

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, MAY 14, 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: Allan West, Jim Hall, Jody Parks, Chris Pauley, Amanda Cameron, Charlie & Deanna Viperman, Roger Hedrick, Bob Lewis, Wayne Staley

DETERMINATION OF A QUORUM

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

INVOCATION

The invocation was given by Ed Schaack.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Litz.

PUBLIC HEARING

RESOLUTION AUTHORIZING ISSUANCE OF SEWER BOND – Mayor Litz read the notice as duly published. He opened the public hearing for comments. There being no comments the public hearing was closed.

APPROVAL OF MINUTES

A motion was made by Councilmember Viars, seconded by Councilmember Yontz to approve the minutes of the April 23, 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

Mayor Litz invited interested citizens to the podium to address the Council and asked that comments be kept to a minimum to ensure everyone has the opportunity to speak.

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Roger Hedrick addressed the Council concerning a dog issue on West Baumgardner Avenue. He explained a neighbor has thirteen dogs outside and four inside the house. The dogs get loose and have chased him. He commented the dogs are barking all night and this has become annoying and prohibits sleep. Mr. Hedrick asked the Council if they could pass an ordinance to limit the number of dogs at a residence.

Mayor Litz commented there may be regulations in place to limit this and he inquired about a kennel license. Chief Mitchell explained he had spoken to Animal Control about this when the resident began keeping dogs. He stated the number of dogs doesn't determine the need for a kennel license but the purpose for which the dogs are being kept. If raising them for breeding and selling then a kennel license is required. Mayor Litz asked if another ordinance would apply such as the nuisance or barking ordinance. Chief Mitchell responded the town's barking dog ordinance would apply. Town Manager James referred to a handout he had distributed with his Town Manager's report containing options to address issues like this. He pointed out this isn't a kennel issue because the citizen is operating as an animal mission/rescue group. He added this could be addressed through the zoning ordinance by restricting the number of dogs per property in residential areas and would alleviate kennels in these areas. Kennels could be restricted to Commercial-Neighborhood or Agricultural zones with a town issued permit. Town Manager James added he and Chief Mitchell will discuss ways to address the concerns and the possibility of fining individuals for noise violations and the dogs getting loose repeatedly. Vice-Mayor Crigger asked if this can be addressed with ordinances currently in place. Town Manager James responded yes. Vice-Mayor Crigger asked the citizens present if this was being run as a business. Roger Hedrick replied it is being operated as a rescue. Amanda Cameron added the lady is working under the Humane Society with all donations going to them. Discussion ensued on whether the citizen is receiving money for the dogs which would be a business operation or receiving donations for their care. Allan West explained from his understanding there is a \$100 fee charged to adopt a dog. He stated the area is zoned R-1 and questioned the difference in the number of dogs a person has and the number of livestock. Mayor Litz commented citizens have the right to be on public right-of-way and be safe without worrying about being bitten by a dog.

Mr. Hedrick commented he felt the four families represented aren't the only ones concerned. He added he felt other neighbors are also but aren't saying anything. Deanna Vipperman commented she is concerned for the safety of her grandson when visiting because for the dogs to be rescue dogs they seem to be vicious. Ms. Cameron added a dog is chained near the property line between her and the referenced property and she has been told the dog can't be put in the kennel with other dogs because it is vicious. Chief Mitchell pointed out citizens have the right to protect themselves against any animal.

Town Manager James asked the Council for comments on the proposed changes to the zoning ordinance to restrict the number of dogs in specific areas. He added the zoning change will be the easiest way to eliminate future problems. Mayor Litz stated changes to the zoning ordinance will take months but he would like to see something done sooner. He added action needs to be taken quickly to ensure public safety.

