

The Rural Retreat Town Council held a regular meeting on December 13, 2011, at 7:00 p.m. in the Rural Retreat Town Hall Council Chambers.

PRESENT RURAL RETREAT TOWN COUNCIL MEMBERS

Mayor Timothy Litz, Vice-Mayor Keith Crigger, Ed Schaack, Scott Mecimore, Dale Yontz, Jerrell Hall, Peggy Hash

ABSENT

NONE

ADMINISTRATION PRESENT

Raymond Matney, Town Manager; Michael James, Interim Town Manager; Lori Guynn, Clerk/Treasurer; Scott Mitchell, Police Chief

ADMINISTRATION ABSENT

NONE

OTHERS PRESENT

Sean Viars

DETERMINATION OF A QUORUM

Mayor Litz called the meeting to order and determined a quorum was present.

INVOCATION

The invocation was given by Rev. Ed Schaack.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Litz.

APPROVAL OF MINUTES

A motion was made by Councilmember Yontz, seconded by Councilmember Hash to approve the minutes of the November 22, 2011 regular meeting. The motion passed by a vote of five (5) for: Hall, Hash, Mecimore, Schaack, Yontz; zero (0) against; one (1) abstained: Crigger due to his absence at the previous meeting.

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CITIZEN'S TIME

NONE

CORRESPONDENCE

NONE

POLICE REPORT

Chief Mitchell explained his monthly activity report for November. He noted his hours are down for the month due to required in service training. Chief Mitchell stated he has been conducting traffic enforcement on Gienow Road due to complaints about speeding during the late evening hours and summons have been issued. There have been no dog complaints received recently, Chief Mitchell added. He further stated he has not been in contact with the Wythe County Animal Control during the past week to discuss complaints they may have received. Mayor Litz asked Chief Mitchell if he had responded to any incidents with Star trucks. Chief Mitchell responded no, but it was his understanding that Mr. Matney had. Mr. Matney requested this item be deferred to Mr. James' town manager's report.

UNFINISHED BUSINESS

Councilmember Schaack addressed the appointment of Michael James as town manager effective January 1. He stated when Mr. James was hired he was told he would receive a raise upon officially being appointed the town manager. Councilmember Schaack asked the Councilmember's if they were aware of this. All councilmember's concurred. Mr. Matney stated Mr. James has done an excellent job and has accepted the responsibility of the job. He further stated he has been well accepted in the community. Vice-Mayor Crigger asked Mr. James what his official hire date was. Mr. James responded his first day of work was mid August. Vice-Mayor Crigger addressed the current Personnel Policy that states newly hired employees are placed on a six month probation period. Mr. Matney stated that would be researched and stated what had been originally discussed was at the first meeting in January Mr. James would be appointed town manager if the Council was satisfied with his performance. Mr. Matney asked the Council if they had received feedback from the community about Mr. James. All members commented they had received positive comments from the community.

NEW BUSINESS

Councilmember Hash explained she lives on Locust Avenue which is a private street. Previously, a privately owned dusk to dawn light was at the end of the street, however the owners have decided to no longer pay for the light. Councilmember Hash continued by explaining the street is now dark and the neighbors are not willing to contribute to fund a light. She asked if the town could assist the residents on this street in anyway. Councilmember Hall commented the policy in the past has been to not put street lights on private streets. Mr. James

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responded he would research this and report at the next meeting. Mr. Matney explained the town provides snow removal and trash collection on this street but does not provide maintenance such as paving. Mayor Litz addressed the lack of street lighting on Cherry Street. Mr. Matney asked Mayor Litz if there was a street light at the turn around. Mayor Litz responded no. Mr. Matney encouraged the Council to consider installing a light on Cherry Street due to people traveling the street that are not familiar with it. Following additional discussion, Mr. Matney directed the Operations and Maintenance Committee to review the requests for street lighting on Locust Avenue and Cherry Street.

COMMITTEE REPORTS

HERITAGE DAYS – Chairman Yontz reported the next committee meeting will be January 10, 2012 at 6:00 p.m.

FINANCE & APPROPRIATIONS – Chairman Crigger stated we are waiting for the audit reports to be issued.

