

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, JUNE 11, 2013, 7:00 P.M.**

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

Council Members Absent: Ed Schaack

Administration Present: Lori Guynn, Clerk/Treasurer; Scott Mitchell, Police Chief

Administration Absent: Michael James, Town Manager

Others Present: Ernie Musser, III; Jim Gordon; Hunter Musser; Jim Hall; Charles Slagle; Roger Hedrick; Chris Pauley; Bob Lewis; Don & Anita Widner; Wayne Staley; Amanda Cameron; Ryan Kobert, Vicar – Rural Retreat Lutheran Parish; Jim Presgraves (7:10 p.m.)

DETERMINATION OF A QUORUM

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

INVOCATION

The invocation was given by Vicar Ryan Kobert.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Litz.

PUBLIC HEARING

2013-2014 FISCAL BUDGET – Mayor Litz explained the public hearing for the budget will be held first. He asked those interested in addressing the budget to speak during this time and during Citizens’ Time other matters may be addressed. He then read the notice as duly published and opened the public hearing for comments.

Ernie Musser, III addressed the Council concerning the \$2 per month fee being added for trash pickup. He questioned if it was a tax increase and why wasn’t it being called that. Mayor Litz asked Vice-Mayor Crigger to address the questions concerning the budget since he is the Finance Committee Chair. Vice-Mayor Crigger explained the fee is called a sanitation charge and will be charged due to the increased cost for sanitation services in trash and brush collection and the treatment of water and wastewater. To fairly affect each individual instead of increasing the personal property taxes, the sanitation charge will be added to each water bill each month. Mr. Musser referred to when his property was added to the town and stated the town campaigned on the freebies that would be received; police protection, sidewalks, fire hydrants, street lights and

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trash collection. He added he owns 125 acres in the town and pays his taxes and has no complaints about paying them but he is being double taxed when a tax is being charged on the trash pickup. Vice-Mayor Crigger asked Mr. Musser if his power bill had increased in the past two years. Mr. Musser replied he was sure it has but he is paying tax on 125 acres and pays his share. Vice-Mayor Crigger asked if he would rather be charged \$2 per month, a flat rate, or have his property assessed a higher tax rate. Mr. Musser commented the town can charge whatever they want and if he can't afford to pay the tax then he will put a for sale sign on his property. He added it's the principal of it. Mr. Musser further explained he had talked to the town manager about the fee and he was told it was being charged because the town needs to buy a new trash truck.

Jim Gordon addressed the Council next regarding the water/sewer rate increase. He stated when drought time comes the town wants to conserve water but now he lives by himself and only uses 400 gallons per month but he is being charged for 2,000 gallons. When he asks about being charged less he is told to use more water, he added. Mr. Gordon explained he doesn't put his trash out for the town to pick up; he takes it to the recycling center. He then readdressed the water and sewer charges and stated he is charged for the same amount of sewer as water. He suggested installing meters to measure the sewer discharge. Mr. Gordon further stated there are culverts along streets that need to be cleaned out and the burned house beside him needs to be torn down. The ordinance for property mowing isn't being enforced because there are lots that need to be mowed and neither is the ordinance on junk cars because there are a lot sitting around uncovered, he added, but there is a priority to raise water rates. Mr. Gordon stated he would like to dig a well but he can't do that because he is in the town limits. He suggested letting the County take the town over so only one tax will be paid. He further stated the Council is to represent the majority not the minority. The noise ordinance needs attention because he is tired of listening to the loud boom boxes, Mr. Gordon stated. He also stated the citizens need to be listened too.

Anita Widner addressed the Council concerning the \$2 per month trash fee. She stated the amount is not a lot but she also takes her trash to the recycling center and she doesn't agree with the fee especially when some citizens are hauling it off themselves.

Wayne Staley inquired if the rate increase was on both water and sewer and if the sewer is being increased because there is a lot of ground water flowing into the sewer system. Vice-Mayor Crigger replied the increase is for both water and sewer and further explained the town is in the process of beginning a sewer manhole rehab project to address infiltration problems but has no effect on the rate increase.