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Mr. West expressed concern for his grandchildren that live behind the property with the dogs because they can't play in their yard. Chris Pauley added he is concerned for his children because he has to stay with them at all times for fear of the dogs getting loose. He stated he isn't going to wait to see what happens if a dog gets loose, he is going to stop it when it gets to his property. He further commented he shouldn't have to stand guard in his own yard while his kids are playing. Wayne Staley stated he lives across the street and he is having issues with a dog defecating in his yard. He added he has been outside and had a dog grab his pants leg.

Mayor Litz stated everyone would like to see something done on a long term basis but at this point a short term solution must be found. Bob Lewis asked if the dog running at large ordinance applied to this situation. Chief Mitchell replied yes if the dogs get loose. Mr. Lewis addressed the barking dog ordinance and stated this ordinance should be applicable also. Vice-Mayor Crigger asked Mr. Lewis if he remembered a previous request for a dog kennel in town in which the applicant would be accepting donations but the request was denied because it was considered a business. He added a home based business is not allowed in the R-1 area. Vice-Mayor Crigger asked if the citizen was advertising on her car. The citizens present responded yes. He then read from the citizen's website that states she is seeking tax exempt status and noted the items being sold are based from her business at 419 West Baumgardner Avenue in Rural Retreat. The consensus of the Council was this is operating as a business and further action should be taken.

Mr. Hedrick then stated there were eight cars on the property. Chief Mitchell noted all of the cars were tagged. Vice-Mayor Crigger explained the car covers did not meet the criteria of being a factory made cover per ordinance. He referred to the pictures the citizens provided and pointed out not all were tagged.

Jody Parks then addressed the Council regarding her neighbors on East Railroad Avenue and provided pictures for reference. She explained she is having problems with rats. The neighbors have roaches which she hasn't found in her house at this point. Ms. Parks stated she has spoken to a real estate agent about selling her house but has been advised due to the appearance of the house next door she would not get what she owes on the house if sold. Mayor Litz inquired if there was an ordinance that regulates if trash leaves your yard then you are littering. He added he has received complaints from other neighbors down the street. Town Manager James explained he has attempted to speak with the property owners but they are non-responsive. Councilmember Hall pointed out the grass is 16 inches tall which is in violation of the town's 12 inch grass ordinance. Mayor Litz commented to Ms. Parks that the Council is aware of the situation and she isn't the only one with this concern. He added this will have to be dealt with and it is unfortunate that it is causing problems for the neighbors. Mayor Litz thanked Ms. Parks for her comments.

Jim Hall readdressed the dog issue. He asked if the operation could be shut down right away. Vice-Mayor Crigger stated the town will pursue it because she is operating a business. Town Manager James explained the business can be closed but the dogs can be kept which is the issue. Councilmember Schaack asked the citizens present how many had been woken up at night by the

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dogs. The citizens raised their hands. He then asked how many had been approached to be attacked. The citizens raised their hands. Mayor Litz stated this is a safety issue. Mr. Hall commented he lives down the railroad tracks and can hear the dogs. Mr. Staley explained there is an elderly lady that walks every day and the dogs wait for her to come by and expressed his concern for her safety.

Mayor Litz thanked all the citizens for bringing their concerns to the Council's attention.

Allan West addressed Shentel taking over for Rural Retreat Cable. He asked why Shentel was hosting their events in Wytheville instead of Rural Retreat. Town Manager James explained their office is in Wytheville but they will be holding an event later in Rural Retreat. He added by using their office in Wytheville they are trying to show citizens what they have to offer. Mr. West asked if there would be meetings or other events. Town Manager James replied yes, they will have both in order to show citizens their packages and other offerings.

All citizens left the meeting except Messrs West, Hall and Lewis (7:30 p.m.).

Mayor Litz asked Bob Lewis if he had any comments. Mr. Lewis replied no that Vice-Mayor Crigger answered his question in the parking lot prior to the meeting. He stated he was going to inquire about the employee's salary that he had previously addressed the Council about. Mr. Lewis stated that Vice-Mayor Crigger has assured him that was taken care of in the new budget.

