

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, NOVEMBER 13, 2012, 7:00 P.M.**

Council Members Present: Mayor Timothy Litz; Vice-Mayor A. Keith Crigger; Ed Schaack; Dale Yontz; Jerrell Hall; Peggy Hash; James P. “Sean” Viars

Council Members Absent: None

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

Administration Absent: None

Others Present: Sara Paulk – Wythe-Grayson Regional Library; Vance Gregory – Rural Retreat Volunteer Emergency Services; Porter Sage – Rural Retreat Cable T.V.; John and Ingrid Davies

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 October 23, 2012 regular meeting. There being no discussion, the motion passed by a vote of six (6) for: Crigger, Hall, Hash, Schaack, Viars, Yontz; zero (0) against.

CITIZEN’S TIME

Sara Paulk, Regional Director of the Wythe-Grayson Regional Library distributed an annual report and explained they are expanding their services. Mayor Litz asked if the e-book offering had been successful. Ms. Paulk responded the service is continuing to grow. She stated she is very appreciative of the financial support and in-kind services the town offers to the Rural Retreat Library.

Ingrid Davies explained she has lived in Rural Retreat for almost two years and loves the town. She added the person that had the idea to place flowers around town was great because she loved

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them and it added to the look of the town. Mrs. Davies then addressed an issue with cats in the area she resides. She stated they are continually reproducing and there are approximately twelve cats within a four house area so she is concerned about rabies. She then asked who maintains the crosswalks in town. Town Manager James responded the state does. Mrs. Davies stated she has almost gotten hit twice trying to cross the street near BB&T bank. Councilmember Viars commented this is more than a crosswalk problem it is more of an education problem but he understood her concerns. Councilmember Hash commented she lives near Mrs. Davies and she has tried to do something about the cats and has contacted the Humane Society but has received no response.

Vance Gregory with the Rural Retreat Volunteer Emergency Services stated a severe water leak was brought to their attention by the town. He explained Mike Jones used the ground mic and determined the leak was under the concrete floor in the kitchen. Two estimates have been received to repair the leak with the highest approximate cost of \$2,385. One included tearing out the concrete floor and making the repair, the other was to re-plumb the water lines overhead with the exception of the bay area. Mr. Gregory asked the Council if they would consider financing the repair. Councilmember Hall stated he would like for the Operations & Maintenance Committee to get a copy of the repair estimates for review. Vice-Mayor Crigger suggested the repairs be completed then Mr. Gregory come before the Council with a formal request based on the final cost. Councilmember Yontz stated he appreciated Mr. Gregory giving the Council prior knowledge of the request. Councilmember Hall added he will gladly review the estimates and look at their needs.

CORRESPONDENCE

REQUEST TO CONDUCT “MR. STRONG” FAMILY RUN/WALK 5K – Town Manager James explained a request had been received from Susan Spraker for permission to conduct the annual “Mr. Strong” Family Run/Walk 5K in honor of Thomas Musser on Saturday, December 1 at 10:00 a.m. with all proceeds being donated to the St. Jude’s Children’s Hospital. The route will remain unchanged from last year. The request included securing the VDOT permit and sign boards to alert participants, Town Manager James noted. He added Chief Mitchell will be assisting with traffic control. Councilmember Yontz made a motion to sanction the “Mr. Strong” Family Run/Walk 5K as a town event. The motion was seconded by Councilmember Hash. Councilmember Hall inquired if traffic was normally stopped while participants crossed the streets. Chief Mitchell responded traffic is only held so participants can cross the street upon reaching intersections. There being no additional discussion the motion was approved by a vote of six (6) for: Crigger, Hall, Hash, Schaack, Viars, Yontz; zero (0) against.

WAIVER REQUEST BY THE RURAL RETREAT DEPOT FOUNDATION – Mayor Litz read a request from the Rural Retreat Depot Foundation for a waiver of the water and wastewater tap fees and the monthly utility bills. Vice-Mayor Crigger commented this request was no different than any other non-profit organization or church in town. Discussion ensued on the location of the main utility lines and the need to make the determination prior to making a decision. Porter

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Sage added the sewer lines are located near the depot building. The consensus was to table this item to the next meeting to allow for the location of the lines to be determined.

POLICE REPORT

Chief Mitchell explained his monthly activity report for October. He noted his hours were reduced again during the month due to being off. He pointed out due to the request at the previous meeting he has begun noting each call from the Wythe County Sheriff's Office in order to have the information on file in the future. The 5K run held this past Sunday went well, Chief Mitchell stated. He added there was an issue with the railroad but they were able to get the trains through quickly so as to not interfere with the race. There were no problems with Halloween night and the Veteran's Day Parade on Sunday went well.

