

The Rural Retreat Town Council held a regular meeting on January 10, 2012, at 7:00 p.m. in the Rural Retreat Town Hall Council Chambers.

PRESENT RURAL RETREAT TOWN COUNCIL MEMBERS

Mayor Timothy Litz, Vice-Mayor A. Keith Crigger, Ed Schaack, J. 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

Porter Sage – Rural Retreat Cable; Craig Ellis

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 Hall, seconded by Councilmember Yontz to approve the minutes of the December 13, 2011 regular meeting. The motion passed by a vote of six (6) for: Crigger, Hall, Hash, Mecimore, Schaack, Yontz; zero (0) against.

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CITIZEN'S TIME

Craig Ellis addressed the Council and asked if the town had an engine braking ordinance. Mayor Litz replied no the town does not but they are aware of what he is referring too. Vice-Mayor Crigger explained to Mr. Ellis that the town has looked into this a couple of times. He then asked Mr. Ellis where he resides. Mr. Ellis responded he lives next to Grace Lutheran Church. Vice-Mayor Crigger continued by stating they are aware there is an issue but it is difficult to enforce. Councilmember Mecimore added it seems that with some of the trucks the muffler systems have been gutted. Mr. Ellis commented there seems to be one particular truck everyday and the noise is more noticeable during the summer when they open their windows. Vice-Mayor Crigger stated maybe the truck should have a visit from Chief Mitchell. Mr. Matney commented the engine brakes are not the issue, it is the trucks that have open pipes. Vice-Mayor Crigger asked Mr. Ellis to get tag information for Chief Mitchell. Mr. Matney also asked Mr. Ellis to get an identification number or name on the truck. Mr. Ellis thanked the Council.

CORRESPONDENCE

Councilmember Schaack addressed the brochure the Councilmember's received from VML (Virginia Municipal League) that lists the items they are lobbying for on behalf of their membership. He continued by stating it describes the issues that upset us such as Line of Duty coverage which is required by the state and we now fund. Mr. Matney reminded the Councilmember's that VML now provides the Line of Duty coverage for Chief Mitchell and the volunteer firefighters.

POLICE REPORT

Chief Mitchell pointed out that two reports had been distributed. He explained his monthly activity report for December and noted less activity due to personal health issues in which he had taken time off. Chief Mitchell explained the 2011 Year End Report which reflects an increase in summons, damaged property and vandalisms. He also stated he had compared the 2011 report to the past few years and overall activity had increased by 20%. Mayor Litz asked Chief Mitchell if he had received any dog complaints recently. Chief Mitchell responded no he had not but and had spoken to the Wythe County Animal Control officers last week and they had not received any complaints recently.

Prior to continuing with the agenda, Mayor Litz thanked Porter Sage for attending and recording the meeting. He invited Mr. Sage to attend the meetings more than occasionally and pointed out more of the town's people watch the meetings than is realized. Mr. Matney commented he could remember when Mr. Sage recorded the first town council meeting. He stated it was a huge asset for administration and if it could be done again it would be a great benefit for Mr. James and it also helps to put the council meetings into the homes of our citizens. Mr. Sage referred to Mr. Matney and stated the man he used to tape years ago had black hair and a black beard. He pointed to Mr. Matney and told the Councilmember's they can now see what they have done to him. Following the laughter, Mayor Litz proceeded with the agenda.

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UNFINISHED BUSINESS

STREET LIGHT REQUESTS – Mr. James explained he and Mr. Matney had reviewed the requests for street lights on Locust Avenue and Cherry Street. He addressed the request for Locust Avenue first and explained there is a private pole and light on this street and it appears the light is wired to a nearby house. He added the town would not be able to grant this request because the pole is not owned by AEP. Upon reviewing Cherry Street, a light can be installed at the cul-de-sac, Mr. James explained. Mr. Matney addressed the Locust Avenue request and stated the power is not supplied to those homes directly from that street therefore; AEP would have to install a pole and run a wire to the pole in order to install a street light. Councilmember Hall, Operations & Maintenance Committee Chair, stated he had also reviewed the locations for both requests and found Locust Avenue to be dark especially with four houses located on the street that would utilize the light and he agreed there was a need for a light on Cherry Street. Following additional discussion, Mr. James and Mr. Matney agreed to meet with Councilmember Hash to show her the issues with lighting the street. Mr. James asked the Council to approve the installation of a street light on Cherry Street. Mr. Matney commented the town's policy is to light intersections and dead ends. Councilmember Hall made a motion on behalf of the Operations and Maintenance Committee to approve a street light on Cherry Street at the cul-de-sac. Vice-Mayor Crigger seconded the motion and it passed by vote of six (6) for: Crigger, Hall, Hash, Mecimore, Schaack, Yontz; zero (0) against.

MOUNTAIN EMPIRE NEWSPAPER DISTRIBUTION – Councilmember Schaack explained he had spoken to Mayor Crewe and Wytheville is experiencing the same problem. The regional publisher had attended two of their meetings and told them they would pick up the papers that were not picked up by residents but that has not been done. Mayor Crewe also stated the pink dots that are being sent to those that request to be taken off the distribution list seem to not be working either. Councilmember Schaack stated Mayor Crewe had told him the town was considering a lawsuit but had not made a final decision yet. Mr. Matney stated he ordered the pink dots and placed them at both ends of his driveway and has had success. Chief Mitchell stated he had called the Wytheville Enterprise and asked them to stop delivery and they did so.