PERSONNEL – Chairman Schaack commended the town staff for the Christmas decorations in the Town Hall and for organizing the Christmas Cheer program. Mrs. Guynn stated Brenda Maxey and Mr. James decorated the town hall for Christmas.

Prior to continuing with the agenda, Councilmember Mecimore reported on the Rural Retreat Depot Foundation. He noted a brochure has been printed and is available. He stated Christmas lights were put on the depot by Jim and Diana Lloyd and Ed and Ellen Schaack and himself. Councilmember Mecimore further noted Ms. Joey Major has loaned the Foundation the lighted wreath that is on the depot and Scott Mitchell loaned the music box that is playing with the lights. The Foundation will be having a fundraising event on Saturday night at the Rural Retreat High School Auditorium. Jim Lloyd has organized a Christmas music event and will also be performing along with other local performers. Councilmember Mecimore also stated the Depot Foundation had received a donation from former Congressman Rick Boucher. He addressed other grant opportunities that are available and being applied for. An application has been made to have the depot listed on the National Historic Landmark register, Councilmember Mecimore added. The next Depot Foundation meeting will be held tomorrow at noon at the Rural Retreat Winery. He invited the Councilmember's to attend.

TOWN MANAGER'S REPORT

The following items were discussed and/or acted upon:

OUT-OF-TOWN WATER PROJECT DIVISION IV (WATER PLANT ELECTRICAL IMPROVEMENTS) – The contract document issues have been corrected and the original documents have been forwarded to Rural Development. We are awaiting their final approval prior to allowing Sun Contracting to begin the project.

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OUT-OF-TOWN WATER PROJECT DIVISION V (CHINQUAPIN AVENUE & WEST LEE HIGHWAY) – Final plans for the Chinquapin Avenue project have been received. We are now in the process of securing easements so Wells Construction can begin working as soon as possible.

IN-TOWN WATER PROJECT – Final plans have also been received by our office. The town attorney has prepared the easement agreements and we are scheduling appointments to meet with residents in the coming days. Crosspointe Contractors will be handling this project.

BLEVINS DUPLEX DRAINAGE ISSUE – The amended easement agreement has been prepared by the town attorney. Mr. Blevins has agreed to the language and stipulations of the agreement. We are awaiting final approval from VDOT.

TEA-21 PHASE VII SIDEWALK IMPROVEMENT PROJECT - Anderson & Associates has submitted the 50% complete plans to VDOT. They are moving forward with the designs they feel will meet VDOT approval but they are not expecting any comments from VDOT until after the first of the year.

PAVEMENT WORK – Sugar Grove Asphalt has completed some paving work on West Railroad Avenue beside the depot and on Church Street in front of Catherine Milton's property.

TOWN HALL SIGN – We spoke with Bristol Signs this week and they stated they hoped to be able to install the sign by next week.

FIRE HYDRANT INSPECTION PROGRAM – Mr. James referred to a list of fire hydrants that had been previously distributed to the Council outlining hydrants that were in need of repair. He pointed out the locations listed in red are those that parts have been ordered to repair the hydrant. The locations listed in black are hydrants that have been identified as needing replacement. Mr. James stated he has directed Rodney Hurt to develop a priority list of hydrants that need to be replaced. Mr. Hurt was also asked to develop an exercise program to test the hydrants by breaking the town down into quadrants. Mr. James added this will be a revolving program. Mayor Litz thanked Mr. James for providing the Council with a continuous update on the repairs.

WYTHE COUNTY PARKS AND RECREATION REQUEST – Mr. James addressed a letter received from the Wythe County Parks and Recreation Department concerning the outstanding water bill for Rural Retreat Lake in the amount of \$15,117.77. He further explained there was a leak in the line at the lake which resulted in the high bill during the summer. Previously, Mr. James stated, we had told Wythe County if they paid \$10,000 of the bill the balance would be adjusted. No response was received. Per a prior agreement, the town agreed to give Wythe County \$5,000 annually for Rural Retreat Lake. Wythe County has not requested these funds for the past few years and now they are asking the town to apply the past allocations to the outstanding water bill. Mr. James asked the Councilmember's for guidance in handling this request. He stated he, Mr. Matney and Mayor Litz will be meeting with Cellell Dalton and Gary

