

The Rural Retreat Town Council held a regular meeting on May 22, 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; Dale Yontz; Peggy Hash

**ABSENT**

J. Scott Mecimore; Jerrell Hall

**ADMINISTRATION PRESENT**

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

**ADMINISTRATION ABSENT**

NONE

**OTHERS PRESENT**

Sean Viars; Gary Houseman – Wythe County Board of Supervisors, Black Lick District

**DETERMINATION OF A QUORUM**

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

**INVOCATION**

The invocation was given by Rev. Gary Houseman.

**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 May 8, 2012 regular meeting. There being no discussion, the motion passed by a vote of three (3) for: Hash, Schaack, Yontz; zero (0) against; one (1) abstention: Crigger – due to his absence at the previous meeting; two (2) absent: Hall, Mecimore.

**CITIZEN'S TIME**

NONE

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### **CORRESPONDENCE**

Councilmember Yontz stated he received a response from Burton and Lisa Martin expressing their appreciation for the town's effort regarding their concerns about the burning taking place in their neighborhood. Town Manager James stated Chief Mitchell will be reporting more on the Burton's request during the police report.

### **POLICE REPORT**

Chief Mitchell stated he has received several dog complaints this month. In one instance he had to hold a dog because Wythe County Animal Control was not available to respond. He added Town Manager James will be speaking with county officials to resolve this. Chief Mitchell explained he had spoken to Andy Warden the son of Mr. Warden that runs Hiland Nursery and he explained his parents had been burning a brush pile due to cutting down the trees between the former drive-in theater portion of the property and the houses on Briarwood Lane. Mr. Warden explained the nursery is not allowed to burn under state guidelines. Vice-Mayor Crigger stated the Martin's had also contacted him a few weeks ago about the burning. He stated he had explained to them he did not think anything could be done to regulate the burning if the property owners were personally burning on their property. Chief Mitchell then addressed a recent issue with a Star Transportation truck. He explained the truck had stopped in the middle of Main Street to call their dispatcher for directions and refused to move until he arrived at the scene. Chief Mitchell stated he will be contacting the safety officer with Star Transportation to address the incident.

### **UNFINISHED BUSINESS**

Councilmember Hash asked Town Manager James for an update on the lady that attended a Council meeting a couple of months ago and was interested in placing a home on Baumgardner Avenue. Town Manager James stated she had bought a house in town though it was not in a location that she preferred. Councilmember Hash thanked Town Manager James for his response.

**EMERGENCY WATER INTERCONNECT AGREEMENT** – Town Manager James addressed the Emergency Water Interconnect Agreement with Wythe County that was distributed at the previous meeting. He asked the Council to consider adopting the agreement tonight if there were no questions or comments. Town Manager James explained this agreement is for emergency purposes for both Wythe County and the Town of Rural Retreat. He stated there will be one interconnect on Radio Drive and Wythe County will be responsible for all maintenance of the interconnection. At this time, the water rates have not been determined but all previous concerns have been addressed. Councilmember Schaack referred to a statement in the agreement regarding testing the meter for accuracy, he also suggested testing not only the meter but the connection. Town Manager James stated he and Cellell Dalton have discussed testing the meter to ensure there is an accurate measure of the water used, if needed. Mayor Litz stressed the testing will ensure the meter is in working order. Supervisor Gary Houseman commented the

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Board of Supervisors adopted the agreement at their meeting held earlier in the day. There being no additional comments Vice-Mayor Crigger made a motion to accept the Emergency Water Interconnect Agreement with Wythe County as written. The motion was seconded by Councilmember Yontz and passed by a vote of four (4) for: Crigger, Hash, Schaack, Yontz; zero (0) against; two (2) absent: Hall, Mecimore.