Bob Lewis addressed the Council and referred to a comment Mr. Musser made about the \$2 trash fee. He inquired about how long the fee will be charged or if it is open ended and will it increase later. Vice-Mayor Crigger replied the fee will be reviewed each budget year and at this time it is open ended because there isn't a set date of when it will be removed. He added it is more than a trash pickup charge. Mr. Lewis pointed out water and sewer treatment was mentioned but in discussions with the town manager he was told it was needed because the town may need a new

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trash truck or may farm out the trash collection. He then asked what exactly the fee was for. Vice-Mayor Crigger explained the fee is being charged to help cover the rising expenses of trash and brush collection and the moving of water and sewer. Mr. Lewis questioned if the fee can be used for water and sewer because those utilities are to support themselves and trash and brush collection expenses are general fund items. Vice-Mayor Crigger stated the money will be placed in the general fund in a separate sanitation item. He explained a future needs assessment will be done to determine if the trash truck is unsafe then either a new truck will be purchased or the collection will be privatized at a later date. Mr. Lewis asked if this will be done the next fiscal year. Vice-Mayor Crigger replied no. Mr. Lewis asked what the fee will be to the citizens if the trash is farmed out. Vice-Mayor Crigger stated at this time no amounts had been determined. Mr. Lewis then inquired if employee pay increases were included in the next budget. Vice-Mayor Crigger replied yes, the employees will receive a 2% COLA. Mr. Lewis commented everyone received 2% plus one employee received more. Vice-Mayor Crigger concurred. Mr. Lewis further stated there are two employees combined that make \$125,000 per year including benefits plus they received a raise. He added the median income for Rural Retreat is \$29,144 according to the last census and asked the Council to review the town's salary structure. Mayor Litz commented it is amazing how time changes. Mr. Lewis stated \$125,000 for two employees is a lot for this small town.

Councilmember Hash asked the citizens present why they don't allow the town to pick up their trash. Mr. Gordon replied the dogs and cats get into the bags and scatter the trash across the yard, then the trash collectors come by and only pick up the bag and leave the loose trash. If the trash is in a bin, it gets thrown in the ditch. He also voiced his disapproval of motor vehicle decals. Mr. Lewis explained he hauls his off to keep the crows out of it because they tear into the white trash bags. Mrs. Widner stated if she is hauling her trash to the end of the driveway to set it out then she goes ahead and takes it to the recycling center. Councilmember Hash stated she was asking because she uses the trash cans to keep animals out of the trash. Mr. Lewis asked her what condition her trash cans are in. Councilmember Hash replied pretty good. Several citizens simultaneously commented that was because she is a councilmember so they aren't getting thrown around. Mr. Musser explained he owns a business and the town won't pick up his trash so he has to pay to have it picked up. He added his wife takes their trash to the end of the driveway but if he quits putting it out what will he be getting for the tax he pays. He stated if he isn't getting his trash picked up, no police protection and the weeds aren't getting mowed then he isn't getting anything in return.

Mayor Litz thanked everyone for their comments and asked if anyone else would like to address the budget. There being no further comments he closed the public hearing.

Councilmember Hall then commented that as a member of the Council and Finance Committee he would like to point out that all citizens won't be satisfied with the decisions made but they are actively involved in improving all the services offered to the citizens. He asked the citizens to dig a little deeper and they would see the Council is pursuing improvements to the services being offered.

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APPROVAL OF MINUTES

A motion was made by Councilmember Viars, seconded by Councilmember Yontz to approve the minutes of the May 28, 2013 regular meeting. There being no discussion, the motion passed by a vote of five (5) for: Crigger, Hall, Hash, Viars, Yontz; zero (0) against; one (1) absent: Schaack.

CITIZEN'S TIME

Mayor Litz asked the citizens present if they would like to address the Council.

