

TOWN OF CUMBERLAND GAP
BOARD OF MAYOR AND ALDERMAN
JUNE 6, 2022
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The Board of Mayor and Alderman met in regular session on June 6, 2022 with Mayor Pucciarelli calling the meeting to order at 7:00 pm at the Town Hall building, 330 Colwyn, Cumberland Gap, TN.

Mayor Pucciarelli called for a roll call of the Board Members. Board Members answered as follows: John Douglas- here; Teresa Fuson- yes; Joe Gill- here; Jerry Hopson- here; Kathy Maxwell- here; John Ravnum- here.

Mayor Pucciarelli called for a motion to approve the minutes. John Douglas made a motion to approve the minutes, with a second by Jerry Hopson. Mayor Pucciarelli called for a roll call vote. Board members voted as follows: John Douglas-yes; Teresa Fuson- yes; Joe Gill- yes; Jerry Hopson- yes; Kathy Maxwell- yes; John Ravnum- yes.

Mayor Pucciarelli next called for the Financial Report. Town Recorder, Linda Moyers, reported the balances of all the accounts. Mayor Pucciarelli called for a motion to approve the Financial Report. Joe Gill made a motion to approve the financial report, with a second by John Ravnum. Mayor Pucciarelli called for a roll call vote. Board members voted as follows: John Douglas-yes; Teresa Fuson- yes; Joe Gill- yes; Jerry Hopson- yes; Kathy Maxwell- yes; John Ravnum- yes.

Mayor Pucciarelli directed the meeting to approval of the bills. Town Recorder, Linda Moyers, reported the total bills due for all the accounts. Mayor Pucciarelli called for a motion to approve the bills. John Ravnum made a motion to pay the bills, with a second by Teresa Fuson. Mayor Pucciarelli called for a roll call vote. Board members voted as follows: John Douglas-yes; Teresa Fuson- yes; Joe Gill- yes; Jerry Hopson- yes; Kathy Maxwell- yes; John Ravnum- yes.

Planning and Zoning- The meeting scheduled for earlier tonight was cancelled as there were no items on the agenda. The date for the next Planning and Zoning meeting is July 11, 2022.

Finance- The budget for FY 2022-2023 will be voted on under new business.

Law and Order- No citations were issued last month.

Historical – The Historic Zoning Commission scheduled for tomorrow night has been cancelled as there are no items on the agenda. The date for the next Historic Zoning Commission meeting is July 12, 2022.

The Certified Local Government training coordinator will be present at the August 2, 2022 Historic Zoning Commission meeting to conduct required training. Jellico's HZC will be participating in the joint training.

Streets- Since federal funds will be used for the milling there is additional paperwork involved before the work can begin.

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Parks and Recreation – A request has been made to the mayor asking the town to consider painting the stage at Festival Park.

Tourism/Events- Upcoming Events include: June 25th- Wine & Art Extravaganza; July 16th- Tri-State Outdoor Fest; August 13, 2022- Folkfest.

Water- The water loss went up from 6% for the month of April to 17% in May.

Sewer- There was nothing to report.

Fire Department-. There was nothing to report.

OSHA Safety Director- There was nothing to report.

Litigation- There was nothing to report.

Mayor Pucciarelli called for Old Business:

Special Event Permit Application- Rumble in the Gap

The special event application, Rumble in the Gap, was submitted by Kevin Larew/Angelo's in the Gap/and is scheduled for July 22, 2022.

Teresa Fuson made a motion to approve the special event application, with a second by John Ravnum. Mayor Pucciarelli called for a roll call vote. Board members voted as follows: John Douglas-yes; Teresa Fuson- yes; Joe Gill- yes; Jerry Hopson- yes; Kathy Maxwell-yes; John Ravnum- yes.

Ordinance No. 2-2022 An Ordinance Amending the Fiscal Year 2021-2022 Budget

Revenue and expenses for several accounts are expected to be greater than anticipated so there the budget is required to be amended. This is the second and final reading of the ordinance.

John Douglas made a motion to approve Ordinance No. 2-2022, with a second by Kathy Maxwell. Mayor Pucciarelli called for a roll call vote. Board members voted as follows: John Douglas-yes; Teresa Fuson- yes; Joe Gill- yes; Jerry Hopson- yes; Kathy Maxwell-yes; John Ravnum- yes.