CORRESPONDENCE

None

POLICE REPORT

Chief Mitchell explained his monthly activity report for March. He reported on the recent needs assessment survey completed by the Wythe County Sheriff's Office for the Wythe-Bland Foundation. He explained the Sheriff's Office had contacted the Wythe-Bland Foundation regarding funding for equipment needs but the Foundation suggested combining efforts with other agencies. The Wythe and Bland County Sheriff's Offices and the Towns of Wytheville and Rural Retreat agreed to participate in the assessment survey. The survey, conducted by Doug Cooley, determines the needs of the departments and makes recommendations. The recommendations made include forming a Wythe/Bland Law Enforcement Officer Coalition in order to apply for grant funds together for equipment and to train and work together. The survey also addresses recent school shootings and suggests, Chief Mitchell be equipped with an AR-15, ammunition and a tazer. Personnel issues were addressed and there is concern that Rural Retreat only has one officer. It was not recommended that additional officers be added, Chief Mitchell stated. Recommendations were made on facilities but none for Rural Retreat because there is only the one office. Additional recommendations included adding SUV's to the department fleets. Mr. Cooley suggested if the departments don't form the coalition then the departments should still consider applying for grants to purchase equipment.

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Councilmember Schaack asked Chief Mitchell if a coalition was going to be formed. Chief Mitchell responded it has not been discussed but he plans to speak with Sheriff King. Town Manager James added the term coalition refers to a funding coalition. The study is an effort to get the departments working better together, Chief Mitchell noted. Mayor Litz commented this would be helpful if only for training purposes. Town Manager James explained this study is great for equipment needs and will be a good funding opportunity because it was conducted by a professional.

UNFINISHED BUSINESS

TREE REMOVAL AT RURAL RETREAT COMMUNITY CENTER – Mayor Litz commented he had noticed the trees were being taken down. Town Manager James replied the rain has slowed the contractor but the work will be completed soon.

PEPPER STAGE – Mayor Litz inquired about the Pepper Stage interior being sealed. Town Manager James stated the materials have been purchased and this will be completed as soon as possible.

TOWN NEWSLETTER – Councilmember Schaack asked if the town newsletter that has been discussed over the past several months had been put together. Town Manager James stated he and Bob Lewis had discussed this during the Downtown Revitalization meeting. He added he is considering collecting citizen's email addresses as they come into the office so it can be sent by mass email. A notice can be printed on the water cards and on the website that directs citizens to the town's website to sign-up to receive the newsletter. Councilmember Schaack commented this will be good, but there are people without computers and asked if the newsletter can be sent with the water bills. Mayor Litz noted the water cards and the newsletter will be separate mailings. Mr. Lewis asked if the Rural Retreat news column in the *Wytheville Enterprise* could be utilized better. Discussion ensued on citizens reading the local paper and the utilization of other sources of communication to reach them. Mr. Lewis added communication was one of the main concerns expressed at the Downtown Revitalization meeting because the lack of during the previous project. Councilmember Viars suggested printing copies of the newsletter to place around town for citizens to pick up. Following additional discussion, the consensus was to continue to pursue developing a newsletter.

NEW BUSINESS

CAPITAL IMPROVEMENT PLAN (CIP) – Town Manager James explained the Finance Committee has reviewed the proposed CIP. The document helps to plan out capital purchases over the next five years to allow for budgeting purposes. He added most of the projects will begin in FY15. Vice-Mayor Crigger stated Town Manager James' guidelines are for long-term thinking in order to aid in being aware of upcoming needs and planning for these items during the budget process. Town Manager James commented grant money will be pursued to fund the projects listed.