Jim Presgraves came to the podium and stated he would like to remind the Council of an accident on Church Street. He stated apparently the speed limit sign of 25 mph wasn't paid attention too and a car veered into the other lane and crashed into a power or phone pole. The driver survived, the pole did not fall to the ground and there was no one in the other lane, he explained. This isn't the first time a car has been speeding on Church Street, Mr. Presgraves pointed out. He then asked for the town's criteria for the installation of speed bumps. Mayor Litz replied the street belongs to the State of Virginia and the town doesn't have a say. Mr. Presgraves commented the Council could, by resolution, ask the State to install them if they were concerned and had a desire to protect the citizens that travel and live on that street. Vice-Mayor Crigger commented the cause of the wreck was a spilled drink and questioned if speed bumps were necessary. Mr. Presgraves added radar could be run to monitor how many speed on the street. Mayor Litz explained speeding is a constant issue and asked Chief Mitchell to monitor the street more. Mr. Presgraves stated his comment should not be taken as being critical of Chief Mitchell and then asked the Council to consider his request to install speed bumps.

Jim Gordon readdressed the Council about speeding on North Greever Street and stated he has complained to the Council and has been told it will be taken under advisement but nothing has been done. He explained the speeders are the factory workers, school kids and those going to the recycling center. Mr. Gordon pointed out a speed limit sign is missing on North Greever Street near the intersection of Rt. 1100 and the sign near East Buck Avenue is too close to the intersection. He added when he calls the town he is sent to the state and the state sends him to the town. Councilmember Hash commented speeding is a problem all over Rural Retreat and Chief Mitchell is doing his best to work all the streets where there are issues such as Sherwood Avenue, Chinquapin Avenue which is horrible and the other streets but there is only one person to cover all of it. Mr. Gordon suggested the town install speeding signs like the ones in Wytheville or hire another police officer. Mayor Litz told Mr. Gordon this is a constant sermon and thanked him for his comments.

Bob Lewis stated he knows everyone is venting tonight but he wanted to readdress a comment made by Mr. Musser and asked about mowing the street right-of-ways because there are waist high weeds on Maple Avenue and South Greever Street which are now lying out in the road due to the recent rain. He added there is a stump in the road on Maple Avenue near the intersection with South Greever Street that has been there for several weeks and two cars can't pass. Mr.

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Lewis added a sickle bar mower needs to be purchased for the tractor because the mower the town has is a finishing mower and isn't made to mow waist high weeds. Mr. Lewis then asked why town equipment is being used at the depot to haul stuff away. He added he was told the town manager was driving the truck. Councilmember Hash asked what was being hauled. Mr. Lewis replied rocks and brick were being hauled off the property. Vice-Mayor Crigger explained the truck was being used to haul large pieces of debris from town property. Mr. Lewis stated it is not the town's property because it is being leased to the Rural Retreat Depot Foundation.

Wayne Staley readdressed the Council and asked if the town would consider building a sidewalk on Parsonage Avenue because there are a lot of people that walk the street. Mayor Litz replied it is one of many streets that need new sidewalks and noted it will take time to do due to the cost.

Amanda Cameron asked if more tickets were issued to speeders then would it help to eliminate the problem because word would spread. Mayor Litz commented it wouldn't hurt but he said there is no way to completely stop it because when you turn your back on one street people start speeding again on another.

Mr. Musser explained he has been hearing under current about the dog issue in town and stated he has been told his name has been mentioned as having a lot of dogs. He stated he does have dogs and always has and will have them until the day he dies. He added he doesn't want to be told what to do with his dogs nor his kids. Mr. Musser commented he is being questioned around town about his dogs. He explained they are kept in a kennel, taken to the vet once per year and he has a kennel and dog licenses and is required to have the kennel inspected to get the license. The town better think about an ordinance before one is passed because he is fine, he added. Mayor Litz commented he wanted to clarify this because he was the person that mentioned Mr. Musser had dogs but they don't bother anybody. Councilmember Hall added the comment was made to make a point. Clerk/Treasurer Guynn stated she would like to make a comment that may help Mr. Musser. She explained the ordinance change that is being reviewed will possibly limit the number of dogs in residential zoned areas and would not affect Mr. Musser because he lives in an agricultural zoned area. Councilmember Yontz stated he wanted to point out that Mr. Musser has stated he is in compliance and has a kennel license and other paperwork required for the dogs. Mr. Musser commented he takes his dogs out of state and out of the country and has to have all paperwork and licenses up to date.