Citizens Comments- Ralph McClanahan told the board that he hired an individual, at his expense, to research the environmental issues of the distillery. He gave each board member a copy of the nine (9) page document, and asked that each member take the time to read the report, which detailed several environmental issues, including odor concerns. He further stated that he understands that no application, by the distillery, has been made at this time.

Mayor Pucciarelli called for New Business:

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Ordinance No 3- 2022 An Ordinance to Adjust Water and Sewer Rates

This ordinance raises the water rates by \$2.00 and the sewer rates by \$2.00.

John Douglas made a motion to approve Ordinance No. 3-2022, with a second by Jerry Hopson. Mayor Pucciarelli called for a roll call vote. Board members voted as follows: John Douglas-yes; Teresa Fuson- yes; Joe Gill- yes; Jerry Hopson- yes; Kathy Maxwell-yes; John Ravnum- yes.

Ordinance No 4- 2022 An Ordinance to Adjust Garbage Collection Rates

This ordinance raises the garbage collection rates by \$1.00.

Joe Gill made a motion to approve Ordinance No. 4-2022, with a second by Kathy Maxwell. Mayor Pucciarelli called for a roll call vote. Board members voted as follows: John Douglas-yes; Teresa Fuson- yes; Joe Gill- yes; Jerry Hopson- yes; Kathy Maxwell- yes; John Ravnum- yes.

A questioned was raised about when the town will resume the recycling program. Mayor Pucciarelli responded that the recycling center still does not have the manpower to resume the service.

Ordinance No 6-2022- An Ordinance to Adopting the Annual Budget and Tax Rate for FY 2022-2023

This ordinance adopts the budget and tax rate for FY 2022-2023.

The budget includes a .50 cent raise for the three (3) hourly employees, \$1,000 increase in the independent contractor's pay, \$2.00 increase in water rates, \$2.00 increase in the sewer rates, and a \$1.00 raise in garbage collection rates.

John Douglas made a motion to approve Ordinance No. 6-2022, with a second by Kathy Maxwell. Mayor Pucciarelli called for a roll call vote. Board members voted as follows: John Douglas-yes; Teresa Fuson- yes; Joe Gill- yes; Jerry Hopson- yes; Kathy Maxwell-yes; John Ravnum- yes.

A public hearing and the second reading of the budget will take place on June 27, 2022.

Special Event Permit Applications- Junior Firefighter Program

A special event permit application, Junior Firefighter Program, was submitted by James Ratliff / Cumberland Gap Volunteer Fire Department, and is scheduled for July 16- 17, 2022.

The two day program will be a held, at the fire hall, from 8:00 a.m. – 2:00 p.m. and will educate children about fire prevention and safety.

Joe Gill made a motion to approve the special event application, with a second by Kathy Maxwell. Mayor Pucciarelli called for a roll call vote. Board members voted as follows: John Douglas-yes; Teresa Fuson- yes; Joe Gill- yes; Jerry Hopson- yes; Kathy Maxwell-yes; John Ravnum- yes.

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Short Term Rental application- 704 Brooklyn Street apt # 5

Mayor Pucciarelli stated that all required paperwork and fees were submitted for the short term rental at 704 Brooklyn Street apt. # 5 (the board was given a copy to review) so therefore the permit will be issued.

Don Bryant Mayor Pucciarelli reported that he terminated Don Bryant as the town building inspector and needed a motion from the board to ratify his dismissal. Each board member was given documentation that Mayor Pucciarelli began noting since the issues first arose in January 2022 and a complaint letter from a resident and business owner.

Town attorney Jim Estep stated that the charter allows the mayor to hire and fire but the termination required ratification from the board. He further stated he had reviewed all the documentation provided and finds everything in order.

According to Mr. Bryant the International Building Codes stated that any issues or disagreements that may arise from the way he did his job should be brought before the Planning and Zoning Board of Appeals. He said he is not classified as an employee and didn't have to answer to the mayor. Mr. Estep responded by saying the Board of Appeals is the proper committee to hear any complaints or zoning issues but as for hiring and firing of any personnel it is at the discretion of the mayor by the authority of the town's charter, subject to the ratification of the Board of Mayor and Alderman.