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Cody on Friday to discuss this issue and the water interconnection from Wytheville. Councilmember Mecimore questioned the location of the leak and stated the leak was obviously on lake side of the meter to make the water bill escalate which is not the town's responsibility to repair. Mr. Matney explained there were multiple leaks on the line. He pointed out the town has gone the extra mile by assisting in locating and repairing the leaks. He further added he had explained to Mr. Cody the town's budget is on an accrual basis and the money not spent in one year does not carry over to the next. Mr. Matney addressed the water project construction on Rural Retreat Lake Road where the town built an additional 1,000 feet of water line to the main entrance to the lake to accommodate an alternate connection that would resolve most of the water issues, however to date this connection has not been taken advantage of. This additional line was paid for by the town, Mr. Matney stated. Vice-Mayor Crigger commented the County can not demand money for prior years that a written request was not received during that year. He further stated Wythe County owes the town \$15,117.77 for the water bill and this bill should be paid before the service is restored in the spring. Following additional discussion, the consensus of the Council was Wythe County must pay the amount owed the town or the water service will not be reconnected in the spring.

CONDITIONAL USE PERMIT REQUEST (WOHLFORD) – William Wohlford has made a request for a conditional use permit to locate a doublewide manufactured home at 232 East Baumgardner Avenue. Mr. Wohlford's request also included the continuation of a non-conforming use on this property. The Planning Commission met the previous evening to discuss the request. The Commission voted favorably to allow the continuation of the non-conforming use and supported the issuance of a conditional use permit. The conditional use permit requires a public hearing to be held. This joint hearing with the Planning Commission has been scheduled for Monday, December 19, at 7:00 p.m. Mr. Matney explained the Commission can reestablish a non-conforming use in any district if one of the conditions occurs such as in this instance the non-conforming structure was destroyed by fire or if another means results in over 50% or more of the replacement cost. This also allows residential use in an industrial zoned area.

Mr. Matney reminded Mayor Litz the meeting will need to be continued to next Monday. Mayor Litz reiterated they will not adjourn the meeting. Mrs. Guynn stated the meeting will need to be adjourned in order for the public hearing to meet the legal requirements. Discussion ensued about whether to continue the meeting or to adjourn. Following the end of the discussion, Mayor Litz continued with the agenda.

FEDERAL RAILROAD ADMINISTRATION – Mr. James explained he had been contacted by Rodney Whaley with the US DOT Federal Railroad Administration. Mr. Whaley discussed the North Greever Street railroad crossing and the possibility of moving the crossing arms. He also mentioned extending the pipe in the ditch and adding fill dirt which would allow the turn to be widened and the guardrail could be eliminated. Mr. James added Mr. Whaley will be contacting Norfolk Southern to further discuss this possibility.

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WATER ACCOUNTABILITY – Mayor Litz asked if it was too early to have an estimate on the town's water accountability. Mr. Matney replied yes, because we will not have accurate information until the water projects are complete.

DECEMBER 27TH MEETING – Mayor Litz stated the next regular meeting is scheduled for December 27. He inquired if anyone had problems with dispensing with the meeting due to the Christmas holiday. Vice-Mayor Crigger made a motion to dispense with the meeting due to the Christmas holiday. Councilmember Yontz seconded the motion and it was approved by a vote of six (6) for: Crigger, Hall, Hash, Mecimore, Schaack, Yontz; zero (0) against. Councilmember Hall then made a motion to authorize the town treasurer to pay bills that would have been presented for approval at this meeting. The motion was seconded by Councilmember Yontz and was approved by a vote of six (6) for: Crigger, Hall, Hash, Mecimore, Schaack, Yontz; zero (0) against.

TREASURER'S REPORT

The bills for December 13, 2011 were read and approved.

TALK OF THE TOWN

Mr. Matney is to attend the *Talk of the Town* radio program at the WYVE/WXBX radio station on Wednesday morning.

ADJOURNMENT

There being no additional business for discussion, Mayor Litz continued the meeting to Monday, December 19 at 7:00 p.m.

Mayor

Clerk

The Rural Retreat Town Council held a Joint Public Hearing with the Rural Retreat Planning Commission on December 19, 2011, at 7:00 p.m. in the Rural Retreat Town Hall Council Chambers.