Roger Hedrick inquired about the dog situation on West Baumgardner Avenue. Clerk/Treasurer Guynn referred to the Town Manager's report and read "draft ordinances are near completion, the personnel committee will meet on these items as well, before they will be presented to Council and a public hearing date is set". She added the proposed restrictions will affect residential zoned areas from the time of adoption going forward and will not apply from that time back. She further stated she was not familiar with the status on how many dogs are still on the property. Vice-Mayor Crigger added a notice of zoning violation was sent to the homeowner on June 4 allowing 30 days to be in compliance. Mr. Hedrick thanked the Council for the update.

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Jim Gordon inquired if the town had a noise ordinance. Mayor Litz replied the town has a barking dog ordinance. Chief Mitchell added the town does have a noise ordinance but Attorney Sobey advised not to pursue it.

Mr. Gordon left the meeting (8:00 p.m.).

Amanda Cameron asked what will happen to the property owner after the 30 days. Vice-Mayor Crigger stated action will be taken including fines and possible legal action. Mr. Lewis asked if civil action will be taken. Vice-Mayor Crigger stated it depends on how the situation ends and he is unsure if it will be over at the end of 30 days. Councilmember Yontz stated based on what he has seen effort is being made to find other homes for the dogs and there has been a decrease in the number on the property. Mayor Litz asked if the noise level has changed. The citizens replied no. Councilmember Viars commented he realizes this isn't moving as quick as everyone wants it to move but he appreciates everyone's patience. He added the town manager is doing a good job and trying to balance the town's needs and the citizens. He further commented the town manager is doing a great job and there is a lot more accountability.

All citizens left the meeting except Messrs. Hall and Lewis (8:05 p.m.).

CORRESPONDENCE

Clerk/Treasurer Guynn read a request from the Rural Retreat Depot Foundation asking the farmer's market be sanctioned as a town event and permission to use the town flat area. The farmer's market will be held at the depot each Wednesday afternoon from 2-6 p.m., July through September. A motion was made by Councilmember Viars and seconded by Councilmember Hash to sanction the Rural Retreat Depot Foundation's farmer's market. There being no discussion, the motion passed by a vote of five (5) for: Crigger, Hall, Hash, Viars, Yontz; zero (0) against; one (1) absent: Schaack.

POLICE REPORT

Chief Mitchell explained his monthly activity report for May and noted there has been a drop in miscellaneous complaints but there has been an increase in the breaking and entering calls. He is continuing to work with the Marion Police Department and the Wythe County Sheriff's Office on one of the breaking and entering cases. Other activity included issuing two summonses for dogs running at large and as previously mentioned the traffic accident on Church Street occurred. Chief Mitchell added the number of assists to Wythe County has decreased due to the new 911 call center.

Vice-Mayor Crigger inquired about the opening of the new dispatch center and asked if there were any problems. Chief Mitchell replied there were only minor issues that he was aware of. Councilmember Hash added there were problems with radio communication. Discussion ensued on the change to narrow band radios and the expanded fire and rescue areas.

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Councilmember Yontz referred to the earlier comments by Mr. Gordon about speed limit signs missing or being hidden and asked Chief Mitchell for an update. Chief Mitchell stated he was aware of the missing sign at North Greever Street and he has notified the town manager. Councilmember Yontz asked who is responsible for replacing those because unless it is brought to the Council's attention they aren't aware of this. Discussion began on the need to move some signs away from the intersections to a more visible location. Councilmember Yontz then inquired about the inoperative motor vehicles. Chief Mitchell replied letters of violation have been sent to residents that aren't in compliance. Councilmember Yontz also inquired about the mowing of lots and right-of-ways. Chief Mitchell stated he is compiling a list to turn in. Clerk/Treasurer Guynn pointed out most residents still think the mowing is to be done in June and September and noted calls have increased on the mowing since the first of the month.

UNFINISHED BUSINESS

PEPPER STAGE – Mayor Litz asked Councilmember Hall if the Pepper Stage had been stained. Councilmember Hall replied he wasn't aware of any work that had been done.

NEW BUSINESS

None

COMMITTEE REPORTS

HERITAGE DAYS – Chairman Yontz reported Shentel is donating \$5,000 to the 2013 festival and will be the primary sponsor. They are also interested in making this a long term commitment. Chairman Yontz added they are also interested in having their name placed on the stage. Mayor Litz commented we need to avoid making the stage look like a billboard.