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2013/2014 FISCAL BUDGET – Vice-Mayor Crigger asked for questions regarding the draft budget. Town Manager James explained the water and sewer rates will increase by 6%, a \$2 monthly sanitation fee per household will be implemented to be applied toward the disposal costs and the future purchase of a trash truck. Vice-Mayor Crigger stated the Finance Committee discussed the increases long and hard and was trying to avoid a tax increase which will probably occur next year. Bob Lewis questioned the \$2 sanitation fee. Town Manager James explained the fee will subsidize the brush and trash collections. He added consideration is being given to privatizing trash collection or the town will need to purchase a new trash truck. Mr. Lewis commented privatizing the trash collection had been looked at before. He added if a fee is being added this year then it will continue to increase each year and the citizen's won't be happy about this. Mayor Litz added the charge to privatize the collection at the time wasn't feasible to pursue. Vice-Mayor Crigger stated the charge will be the same. He further explained the expenses to maintain the trash truck and the manpower to pick-up trash were considered but with the aging trash truck it will have to be replaced eventually.

Clerk/Treasurer Guynn informed the Council the public hearing to hear comments regarding the FY 14 budget will be held June 11 during the regular meeting. The budget will be scheduled for adoption at the June 25 meeting.

WWTP UV DISINFECTION PROJECT LOAN – Town Manager James addressed the Virginia Resources Authority loan for the Wastewater Treatment Plant Disinfection Project. He stated the resolution to accept the loan must be approved by the Council. Councilmember Hash made a motion to accept the resolution authorizing the acceptance of the bond. Councilmember Schaack seconded the motion. Town Manager James stated the bond will be issued for \$102,000 with a 1.7% interest rate. There being no discussion, the motion passed by a vote of six (6) for: Crigger, Hall, Hash, Schaack, Viars, Yontz; zero (0) against.

MEMORANDUM OF UNDERSTANDING FOR EMERGENCY OPERATIONS CENTER – Town Manager James asked the Council if they had any questions about the Memorandum of Understanding (MOU) for the Emergency Operations Center. Mayor Litz asked Town Manager James to report the final budgetary figures. Town Manager James replied the town's portion is \$22,245 or 5.1%. He added this may increase if the reverse 911 system is purchased; however \$25,000 was budgeted as the town's portion. Councilmember Viars asked if Rural Retreat's coverage area was expanding. Town Manager James replied yes, the area will extend more toward Speedwell and toward Wytheville on the interstate. Discussion ensued on implementing charges for answering emergency calls on the interstate.

Mayor Litz asked if the document needed approval. Town Manager James replied yes and he would need authorization to sign the MOU on behalf of the town. Councilmember Schaack made a motion to adopt the Memorandum of Understanding for funding, operations, oversight and management of the emergency communications center between Wythe County and the towns of Wytheville and Rural Retreat and to authorize Town Manager James to execute the document on behalf of the town. The motion was seconded by Councilmember Viars and was approved by a vote of six (6) for: Crigger, Hall, Hash, Schaack, Viars, Yontz; zero (0) against.

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Bob Lewis left the meeting (8:00 p.m.)

COMMITTEE REPORTS

HERITAGE DAYS – Chairman Yontz reported the committee met prior to the meeting however there are no changes to report.

FINANCE & APPROPRIATIONS – No report.

PERSONNEL – Town Manager James asked if the Council had reviewed the draft Personnel Handbook. He stated it will be presented next month for approval if there are no concerns. Vice-Mayor Crigger stated he had a few questions he would like to address. He asked if the exempt and non-exempt employees will be classified and if there was a cell phone policy or if one should be adopted regarding use while driving, etc. Town Manager James explained the town loosely has a policy but not a definite one. Vice-Mayor Crigger then inquired about tobacco use and smoking. He addressed contributions to the HSA's (Health Savings Account) and stated this is not guaranteed, this is taken into consideration each year during the budget. Town Manager James stated the employees will sign the policy and it states it is not a contract. Vice-Mayor Crigger then stated FMLA (Family Medical Leave Act) was adopted by the town as part of the state regulations. He added a reference to the state code may need to be added. He then stated his opinion was the Council should approve the hiring and firing of employees through the Town Manager's recommendation to ensure fairness and safe practices. Mayor Litz stated this is contrary to other communities around us. Councilmember Schaack stated he had called other localities and was told by some that the Council doesn't know who is hired and others do report to their Council's. Town Manager James stated the Council can take a stance to be informed of hiring and firing. He added the corrections will be made and a revised draft will be presented at the next meeting.