UNFINISHED BUSINESS

DELINQUENT TAX COLLECTIONS – Town Manager James reported he and Clerk/Treasurer Gynn are continuing to work on the delinquent tax issue and the best way to proceed.

NEW BUSINESS

ASCAP AGREEMENT – Town Manager James explained he had been contacted by ASCAP a few weeks ago regarding this agreement. ASCAP represents the music industry to protect copyrights. They are requesting the town pay \$320 per year for a blanket permit to protect the town from any liability and the potential of being sued for intellectual property infringement. Vice-Mayor Crigger asked Town Manager James if he had contacted other localities regarding this agreement and if they paid the fee. Town Manager James responded yes, some have paid it while others have taken the stance of waiting to see if they are sued and taken to court. He explained he had spoken to Attorney Sobey and he was in agreement to pay. Councilmember Yontz inquired if this will cover all music. Town Manager James explained this will cover approximately 70-80% of all music and artists. Councilmember Schaack inquired if this will only cover town sanctioned events or if it will include the MacDowell Music Club's annual music harvest. Town Manager James explained it will cover town sanctioned events and those held on town owned property. Councilmember Viars made the motion to pay the agreement fee of \$320 to ASCAP and it was seconded by Councilmember Yontz. The motion was approved by a vote of five (5) for: Hall, Hash, Schaack, Viars, Yontz; one (1) opposed: Crigger.

DEQ REVOLVING LOAN FUND – Rural Development has stated Rural Retreat's wastewater rates are too low for their loan terms which are not as good as those offered by DEQ, Town Manager James explained. He added the DEQ rates are low and the town should pursue their loan money because this will result in annual debt service of \$6,000 per year with estimated annual operating expenses of \$2,200. Vice-Mayor Crigger commented the town shouldn't pay interest rates when reserve funds could be used. Town Manager James noted he preferred to keep reserve funds for future use and the debt won't impact the town's annual debt service. Vice-Mayor stated we should consider paying more on the principal to reduce the term. Mayor

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Litz inquired if the engineering work had been completed. The work has been completed, Town Manager James responded. Vice-Mayor Crigger made a motion to accept the DEQ revolving loan to fund the ultraviolet disinfection project at the wastewater treatment plant. The motion was seconded by Peggy Hash and was approved by a vote of six (6) for: Crigger, Hall, Hash, Schaack, Viars, Yontz; zero (0) against.

Town Manager James explained a bond counsel had to be secured for the closing on the loan agreement per DEQ requirements. Webster Day will handle the closing for the town with a cost of \$5,200 which is refundable to the town through the loan agreement. Councilmember Yontz made a motion to secure Webster Day's services for the loan closing. Councilmember Schaack seconded the motion and it was approved by a vote of six (6) for: Crigger, Hall, Hash, Schaack, Viars, Yontz; zero (0) against.

RR CABLE FRANCHISE TRANSFER AGREEMENT – Town Manager James asked Porter Sage to comment as desired. Mr. Sage stated as everyone was aware he will be ending Rural Retreat Cable T.V. at the end of the year and he has a verbal agreement with Shentel Cable to take over the television services in Rural Retreat. Town Manager James explained he had attached a copy of the proposed ordinance amendment to the packet he distributed. The State Code states the amendment to a cable franchise agreement must be advertised for four weeks and a public hearing held which has been scheduled for the December 11th meeting. He added the ordinance will be dissolving the franchise agreement between the town and Rural Retreat Cable T.V. and creating a new agreement with Shentel Cable. Town Manager James requested permission to advertise for the public hearing. The consensus was to proceed. Councilmember Schaack commented the Town will really miss Porter Vision and all that Porter has done. Mr. Sage commented he was pleased with what Shentel wants to do for the citizens and he will be leaving the people in good hands.

PEPPER STAGE USER AGREEMENT – Town Manager James stated he had drafted this agreement upon receiving a request from an individual to use the stage and he hoped everyone had the opportunity to review it. He had spoken to VML about the liability issues of the public using the stage outside of a town sanctioned event. VML recommended those that use the stage have their own insurance coverage for the event which VML can also provide a quote to the user. Vice-Mayor Crigger suggested requiring a reimbursable security deposit. Following discussion, the consensus was to set the deposit at \$200. Councilmember Schaack inquired about the weight limit per square foot. Town Manager James stated this is a basic requirement in other user agreements. Councilmember Hall commented this is a uniform limit for wooden framed floors. Mayor Litz suggested extending the 9:00 p.m. curfew to 10:00 p.m. Vice-Mayor Crigger added this agreement doesn't include utilities such as restrooms, water, etc. Town Manager James added he has spoken to Jim Hall about users utilizing the restrooms at the pavilion. Councilmember Yontz inquired about designated parking areas especially if the Community Center is rented. The consensus was to address these items in the agreement. Councilmember Viars asked for a review of the proposed amendments to the agreement. Town Manager James explained the curfew will be extended to 10:00 p.m., adding a \$200 refundable security deposit, no guarantee of the use of the restrooms owned by the Community Center and damage to their

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facility is not covered in the agreement. Councilmember Viars made a motion to accept the Pepper Stage User Agreement with amendments. The motion was seconded by Councilmember Yontz and was approved by a vote of six (6) for: Crigger, Hall, Hash, Schaack, Viars, Yontz; zero (0) against.