FINANCE & APPROPRIATIONS – Clerk/Treasurer Guynn stated the 2013-2014 Fiscal Budget will be presented for adoption at the next meeting.

PERSONNEL – Clerk/Treasurer Guynn explained the new Personnel Policy will be presented for adoption at the next meeting and has previously been distributed through other communications by Town Manager James.

TOWN MANAGER'S REPORT

Mayor Litz read the manager's report and the following items were discussed and/or acted upon:

RURAL RETREAT SIDEWALK IMPROVEMENT PROJECT PHASE 7 – King Contractors, Inc. is scheduled to begin work on June 17th.

SIDEWALK IMPROVEMENT PROJECT PHASE 8 – VDOT has approved the RR Phase 8 project to move forward to the next round of approvals. We hope to receive approval in the coming months.

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UV DISINFECTION – WWTP – A pre-construction conference was held yesterday with The Lane Group, Inc., Teaters Trucking, Inc., DEQ and the town. The contract will begin on June 17th. The UV disinfection equipment will be constructed as soon as the shop drawings are approved by the engineers. We look to begin actual construction in mid to late July.

DOWNTOWN REVITALIZATION – Our first management team meeting of 2013 will be held on June 19th at 7 p.m. here at Town Hall.

VDOT STREET ADDITIONS – We are still working with VDOT on the dedication of a number of Town streets to the state. The ones that can be given now will be presented to Council this year. VDOT will inform us on how to proceed with our request. More information will be given to Council as it becomes available.

EMPLOYEE PERFORMANCE APPRAISAL – Employee PE's will be completed this month, as well as Council's evaluation of the Town Manager. The Personnel Committee will meet within the week to discuss these items.

ORDINANCE REVISION (NOISE & DOGS) – Draft ordinances are near completion, the Personnel Committee will meet on these items as well, before they will be presented to Council and a public hearing date is set.

BUDGET NOTES: 6% rate increase on utility bills; \$2 sanitation charge will be charged for every household within corporate limits, as well as a \$2 increase in current sanitation charges for the few out-of-town sanitation customers; sewer projects - manhole rehab project or technical study to design a larger plan to reduce I & I (as mentioned in the weekly update), several pump replacements and rehabs; water projects – renovating the chlorine room to meet state standards; Dr. Pepper Lot – explores early development ideas to prepare for wall of honor construction.

Before proceeding with the agenda, Mr. Lewis inquired on the request by Charlie Burkett to rezone his property on Maple Avenue since the Planning Commission voted to send it to the Council for consideration. Mayor Litz asked Clerk/Treasurer Guynn to explain. Clerk/Treasurer Guynn explained Mr. Burkett had submitted a rezoning request for his property at 209 Maple Avenue from Residential (R-2) to Commercial-Neighborhood to allow him to operate a mobile vehicle detailing business. She added the zone change will expand the Commercial-Neighborhood area because the property adjoins that zone. She further stated the Planning Commission, at their meeting the previous night, voted to recommend the Council approve the zoning request but this item wasn't placed on the agenda for the meeting so action should be taken at the next meeting.

Vice-Mayor Crigger commented Town Manager James had come to him and told him he would like to attend his brothers' graduation but was concerned about the public hearing. Vice-Mayor Crigger stated he assured him he would answer all budget questions to the best of his ability.

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He then addressed the motor vehicle decal fee that Mr. Gordon had referred to earlier and commented the decal fee will still be charged on the tax ticket. Clerk/Treasurer Guynn stated the town will need to decide if decals will continue to be issued or eliminated. She explained from the collection standpoint she preferred to keep them because when residents purchase the decals they are required to pay their delinquent taxes before decals will be issued. She further explained if the decals are eliminated then additional collection methods other than the Set-Off Debt program such as DMV Stops will have to be considered and will increase the work load for her and Mrs. Maxey. She added the collection fees will be increased because DMV receives a large part of the fee to administer the program.

TREASURER’S REPORT

The bills for June 11, 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 Hash. The motion was duly seconded and approved. (8:32 p.m.)

Mayor

Clerk