Mayor Pucciarelli explained that he has spoken with MTAS (Municipal Technical Advisory Service) and they confirmed that this is a personnel issue, not a building issue. Mr. Bryant argued that it is up to the discretion of the building inspector on the interpretation and enforcement of the building codes.

According to the codes a building permit is to be issued before work can begin on any project. Mr. Bryant states that is impossible for large projects as there is no way of knowing the value of work to be done. Mayor Pucciarelli countered by saying the codes do allow for amendments of permits as you go.

One of the biggest complaints against Mr. Bryant was the lack of written documentation. The codes requires written documentation for inspections that clearly define what was inspected, if any violations were found, and what remaining items are yet to be completed (a punch list). Mr. Bryant responded by saying that he didn't need to write anything down, that it's not so complex that verbal is not enough. According to Mr. Bryant, at the start of some projects, it may not be known what is entailed so he gives them verbal approval and works with them. Mayor Pucciarelli stated that codes do not allow for verbal approval and everything should be in writing.

Kathy Maxwell said that she feels that there was a lack of transparency and if the board had known there was an issue than it could have been resolved before it got this far.

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Mayor Pucciarelli stated all he is trying to do is provide a better service to those who are interested in establishing a business in town. Mr. Bryant said he felt as long as he is working with those businesses he doesn't think there is problem now or in the future.

Bill Linn, owner of the Olde Church, stated he feels he was overcharged for his building permit because Mr. Bryant added in the cost of labor for work done by himself and his wife. He further stated that he consulted with the attorney and was told that personal time as a building owner is not applicable to the amount of labor cost for permits. He further stated that if there was ever a need to file an insurance claim there is no documentation as to when any inspections took place. Mr. Bryant said that he had written documentation, which was his permit and certificate of occupancy and that the value is based on the cost of the project and labor cost is included as if you paid someone to complete the project.

Edward Ungrue, owner of Nineteen19 Grill and Bar, stated he had five family members that worked with him on the restaurant but wasn't charged for their labor. Mr. Bryant stated the he used the value provided by the contractor while the Linn's did the work themselves. Mr. Ungrue confirmed that no "punch list" or written documentation was provided for any of the inspections. Mr. Bryant responded that a "punch list" is only for the final inspection, I tell them what is yet to be done, they complete it, and I go back and confirm it.

Mr. Ungrue further stated that the previous owner of his building wasn't held to the same standards as he was. Mr. Bryant responded by saying it is the owner's responsibility to maintain their building, not his.

Jerry Hopson made a motion to ratify the mayor's decision to terminate the building inspector, Don Bryant. The motion died for a lack of second.

John Ranvum stated there are steps that haven't been taken. John Douglas said that at the next planning meeting the steps can be discussed. Others felt that the board should discuss what is expected of the building inspector.

Camille Hall, spoke on behalf of Kimberly Kotlar, owner of the Olde Mill Inn Bed and Breakfast. Due to a previous unpleasant experience with the town's building inspector, Don Bryant, the Olde Mill Inn hired an outside structural inspector, resulting in an unnecessary and additional expense to the Inn, to inspect when a complaint was made about a creaking floor by a guest earlier in the spring. According to Mrs. Kotlar, Mr. Bryant questioned that amount of cost the Inn reported to having spent on the project saying it was too low. Mrs. Kotlar felt Mr. Bryant was attempting to inflate the cost to increase the permit fee. Mr. Bryant said that he thought the cost would of be much higher but he took them at their word and further stated said he is still waiting on the engineers report in order to issue a certificate of occupancy.

Announcements- The following announcements were made:

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Congressman Burchett's Mobile Office Hours- Tuesday June 21st 10:00 a.m. – 3:00 p.m.

Petitions, for the November election, can be picked up on beginning June 20th and return deadline is noon on August 18th

Monday June 27th - 6:00 p.m. public hearing (budget); special called meeting (second reading of budget); agenda meeting

Town Hall will be closed July 4 – July 8, 2022

Board of Mayor and Alderman meeting- Monday July 11, 2022

Jerry Hopson made a motion to adjourn, with a second by John Ravnum. Mayor Pucciarelli called for a roll call vote. Board members voted as follows: John Douglas-yes; Teresa Fuson- yes; Joe Gill- yes; Jerry Hopson- yes; Kathy Maxwell- yes; John Ravnum-yes.

Mayor

Recorder