### **NEW BUSINESS**

**REQUEST FOR MOBILE VENDING UNIT** – Town Manager James stated he had received a request from Jessie Crigger to operate a mobile food vending unit in a commercial zoned area within the town. He further explained Mr. Crigger is interested in setting up at Collins Towing & Recovery located in the crossroads area. The menu will consist of barbeque items. Town Manager James referenced a handout he had distributed to the Council with restrictions that outdoor mobile vending units generally meet. The town's Zoning Ordinance does not address mobile vending units, Town Manager James stated. He then explained he is working on writing an ordinance to change this. This request was presented to the Planning Commission at their previous meeting in which they approved the request and the restrictions. Town Manager James asked the Council if they had any concerns or feedback about Mr. Crigger setting up in the location requested. Councilmember Yontz asked if the Council had not allowed this in the past. Mayor Litz commented mobile was the key word of why previous requests were not allowed. Town Manager James stated he has tried to get the background of why this was not allowed. Mayor Litz explained requests were denied because the units are mobile and not on a permanent foundation. Town Manager James asked if the Council is against this in its entirety. He stated his concern was the town does not have an ordinance that specifically addressed this. Councilmember Yontz questioned how this request could be granted when two previous requests have been denied. Mayor Litz reiterated the reason both had failed was due to the unit being mobile and not on a permanent foundation. Vice-Mayor Crigger added the previous request was to set up permanently with mobile capabilities. Town Manager James explained he is writing an ordinance that will address mobile vending units specifically and will allow those to set up in town because Rural Retreat does not have a lot of restaurants. He added this will allow citizens another option. Town Manager James continued by stating Mr. Crigger would be required to purchase a business license and will be paying meals tax. Mayor Litz stated he felt this needed more research and that it is hard to do for one and not another. Vice-Mayor Crigger addressed requirements by the health department. Mayor Litz stated the health department will oversee that and it will not involve the town. Councilmember Yontz expressed his concern over recourse from the previous requests. Vice-Mayor Crigger asked Clerk Guynn to research the previous requests and provide the information to the Council. Mayor Litz asked that this item be tabled to the next meeting.

**MOUNT ROGERS PLANNING DISTRICT COMMISSION PRE-DISASTER HAZARD MITIGATION PLAN** – Town Manager James stated the Pre-Disaster Hazard Mitigation Plan for the Mount Rogers Planning District Commission must be readopted every five years. The MRPDC has asked the town to adopt a resolution recognizing the plan which will make the town

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eligible for funding that may be applied for in the future, Town Manager James explained. Mayor Litz asked Clerk Guynn to read the proposed resolution.

### **RESOLUTION PRE-DISASTER HAZARD MITIGATION PLAN**

**WHEREAS**, the Federal Emergency Management Agency, the Commonwealth of Virginia's Department of Emergency Management, and the Mount Rogers Planning District Commission agree that a regional Pre-Disaster Hazard Mitigation Plan shall be developed for the Mount Rogers Planning District; and

**WHEREAS**, the Mount Rogers Planning District Commission has completed the necessary tasks required by the agreement between the Virginia's Department of Emergency Management and the Mount Rogers Planning District Commission; and

**WHEREAS**, the Pre-Disaster Hazard Mitigation Plan contains risk assessments and potential losses of each of the identified hazards, a mitigation strategy to reduce or eliminate the risk of damage from future incidents, and a process to update the plan every five (5) years, thereby making the Town of Rural Retreat, Virginia, a jurisdiction of the Mount Rogers Planning District, eligible for hazard mitigation grant assistance.

**NOW THEREFORE, BE IT RESOLVED**, that the Rural Retreat Town Council adopts the Pre-Disaster Hazard Mitigation Plan on this 22<sup>nd</sup> day of May 2012.

Vice-Mayor Crigger made a motion to approve the Mount Rogers Planning District Commission Pre-Disaster Hazard Mitigation Plan as written. The motion was seconded by Councilmember Yontz and was approved by a vote of four (4) for: Crigger, Hash, Schaack, Yontz; zero (0) against; two (2) absent: Hall, Mecimore.

### **COMMITTEE REPORTS**

**HERITAGE DAYS** – Chairman Yontz reported the committee will meet prior to the next three Council meetings to continue planning for the festival.