TOWN MANAGER'S REPORT

The following items were discussed and/or acted upon:

RURAL RETREAT SIDEWALK IMPROVEMENT PROJECT PHASE 7 – We spoke with King Contractors, Inc. and they are still awaiting final bond information. We anticipate this being completed by next week. At that point the Town will execute a few remaining documents and we will then be able to schedule a pre-construction conference. We are still aiming to begin construction around the same time the school year will be ending.

TREE REMOVAL AT THE PEPPER STAGE – Work is ongoing this week. This should be complete before the scheduled June concert.

RURAL RETREAT SUMMER CONCERT SERIES – Due to inclement weather, we decided to cancel the concert for May 10th. We have spoken with the band and we will attempt to reschedule them for an alternative date.

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RURAL RETREAT COMMUNITY CENTER – Mr. Jim Hall came by last week to notify the Town that they have received their 501(c)(3) status from the IRS. They noted that the effective date of exemption was in 2010 so they were not penalized for the lapse in time.

SHENTEL – Staff met with representatives from Shentel, and the organization that will be performing all the installation work, this morning here in the Council Chambers. They are still expected to begin construction around the end of May. If Council has any questions they feel need to be addressed, please forward them on to me. Most of their work will have minimal intrusion, VDOT and the Town has provided all necessary right-of-way information for their VDOT permitting. Mr. James added the construction will begin toward the end of May with hookups beginning this fall. Shentel will be implementing a public relations campaign to notify citizens of their work and they will be submitting work areas to the Town for information. Shentel representatives have also offered to attend a Council meeting to further discuss this project.

TOWN ROADS – We are working with VDOT on surrendering a couple of Town roads into the state system. We last looked at this option in 2007 and we will pick up where we had left off. Mr. Bolling with VDOT is gathering some information as to how many streets are allowable under the Rural Addition Guidelines. When that information is received, options will be present to Council.

Mayor Litz commented the width of the street will be a factor. Town Manager James stated Mr. Bolling's concern was the right-of-way not the width. Vice-Mayor Crigger asked which streets this affects. The streets identified were Scott Street, Frye Avenue, Gammon Avenue, West Baumgardner Avenue from Miller Street to the dead end, Pine Avenue, Sherwood Avenue from Church Street to the beginning of the Sherwood Estates Subdivision, Jefferson Avenue and Richmond Avenue.

PLANNING COMMISSION – The Planning Commission is currently reviewing a rezoning request for 209 Maple Avenue to conduct a mobile detailing business. We will be holding a public hearing on June 10th. Vice-Mayor Crigger asked if this would be considered spot zoning. Town Manager James explained the original request has been revised and doesn't include automotive repair and service so the Commercial-Neighborhood area could now be expanded to include this property if approved.

Councilmember Hall stated for clarity he wanted to ask what the Council's immediate action was going to be regarding the dog situation on West Baumgardner Avenue. Town Manager James stated he and Chief Mitchell will discuss the issue and contact the resident tomorrow. He added the business part of it will have to be shut down though the resident may view it as not being a business. Councilmember Hall commented there is still a public safety issue. Mayor Litz stated the neighbors have complained and the Town is now aware of the situation and they need to do something. Town Manager James added the legality of this will be reviewed.

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TREASURER’S REPORT

The bills for May 14, 2013 were read and approved.

TALK OF THE TOWN

Councilmember Yontz 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 Schaack. The motion was duly seconded and approved.

Mayor

Clerk