stated that the building may require commercial

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roofing in order to be covered by Town insurance. A Motion was made by Gary McElyea

to request bids for 24 gauge metal roofing from the two lowest bidders with proof of contractor's license and insurance and award the bid to the lowest bidder if less than \$5,000.00. The Motion was seconded by Keith Harless with vote as follows:

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

Mayor Carter advised that the funding for the roof is to be taken from the Fire Department maintenance budget, but if there are not enough funds there the budget can be amended to take it out of surplus.

B. Constitution Week - September 17 - 23 – Mayor Carter advised that a copy of this declaration was included in Council packets.

C. Woodway Water contract – A Motion was made by Jimmy Smallwood to approve

any necessary signatures on this contract. Keith Harless seconded the Motion with vote as follows:

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

D. Domestic Violence Awareness Resolution – Keith Harless made a Motion to approve this Resolution and Jimmy Smallwood seconded the Motion. Vote as follows:

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

E. Personal Property Tax Relief Resolution – Jimmy V. Smallwood made a Motion

to approve the Resolution and Gary McElyea seconded the Motion. Vote as follows:

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

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Larry W. Holbrook	Aye
Gary McElyea	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

J. VML Accounting Service Contract – Karen Maggard advised Council that Sheila Minor of VML said she could begin the work the second week of October if the fixed assets are ready. The cost for this service would be \$5,750.00. Terry Pope said the auditors had contacted his wife, Diana, about this work, but she would never take a job that would even resemble a conflict of interest.

A Motion was made by Jimmy Smallwood to approve the contract and any necessary signatures. 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	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

K. Planning Commission Appointments - Jimmy V. Smallwood made a Motion to appoint Terry Pope to the Planning Commission to fulfill the term that expires 6/30/2014. 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	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

Mayor Carter advised that there was one more appointment needed to fill the seat vacated by Tom Reed. He asked Council members to submit recommendations for the vacant seat at the October Council Meeting.

L. Larry Holbrook made a Motion to approve the Resolution required by Rural Development for the Lee Theatre project. Terry Pope seconded the Motion with vote as follows:

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

11. Council Member Reports

Terry Pope stated that a Bereavement Policy needs to be set in place for Town employees. Currently, employees must use their sick leave time in the event of a death in the immediate family.

Jimmy Smallwood said there is still work to be done regarding compliance with the Town's property maintenance ordinance.

Gary McElyea informed Council that he will be unable to attend the October Council meeting.

Larry Holbrook stated that the wall below Grabeel's IGA needs attention. It is starting to crumble. Mayor Carter advised the Town Clerk to notify the superintendent of public works to have stucco work done on the wall and to remove the signs located there.

Mayor Carter informed Council that Halloween is on a Sunday this year. A Motion was made by Larry Holbrook to set the Town's Halloween celebration on October 30, 2010 from 5:00 p.m. until 8:00 p.m. 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	Aye
Terry K. Pope	Aye
Jimmy V. Smallwood	Aye

Mayor Carter advised Council that the VML Conference is set for October 3 - 5, 2010 in case any wish to attend.

12. Jimmy Smallwood made a Motion to approve the bills to be paid and Keith Harless seconded the Motion. Vote as follows:

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

13. At 10:23 p.m., Jimmy Smallwood made a Motion to go into closed session pursuant to Va. Code Section 2.2-3711A1 for assignment, appointment, promotion, performance, demotion,

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salaries, disciplining, or resignation of employees and pursuant to Va. Code Section 2.2-3711A6 for consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the government would

be adversely affected. The Motion was seconded by Gary McElyea with vote as follows:

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

At 11:40 p.m., Keith Harless made a Motion to reconvene regular session and Jimmy

Smallwood seconded that Motion. Vote as follows:

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

A roll call was taken by the Clerk to certify that nothing had been discussed during

closed session other than the issue stated:

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

Keith Harless made a Motion to advertise for the position of Town Attorney. The Motion was seconded by Gary McElyea with vote as follows:

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

15. A Motion to adjourn was made by Keith Harless and seconded by Jimmy Smallwood. Vote

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as follows:

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

Time of adjournment: 11:44 p.m.

MAYOR D. R. CARTER

ATTEST:

ANGELA K. O'DELL, TOWN CLERK

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