PRESENT RURAL RETREAT TOWN COUNCIL MEMBERS

Mayor Timothy Litz, Scott Mecimore, Dale Yontz, Jerrell Hall, Peggy Hash

ABSENT

Vice-Mayor Keith Crigger, Ed Schaack

PRESENT RURAL RETREAT PLANNING COMMISSION MEMBERS

Chairman Charles McMillan, James A. Hall, George Reasor, Jr., Larry Lindsey, Allan West

ABSENT

Vice-Chairman Ed Schaack, Brenda Atwell

ADMINISTRATION PRESENT

Raymond Matney, Town Manager; Lori Guynn, Clerk/Treasurer; Scott Mitchell, Police Chief

OTHERS PRESENT

William Wohlford; Justin and Jill Benoit; Bob and Sandra Lewis; Crystal Wynn; John Davies

DETERMINATION OF A QUORUM

Mayor Litz reconvened the meeting and determined a quorum for the Town Council and Planning Commission was present.

JOINT PUBLIC HEARING

REQUEST FOR CONDITIONAL USE PERMIT (WOHLFORD) - Mayor Litz read the following public notice as published in the *Wytheville Enterprise*: The Rural Retreat Town Council and the Rural Retreat Planning Commission will hold a special meeting to conduct a Joint Public Hearing on Monday, December 19, 2011, 7:00 p.m. in the Rural Retreat Town Hall Council Chambers. The purpose of this special meeting and Public Hearing is to receive comments from citizens prior to the Town Council and Planning Commission's consideration to issue a Conditional Use Permit to allow a doublewide manufactured modular home to be located at 232 East Baumgardner Avenue. For additional information please contact the Rural Retreat Town Office at 276-686-4221 during normal business hours from 8:00 a.m. – 4:30 p.m. Citizens are encouraged to attend to express support or opposition of this request. Mayor Litz turned the meeting over to Planning Commission Chairman Charles McMillan.

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Chairman McMillan opened the public hearing and gave a summary of the Planning Commission meeting held the previous night. He explained the house previously located on the property had been grandfathered in the Industrial zoned area and was considered a non-conforming use. The house was recently lost to fire and based on the Zoning Ordinance could not be replaced unless a petition was made to the Planning Commission to continue the non-conforming use. Therefore, the owner of the property submitted a petition to the Commission. Chairman McMillan stated the Planning Commission voted to allow the continuance of the non-conforming use. He then asked for comments concerning the request for a conditional use permit to locate a doublewide manufactured home on the property. Crystal Wynn spoke and stated she was a neighbor and supports the request. Sandra Lewis also stated she was a neighbor and supports the request being considered. Chairman McMillan stated he had spoken to Kenny Tibbs owner of Rural Retreat Mills and he was also in support of the request. Mr. Bill Wohlford addressed the Commission and explained the new home will be 28'x 58' and will be located approximately in the same place as the previous home. Chairman McMillan addressed the required guidelines that must be met as conditions of the conditional use permit. He then closed the public hearing and asked the Commissioners if they had any comments. Commissioner West stated he had spoken to other people affected by the request and they were okay with it. Commissioner West then made a motion to recommend to the Council the approval of the conditional use permit request made by William Wohlford. Commissioner Hall seconded the motion and it was approved by a vote of five (5) for: Hall, Lindsey, McMillan, Reasor, West; zero (0) against; two (2) absent: Atwell, Schaack.

Chairman McMillan informed Mayor Litz the Planning Commission recommends to the Council by a vote of 5-0 to approve the request. Chairman McMillan asked Mayor Litz that the Council also consider the petition to continue the non-conforming use on the property.

Councilmember Yontz made a motion to accept the recommendations made by the Planning Commission to issue a conditional use permit to Mr. William Wohlford to locate a doublewide manufactured home at 232 East Baumgardner Avenue and to continue the non-conforming use on the property. The motion was seconded by Councilmember Mecimore and was approved by a vote of four (4) for: Hall, Hash, Mecimore, Yontz; zero (0) against; two (2) absent: Crigger, Schaack.

ADJOURNMENT

There being no additional business for discussion, the meeting was adjourned upon a motion by Councilmember Mecimore and was duly seconded and approved.

Mayor

Clerk