**FINANCE & APPROPRIATIONS** – Chairman Crigger reported the last budget draft before the public hearing has been distributed. He added Town Manager James had additional information that will be given during his Town Manager's report regarding increases and decreases. Treasurer Guynn asked the Council if they had any comments or questions on the budget prior to advertising for a public hearing. Councilmember Schaack stated he had some questions about the budget. His first inquiry was for the computer maintenance and computer program line items. Treasurer Guynn explained computer maintenance item was increased in order to purchase a new server, two work stations and operating programs for the three computers and support for the accounting software and all the computer programs have been purchased that are needed. Councilmember Schaack then questioned the revenue line items for water services. Treasurer Guynn stated these items are showing an increase due to the upcoming water rate

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increases. Finance Committee Chairman Crigger added the water and sewer rates will be increasing 4%. Councilmember Schaack's next inquiry was regarding accounts in the water fund related to the town shop expenses. Treasurer Guynn explained the town shop expenses are no longer paid out of the Water Fund, those items are now listed in the General Fund. Mayor Litz asked Chairman Crigger if he had any other comments to add to the budget. Chairman Crigger explained personnel raises increased 7% which includes a 2% cost of living increase and the required 5% the town must give to offset the employees now contributing their portion to the VRS. He stated it is the recommendation of the Finance and Appropriations Committee to recommend the budget be presented for a public hearing at the next meeting. Chairman Crigger made a motion to advertise the 2012-2013 Fiscal Budget for a public hearing at the June 12<sup>th</sup> meeting. The motion was seconded by Councilmember Schaack and was passed by a vote of four (4) for: Crigger, Hash, Schaack, Yontz; zero (0) against; two (2) absent: Hall, Mecimore.

### **TOWN MANAGER'S REPORT**

The following items were discussed and/or acted upon:

**OUT-OF-TOWN WATER PROJECT DIVISION IV (WATER PLANT ELECTRICAL IMPROVEMENTS)** – Sun Contracting & Developers has begun installing the variable speed drives and valves at the water treatment plant. With the project finally started we can expect to have the new equipment in place by mid-June. The final plans have been approved by the electrical engineers at Anderson & Associates and a new 90 day completion schedule was released as of last week.

**OUT-OF-TOWN WATER PROJECT DIVISION V (CHINQUAPIN AVENUE & WEST LEE HIGHWAY)** – We are working on final quantity adjustments and pay requests with Anderson & Associates and Wells Construction, Inc. We are communicating with residents to ensure that yard and driveway repairs are satisfactory. Maintenance staff is continuing to reconnect customers to the new lines. Town Manager James noted a few complaints have been received on the project.

**IN-TOWN WATER PROJECT** – We are finalizing pay requests and quantity adjustments for the completed work. Jefferson Avenue was resurfaced this past week.

**TEA-21 PHASE VII SIDEWALK IMPROVEMENT PROJECT** – Anderson & Associates submitted the final contract documents, plans, engineers cost estimate and erosion and sediment control narrative to VDOT and us this past week. We anticipate only a few comments from the VDOT office in Bristol.

**2012 CDBG PLANNING GRANT: RURAL RETREAT BUSINESS DISTRICT REVITALIZATION** – Staff is currently contacting downtown business/property owners to participate in the Rural Retreat management team. We will hold our first public meeting in early June to provide information and gather feedback/interest from the community. We need substantial community investment in the success of this project to receive viable funding. The Planning Grant process will take to mid August to complete, Town Manager James noted. He

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further stated he hopes the DHCD (Department of Housing and Community Development) will allow the town to piggyback the 2001 plan in order to avoid rewriting the entire plan.

**BOARD OF ZONING APPEALS** – The Rural Retreat Board of Zoning Appeals met last Thursday to decide on Mrs. Lucille Rich’s lot on Richfield Avenue. The board approved Mrs. Rich’s request for a zoning variance. Residents voiced their objections to this variance. We will monitor the situation and react accordingly. Town Manager James noted he had spoken to Attorney Sobey to discuss any legal action that may be taken. Mayor Litz commented the Council does not appoint the members of the Board of Zoning Appeals, they are appointed by the court.

**RURAL RETREAT BUDGET FY 2012-2013** – See attached proposed budget breakdown.

**COMPREHENSIVE PLAN** – Councilmember Schaack asked Town Manager James for an update on the Comprehensive Plan and if the Planning Commission had agreed to forward the Plan to the Council. Town Manager James explained he has placed the adoption of the updated Comprehensive Plan on hold until the budget process has been completed and adopted at which time a joint public hearing will be held with the Planning Commission and Town Council.

**TREASURER’S REPORT**

Treasurer Guynn stated the March financial statements had been distributed. The bills for May 22, 2012 were read and approved.

**TALK OF THE TOWN**

Town Manager James 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, the meeting was adjourned upon a motion by Councilmember Schaack. The motion was duly seconded and approved unanimously.

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Mayor

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Clerk