NEW BUSINESS

NONE

COMMITTEE REPORTS

HERITAGE DAYS – Chairman Yontz reported the committee held their first meeting of the year prior to the Council meeting. The meeting was positive and they are continuing to work out some details. The previous Wall of Honor recipients met to begin choosing the 2012 inductees. The Primitive Quartet will not be performing this year on Sunday. The Riches are working to find another gospel act to perform. The next committee meeting was scheduled for February 14th at 6:00 p.m.

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FINANCE & APPROPRIATIONS – Chairman Crigger stated the 2010/2011 Fiscal Audit Report had been distributed. He asked the Councilmember's to review the report and bring questions to the next meeting. Vice-Mayor Crigger stated if the Council wished the auditors could attend a meeting to discuss the report. He asked Mrs. Guynn if she had anything to add. Mrs. Guynn stated she is working on the adjusting entries and upon completion the year end reports will be distributed. She asked the Councilmember's to return the audit reports when they are finished reviewing them.

Prior to continuing with the agenda, Councilmember Mecimore reported on the Rural Retreat Depot Foundation which met the previous evening. He encouraged the citizens to participate in the Foundation. The next meeting will be held February 13th at 5:00 p.m. at the Rural Retreat Winery. He addressed the fundraising event that was held in December and noted the event was successful. Additional fundraisers are being planned by Jim Lloyd.

Mayor Litz pointed out he had noticed the Volunteer Emergency Services was out assisting with motorist by Grace Lutheran Church on January 2nd when we received freezing rain. He commended the emergency services for going above and beyond and asked Councilmember Hash to relay the message to their personnel.

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 documents are being finalized and we are awaiting approval from Rural Development. Mr. James stated he had received an email this afternoon from the engineer that stated the change order had been approved by Rural Development. A notice to proceed should be received soon.

OUT-OF-TOWN WATER PROJECT DIVISION V (CHINQUAPIN AVENUE & WEST LEE HIGHWAY) – We have finalized all easement agreements for the project. The town attorney is working on recording the easements now.

IN-TOWN WATER PROJECT – We sent Rural Development the final contract documents they needed pertaining to our easement agreements. The Attorney's Certificate needs to be signed by Attorney Sobey and will be returned to Robert Hilt at Rural Development. They noted they would be looking at this change order as soon as possible.

BLEVINS DUPLEX DRAINAGE ISSUE – All concerns voiced by VDOT have been addressed. The agreement has been sent to Elk Knob, Inc. for them to sign off on the project as well. VDOT will then approve this final change order. Vice-Mayor Crigger asked if this work was a change order or an additional expense. Mr. James responded it will be a change order. Mr. Matney added the total cost on this project is projected to be \$18,000 in which the town will pay for 20% of the cost.

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TEA-21 PHASE VII SIDEWALK IMPROVEMENT PROJECT - Anderson & Associates is still working on finalizing the plans with VDOT. VDOT still has some issues with drainage along Evergreen Avenue. Mr. James had spoken with the project manager with A & A earlier in the day and he feels confident we can work with VDOT and get project approval.

HYDRANT FLOW TESTING – A member of the Virginia Rural Water Association staff conducted flow testing today. They were asked to submit a report to the town that will be distributed to the Council for review. Upon receiving the report it will be distributed as soon as possible. To date two hydrants have been repaired.

FEDERAL RAILROAD ADMINISTRATION – Mr. James stated he had emailed Rodney Whaley with the US DOT Federal Railroad Administration to inquire about the Greever Street railroad crossing. Mr. Whaley has scheduled a meeting with VDOT, Norfolk Southern and the town on January 24th to look at possible solutions to resolve the issues at the crossing. Mayor Litz commented this should fix an ongoing issue.

TREASURER’S REPORT

The bills for December 27, 2011 and January 10, 2012 were read and approved.

Mayor Litz asked the Council to enter into a Closed Meeting under 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters.

RE: CLOSED MEETING

A motion was made by Councilmember Yontz, seconded by Councilmember Hash to convene to a closed meeting in accordance with the Virginia Code §2.2-3711, paragraph A, sub-paragraph 1, discussion, consideration or interviews of prospective candidates for employment; assignment; appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body.

The motion was approved with the following voting in favor: Crigger, Hall, Hash, Mecimore, Schaack, Yontz.

Mayor Litz called the regular meeting back into open session.

Motion was made by Vice-Mayor Keith Crigger, seconded by Councilmember Dale Yontz, **WHEREAS**, the Rural Retreat Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3712, paragraph D, of the Code of Virginia requires a certificate by this Council that such closed meeting was conducted in conformity with Virginia Law;

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NOW, THEREFORE, BE IT RESOLVED that the Rural Retreat Town Council hereby certifies that to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certificate resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Council.

Vote:	Ayes	Nays
A. Keith Crigger	X	
Jerrell Hall	X	
Peggy Hash	X	
J. Scott Mecimore	X	
Ed Schaack	X	
Dale Yontz	X	

Absent during meeting: None

Absent during vote: None

Councilmember Schaack made a motion to appoint Michael S. James as Town Manager. The motion was seconded by Councilmember Hash. Mayor Litz asked for a roll call vote and the motion was approved by the following vote: Ayes: Crigger, Hall, Hash, Mecimore, Schaack, Yontz; Nays: none. Following the vote, Mr. James received applause from those in attendance. Mayor Litz referred to the applause and stated in political circles this is known as a vote of confidence.

Mr. Matney asked the Council to authorize Mr. James to have signature authority on the town’s bank accounts. Vice-Mayor Crigger made a motion to allow Mr. James signature authority on the town’s bank accounts. 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; none absent.

TALK OF THE TOWN

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

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ADJOURNMENT

There being no additional business for discussion, the meeting was adjourned upon a motion by Vice-Mayor Crigger. The motion as duly seconded and approved unanimously.

Mayor

Clerk