

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN  
COUNCIL HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, FEBRUARY 26, 2013, 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: Gerald Spraker; Millie Rothrock – Wytheville Enterprise; Gary Houseman – Wythe County Board of Supervisors

**DETERMINATION OF A QUORUM**

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

**INVOCATION**

The invocation was given by Dale Yontz.

**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 Viars to approve the minutes of the February 12, 2013 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**

**CROOKED ROAD TRAIL / NATIONAL HERITAGE AREA** - Gerald Spraker, Vice-President of the Wythe County Farm Bureau addressed the Council regarding The Crooked Road Trail. He stated the Virginia Farm Bureau opposes The Crooked Road Trail being made a National Heritage Area. He noted he had previously sent letters to the president’s in the 19 counties affected by The Crooked Road asking they oppose this designation. Mr. Spraker read emails and letters that had been sent to various organizations seeking their support to oppose the designation. He pointed out the Farm Bureau is concerned that this designation will impose on citizen’s private property rights. Following Mr. Spraker’s in depth presentation, Councilmember Schaack asked Mr. Spraker what were the negative things that would happen to him if this is

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approved. Mr. Spraker responded over a period of time small changes will take place that will result in ordinances and restrict how farmers use their property. He noted the unintended consequence is money will be offered to local governments to enforce restrictions. Mr. Spraker stated he would like to see Rural Retreat stand with Wythe County and say they are against the National Heritage Area designation as part of the Crooked Road trail. Mayor Litz expressed his appreciation to Mr. Spraker for attending. He stated he would like to consider this request prior to acting on it. He continued by stating he was not a fan of the Crooked Road because the town had previously paid into the Crooked Road and got absolutely nothing then received a bill as did Wythe County and the Town of Wytheville. All three entities resisted paying. Councilmember Yontz explained he has been researching this and has discussed this with a supervisor and the town manager and he still thinks it stinks. He then made a motion to back the Wythe County Board of Supervisors to on record show the town is against this designation. Town Manager James also expressed his appreciation to Mr. Spraker for attending and added he disagrees with him largely for what NHA's are. He further stated the National Park Service would not be involved in land management because that is not what they are for it is largely a marketing tool for the Crooked Road to access federal money. He noted whether for or against it he didn't think it will affect Rural Retreat in the long run. He stated he would like the town to research this more and possibly contact the Crooked Road to hear their point of view. Town Manager James explained the introduced legislation is crafted in such a way that local zoning laws or land use can't be messed with. He added being deemed a National Heritage Area is a way to access federal money because you are being designated by Congress to be a national treasure. He further added this is his opinion on the matter. Mayor Litz asked for a second on Councilmember Yontz's motion. Councilmember Hash seconded the motion made by Councilmember Yontz. Following discussion on the Heartwood in Abingdon, Mayor Litz commented when the town paid into the Crooked Road, we asked for two stops, one at the Back In Time restaurant and the other at the barber shop and both were denied. He added the town doesn't have a good feeling about the Crooked Road because we like to see a return on our money. Vice-Mayor Crigger commented he would like to reiterate the motion was to support the actions of the Wythe County Board of Supervisors in their non-support of the National Heritage Area designation. There being no additional discussion, the motion passed by a vote of six (6) for: Crigger, Hall, Hash, Schaack, Viars, Yontz; zero (0) against.

Mr. Spraker thanked the Council for their time and left the meeting.

### **CORRESPONDENCE**

Town Manager James read acknowledgements from the families of Becky Hurt and Wayne Fulton expressing their appreciation for the flowers the town sent during their recent losses.

Mayor Litz stated he had received numerous get well cards and calls during his recent illness and thanked everyone for their kindness. He commented the *Wytheville Enterprise* was most accommodating for the article on the Rural Retreat Emergency Services. He added he had stopped by their office and requested an article be written to recognize the RRVES. He explained the town had contributed money to the rescue squad to purchase a heart monitor

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however he didn't think he would be a recipient of its use. He publicly thanked the rescue squad for their efforts.

