

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN  
COUNCIL HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, APRIL 9, 2013, 7:00 P.M.**

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

Council Members Absent: Ed Schaack

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

Administration Absent: None

Others Present: Jack Trivitt

**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 Hash to approve the minutes of the March 26, 2013 regular meeting. There being no discussion, the motion passed by a vote of four (4) for: Crigger, Hash, Viars, Yontz; zero (0) against; one (1) abstention: Hall, due to his absence; one (1) absent: Schaack.

**CITIZEN’S TIME**

Jack Trivitt addressed the Council regarding brush chipping. He explained he has a neighbor that has a lot of brush in their yard and questioned why the town can’t pick it up. Town Manager James stated the brush pick-up is being worked on. Mr. Trivitt asked if there was a policy on brush pickup if it was not lying along the street. Town Manager James asked where the brush was located he is referring too. Mr. Trivitt responded it was off the street. Councilmember Hash commented she has hired a guy to clean up the woods located between her property and Mr. Trivitt’s but once completed the brush will be cleaned up. Mr. Trivitt stated that wasn’t the point; he was only using Mrs. Hash as an example. He then asked if there was a policy stating the town won’t go onto citizen’s yards or behind their houses to pick-up the brush. Town

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Manager James stated he has instructed the maintenance crew to not do that to avoid damaging yards. Mr. Trivitt asked if the property owner gives permission to do so why is the town requiring the brush to be put at the street. He then referred to brush he had cut for a citizen and the citizen gave permission to chip the brush in the back yard but the town refused to do so therefore he had to dispose of it at his expense. Mr. Trivitt then commented earlier in the day the town crew chipped brush for a citizen in their back yard. Town Manager James explained to Mr. Trivitt that he was paid to do a service for a citizen. Mr. Trivitt asked for the difference between him helping a citizen and the citizen that had brush chipped in their back yard and added he wants to be reimbursed. The Council is elected by the citizens and they need to represent them, Mr. Trivitt commented in closing. He then left the meeting.

Town Manager James asked the Council if they were aware of the situation Mr. Trivitt was referring to. Vice-Mayor Crigger stated it is the town's policy to chip brush for citizens once it has been dragged to the road. Town Manager James explained he has told the crew he doesn't want them going into citizen's backyards to chip brush unless the citizen is unable to do so because the yard can be damaged. He added Mr. Trivitt was hired to cut brush for a citizen and had three piles of brush behind the house. Town Manager James stated if a contractor is hired to cut the brush then it should be their responsibility to haul it off. He added this is a policy he has informally started until it becomes a written policy.

### **CORRESPONDENCE**

None

### **POLICE REPORT**

Chief Mitchell explained his monthly activity report for March and noted the increased activity. The complaints regarding a white dog have ceased due to the owner surrendering the dog to Wythe County Animal Control. He also noted he is continuing to monitor traffic on East Buck Avenue and Gienow Road.

Mayor Litz expressed his appreciation to Chief Mitchell for his presence on East Buck Avenue and Gienow Road.

### **UNFINISHED BUSINESS**

**TREE REMOVAL AT RURAL RETREAT COMMUNITY CENTER** – Town Manager James reported Calvin Smith with Top Notch Tree Service has provided a quote of \$1,450 and a certificate of insurance to remove the trees at the Rural Retreat Community Center. Vice-Mayor Crigger made a motion to accept the proposal from Top Notch Tree Service for \$1,450 to remove the trees at the Rural Retreat Community Center. Councilmember Viars seconded the motion. The consensus was to put topsoil down and sew grass in the area where the tree roots are on the surface. There being no additional discussion, the motion passed by a vote of five (5) for: Crigger, Hall, Hash, Viars, Yontz; zero (0) against; one (1) absent: Schaack.

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PEPPER STAGE – Vice-Mayor Crigger questioned if the floor and railing at the Pepper Stage has had sealer put on it to protect it. Councilmember Hall responded no, but each year the railing outside is sanded before Heritage Days to remove splinters. Vice-Mayor Crigger suggested utilizing a community service worker to do this. Councilmember Hall recommended purchasing a semi-solid stain to apply to the stage.

### **NEW BUSINESS**

OUT-OF-TOWN WATER IMPROVEMENT PROJECT – SUN CONTRACTING FINAL PAYMENT – Town Manager James explained this project had an excess of funds due to the SERCAP grant. Rural Development required a plan to dispense of all funds that didn't include various change orders to complete previously planned projects. In doing so, the town has overspent \$4,249.77 which is the final payment to Sun Contracting, Inc. to cover the overages on the project. Upon speaking with Rural Development the town must approve to pay the final amount from the town's funds. Vice-Mayor Crigger made a motion to approve and pay the shortage to complete the out-of-town water project. The motion was seconded by Councilmember Hall and passed by a vote of five (5) for: Crigger, Hall, Hash, Viars, Yontz; zero (0) against; one (1) absent: Schaack.

### **COMMITTEE REPORTS**

HERITAGE DAYS – Chairman Yontz reported the vendor applications have been mailed. The entertainment for Friday night has been finalized and the acts have requested to provide their own sound which will save money. The entertainment for Friday night will be The Riches, The Churchmen and The Browders.

FINANCE & APPROPRIATIONS – Chairman Crigger reported the committee met prior to the meeting to discuss the draft budget. He noted the committee will meet prior to the next Council meeting if the Personnel Committee meets before then. The budget will tentatively be scheduled for a public hearing in May.

PERSONNEL – No report.

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

The following items were discussed and/or acted upon:

OUT-OF-TOWN WATER IMPROVEMENTS – Mr. Bud Pollard has begun yard restoration work today and will continue for the next week. All citizens have been notified of the upcoming work. We sincerely appreciate their patience with the town throughout this project.

RURAL RETREAT SIDEWALK IMPROVEMENT PROJECT PHASE 7 – I am sure most of you have seen AEP has relocated their poles and we are waiting on CenturyLink to perform their

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connections to the new poles as soon as possible. VDOT is still expected to take another 30 days to give the Town final notice to proceed.

**WWTP UV DISINFECTION** – We held our pre-bid meeting this morning and made a visit with the general contractors. The bid closing will be held April 16<sup>th</sup>. VRA has made an error and forgot to send the Town the letter to accept the loan obligation. This information will be sent this week. We will hold a public hearing after bids have been received to accept the general obligation loan from the DEQ Revolving Loan Fund. We are expecting to hold the public hearing on our first council meeting in May (May 14<sup>th</sup>).

**TREE REMOVAL AT THE PEPPER STAGE** – Top Notch Tree Service has provided the Town with a formal quote and the certificate of insurance. The total project will entail Top Notch removing the trees and all accompanying brush from the site. They will also cut stumps and above grade roots to ground level. It is our suggestion to Council to accept the quote from Top Notch and allow him to have the project completed before our first summer concert.

**PERSONNEL POLICY** – The new Personnel Policy draft has been completed and forwarded to the Personnel Committee. Once Councilman Schaack returns to town we will attempt to schedule a meeting early next week.

**WWTP DEQ PERMIT** – The required testing has been completed and will be mailed to DEQ tomorrow morning. This was the final information needed by DEQ for permit reissuance. Looking at the results we should not have to perform these tests again during the permit cycle which would save the Town a little over \$2,000.

### **TREASURER’S REPORT**

The bills for April 9 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 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