MEETING WITH TERRY KILGORE – Councilmember Yontz explained he and Town Manager James had gone to Gate City to meet with Terry Kilgore, Chairman of the Tobacco Commission. He added Town Manager James did a really good job of presenting his vision on the town and they were told money was probably available for those ideas. They also discussed the O. Winston Link trail. Another meeting is being planned for a later date.

COMMITTEE REPORTS

HERITAGE DAYS – Chairman Yontz reported the fire department is turning the food and drink sales over and will now offer their services in another capacity but will continue to organize the parade. He added the contract with the Bellamy Brothers has been resolved. The committee will meet in December to discuss advertising options. The schedule will remain the same but at this time we are unsure if the Sunday afternoon program will continue. The committee also discussed moving this to Friday night at Rural Retreat High School.

FINANCE & APPROPRIATIONS – Clerk/Treasurer Guynn reported some miscommunication items have been resolved so the audit should be forthcoming.

PERSONNEL – Chairman Schaack reported the town manager's evaluation report has been completed. He read the following report: The Town Council of Rural Retreat, Virginia at its regular meeting held on September 25, 2012 went into Executive Session to evaluate our Town Manager Michael James. The areas which were discussed were administration, community relations, council relations, professionalism, personal traits and interpersonal skills. In all these areas Mr. James met or exceeded our expectations. He added there is a place at the bottom for Mayor Litz to sign. Mayor Litz stated this report will be placed in Mr. James's file.

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 VFD technology and telemetry has been working well at the water plant. Once we receive the check valves we are installing, final connection of the second pump and motor to the VFD system.

OUT-OF-TOWN WATER PROJECT DIVISION III (Chinquapin & Lee Highway) – Reconnection work is ongoing this week. We have seven connections on Chinquapin Avenue remaining.

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TEA-21 PHASE VII SIDEWALK IMPROVEMENT PROJECT – VDOT has granted final plan approval to the Town. We are waiting on the Federal Department of Highways to review the plan and we should then be granted permission to advertise the project for bids. We anticipate this being after the first of the year.

DHCD PLANNING GRANT – RURAL RETREAT DOWNTOWN BUSINESS DISTRICT – Tomorrow we will be sending off the required documents for DHCD review. We hope to hear back from them soon on a full planning grant. More community meetings will then be scheduled.

DR. PEPPER LOT PROJECT – There has been ongoing discussion on the future of the Dr. Pepper lot. I have requested Pillar Engineering to survey the lot for us, to provide detailed contour information for an architecture firm to design the lot. We have also spoken to Thompson and Litton about designing a Wall of Honor and park area on the lot which was also discussed with Terry Kilgore. The design would commemorate the heritage of Rural Retreat. A citizen committee will be asked to participate in the design of the park as well. More information will be available as we move forward with our discussions with T & L about the design work costs. Developing this area would be a precursor to the Downtown Master Plan.

TREASURER'S REPORT

The bills for November 13, 2012 were read and approved.

CLOSED MEETING – DISCUSSION OF PERSONNEL MATTERS

Mayor Litz asked for a motion to go into a closed session to discuss personnel matters with the purpose of discussing employee performance in accordance with §2.2-3711, A-1 of the Code of Virginia. The motion was made by Councilmember Yontz, seconded by Councilmember Hash to convene to a closed meeting. The motion was approved with the following voting in favor: Crigger, Hall, Hash, Schaack, Viars, Yontz.

Mayor Litz called the regular meeting back into open session.

Motion was made by Councilmember Peggy Hash, seconded by Councilmember Dale Yontz, to adopt the following Resolution:

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	
Ed Schaack	X	
James P. “Sean” Viars	X	
Dale Yontz	X	

Absent during meeting: None

Absent during vote: None

TALK OF THE TOWN

No one was available to attend the *Talk of the Town* radio program at the WYVE/WXBX radio station on Wednesday morning.

ADJOURNMENT

There being no additional business to discuss, the meeting was adjourned upon a motion by Councilmember Schaack. The motion was duly seconded and approved.

Mayor

Clerk