Councilmember Yontz addressed an email he had received regarding activities at the Crossroads gas station and asked Town Manager James for more information. Town Manager James explained he had received a letter from Wythe County Administrator Cellell Dalton that he had received from Commonwealth Attorney Jerry Mabe concerning Colonial Downs having a license for paramutual betting stations. He added he had researched this and it does not require a local referendum because it is an account wager betting system conducted online. Attorney Sobey's opinion is it is legal to operate in Virginia and there isn't much the town can do about this. Vice-Mayor Crigger asked how this type of machine is taxed. Town Manager James stated this is still being researched but will be determined and reviewed with Treasurer Guynn.

### **POLICE REPORT**

Chief Mitchell reported his activity for the month of February is down a little due to the weather. He pointed out he is continuing to work with the Sheriff's Office to patrol East Buck Avenue during the afternoons and he is running radar Gienow Road where a summons was issued on Friday afternoon. Animal complaints are down at this time, Chief Mitchell noted. He stated while running radar on Parsonage Avenue recently he noticed a loose dog on West Baumgardner Avenue. He attempted to make contact with the owner at the residence and was unsuccessful but he was able to put the dog back on its leash. He also pointed out there is a white boxer mix dog that is running loose in town. Mayor Litz told Chief Mitchell his presence is appreciated because it will make more of a difference with speeders than tickets.

### **UNFINISHED BUSINESS**

**TREE REMOVAL AT RURAL RETREAT COMMUNITY CENTER** – Town Manager James reported he is still trying to get quotes from contractors but is having trouble. He added he has several voice mail messages that haven't been returned. Councilmember Viars asked if consideration had been given to replanting better trees once the current ones are removed. Town Manager James replied yes and it will be done once the stumps and roots are ground up and topsoil is put down.

**DISTRIBUTION OF NEWSPAPER PUBLICATION** – Town Manager James reported the ordinance restricting the distribution of the newspaper publications is being advertised for a public hearing which will be held during the next meeting. He added the Bristol Herald Courier has informed him that they will begin mailing their advertisements immediately. Mayor Litz commented it is better to have the ordinance in place than not.

**PURCHASE ORDER SYSTEM** – Vice-Mayor Crigger inquired on the status of a purchase order system. Town Manager James responded a system is in place and is being used.

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TIME CLOCK – Vice-Mayor Crigger then inquired on the status of installing a time clock. Town Manager James explained he is still looking at quotes.

### **NEW BUSINESS**

None

### **COMMITTEE REPORTS**

HERITAGE DAYS – Chairman Yontz stated he would like to meet before the next Council meeting. He added this will be a short meeting to finish getting the entertainment lined up.

FINANCE & APPROPRIATIONS – Chairman Crigger reported the committee met prior to the meeting. He asked the council members to finish reviewing the annual audit and return the reports. If anyone has questions they will be addressed at the next meeting he added. During the committee meeting, the Capital Improvement Plan was discussed and the justification for certain needs was reviewed. Trash collection was also discussed and issuing a request for proposal to contract out the collections depending upon the cost per household for pickup due to the town having an aging trash truck.

PERSONNEL – Chairman Schaack reported the committee met prior to the meeting. Town Manager James presented candidates that he would like to hire. Chairman Schaack deferred to the scheduled Executive Session to further discuss the candidates.

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

The following items were discussed and/or acted upon:

DR. PEPPER LOT – This project is ongoing; we will look for additional funding to accompany the possible grant funds from the National Endowment of the Arts.

WWTP IMPROVEMENT & UV DISINFECTION – The credit review should be finalized by this week and the closing of the loan will take place soon after. DEQ has reviewed and approved the UV disinfection project and we are ready to bid as soon as the loan is approved by VRA.

As mentioned last week the town is pursuing an adjustment to the discharge flow point from the WWTP to better allow for the flow of effluent into Reed Creek. We are working with the Corps of Engineers on this project which I have been informed should only be a simple letter requesting their approval. This will be completed this week.

RURAL RETREAT DOWNTOWN REVITALIZATION – After meeting with the DHCD representatives last week we are on schedule to begin our public meetings and facilitated planning strategies this spring. We will be coordinating with the Mount Rogers Planning District Commission on this as well. We hope to have a final project proposal submitted to DHCD by December for 2014 funding. A public hearing will be scheduled for March.

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**RURAL RETREAT SIDEWALK IMPROVEMENT PROJECT PHASE 7** – We are currently advertising the project for bid and will host a pre-bid conference this Friday with Anderson & Associates. Town staff is working on locating all utilities that may need to be replaced or realigned during the construction phase so as to avoid untimely delays.

**STALEY SPRING** – We are still waiting on commitments from Smyth and Wythe Counties on a meeting time to discuss the project moving forward under new parameters. Information will be available as soon as possible.

**CONSOLIDATED DISPATCH** – The towns of Rural Retreat and Wytheville are awaiting word from Wythe County on any updates available on the consolidated dispatch center.

### **TREASURER’S REPORT**

**FINANCIAL STATEMENT** – A copy of the financial statement ending December 31 was distributed for review.

**DELINQUENT TAX COLLECTIONS** - Treasurer Guynn reported due to the low amount of personal property tax outstanding she felt only the delinquent real estate tax should be pursued. She summarized the information packet that had been received from John Rife with Tax Authority Consulting Services (TACS) concerning their process and fee structure to pursue delinquent tax collections. TACS fee structure includes 20% of account balances, not in litigation, assigned to them for collections which may be passed on to the taxpayer. Accounts that progress to litigation, the fee is 25% of the assigned balance. Treasurer Guynn added she plans to send letters to the taxpayers allowing thirty days to pay the account balance prior to sending the balances to TACS for collection and notifying the taxpayer the account will be forwarded to an attorney for collection if not paid. This will be implemented upon securing an agreement with TACS. Upon receiving account balances, TACS, through various methods, attempts to contact the taxpayer and resolve the delinquent accounts prior to proceeding to litigation which may involve a tax sale. Mr. Rife had advised the cost per parcel to conduct a tax sale could range \$600 - \$1000, Treasurer Guynn stated. She further explained currently the town participates in the Virginia Setoff Debt program through the Virginia Department of Taxation to collect delinquent debts which has been more beneficial in collecting delinquent utility bills and personal property taxes. Additional collection methods that can be implemented include wage, bank and rent liens.

Mayor Litz inquired on the amount of money being pursued. Vice-Mayor Crigger stated personal property ranges \$1,000 - \$1,200 per year but is not feasible to pursue through this method. Treasurer Guynn stated there is approximately \$20,000 delinquent in real estate tax and involves twelve parcels. The consensus of the Council was to pursue collections with TACS upon sending letters to the taxpayers and allowing thirty days to pay.

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TOWN DECALS – Treasurer Guynn noted the motor vehicle decals will go on sale Friday, March 1.

The bills for February 26<sup>th</sup> were read and approved.

**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.

**CLOSED MEETING – DISCUSSION OF PERSONNEL MATTERS**

A motion was made by Councilmember Yontz, seconded by Councilmember Viars to convene to a closed meeting in accordance with §2.2-3711, A-1 of the Code of Virginia - 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, Schaack, Viars, Yontz.

Mayor Litz called the regular meeting back into open session. A motion was made by Councilmember Dale Yontz, seconded by Councilmember Peggy Hash, 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;

**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.

<b>Vote:</b>	<b>Ayes</b>	<b>Nays</b>
A. Keith Crigger	<b>X</b>	
Jerrell Hall	<b>X</b>	
Peggy Hash	<b>X</b>	
Ed Schaack	<b>X</b>	

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James P. “Sean” Viars	X
Dale Yontz	X

Councilmember Schaack made a motion to fill two employment vacancies by appointing Tianna S. Morris as an operator at the water and wastewater plants and David M. Jones for maintenance. The motion was seconded by Councilmember Yontz. Mayor Litz asked for a roll call vote and the motion was approved by the following vote: Ayes: Crigger, Hall, Hash, Schaack, Viars, Yontz; Nays: none.

**ADJOURNMENT**

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

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Mayor

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Clerk