

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, JUNE 25, 2013, 7:00 P.M.**

Council Members Present: Mayor Timothy Litz; Ed Schaack; Dale Yontz; Jerrell Hall; Peggy Hash; James P. "Sean" Viars

Council Members Absent: Vice-Mayor A. Keith Crigger

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

Administration Absent: None

Others Present: Vance Gregory, Charles Burkett, Chris Burkett

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 Viars, seconded by Councilmember Yontz to approve the minutes of the June 11, 2013 regular meeting. There being no discussion, the motion passed by a vote of four (4) for: Hall, Hash, Viars, Yontz; zero (0) against; one (1) absent: Crigger; one (1) abstention: Schaack due to his absence.

CITIZEN'S TIME

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

Charles Burkett addressed the Council and stated he is a life-long resident of the town and is present to discuss the rezoning request for his property. He explained he wants to have the property rezoned to Commercial Neighborhood because he has now lost his job at Merillat. A previous request was submitted to rezone the property but operating a business wasn't a necessity however now it is because he needs to make a living. He added he changed his request to a detailing business due to the hurdles he would have to face to rezone to Commercial General and to avoid affecting the neighbors which includes his mother but all have been supportive of

COUNCIL MEETING MINUTES – JUNE 25, 2013 – PAGE 2

his request. Mr. Burkett stated his business won't be intrusive to the area because there is a carwash nearby. He added he owns multiple properties in Rural Retreat and maintains both properties well and has kept them nice and neat and hasn't received any complaints about his property. The decision made tonight will decide whether or not he can keep the property after owning it for 27 years, he added. He asked for consideration of this when making a decision and asked the Council if they had any questions for him. Mayor Litz asked Town Manager James if he had additional information that he would like to add. Town Manager James explained the property is surrounded by the Commercial Neighborhood area. Mayor Litz asked if this would be considered spot zoning. Town Manager James responded no but this is the reason the original request to operate a body shop was denied. He added Mr. Burkett has been great to work with and amended his initial request to better fit the area. He expressed his appreciation to Mr. Burkett for his cooperation. Mayor Litz asked if a public hearing was needed. Town Manager James stated the public hearing has been previously held with the Planning Commission. Mayor Litz stated he would like the Council to take action on this item now instead of during new business. Councilmember Schaack made a motion to rezone the property at 209 Maple Avenue to Commercial Neighborhood to allow the operation of an automotive detailing business. The motion was seconded by Councilmember Yontz. Councilmember Viars commented Mr. Burkett had done his homework on his request. There being no additional comments the motion passed by a vote of five (5) for: Hall, Hash, Schaack, Viars, Yontz; zero (0) against; one (1) absent: Crigger.

Mr. Burkett further commented Town Manager James had been a pleasure to work with through this process and he had guided him and provided insight on what would be suitable for the town. He also thanked the Council for their support.

The Burkett's left the meeting. (7:15 p.m.)

Vance Gregory with the Rural Retreat Volunteer Emergency Services distributed a Statement of Cash Receipts and Disbursements for July 31, 2012 and 2011. He stated he is attending to ask the town to fund the installation of a fourth bay door in the back of the building. He added the commercial door will be manually operated to allow them to get vehicles out of the building when the power is out because currently their generator won't open one of the three doors. Mr. Gregory stated previously the squad had discussed building a shed on the back of the building to utilize during Heritage Days to serve food from but the installation of the door will provide a better purpose. Mayor Litz asked Mr. Gregory if he had an idea of how much it will cost to install the door. Mr. Gregory stated he had received one quote for approximately \$3,000. He added they don't want an electric door opener because it will defeat the purpose. Councilmember Hall explained the installation of the door would require removing a section of the brick work, framing the door, moving electrical work and subcontracting out the installation of the door. Town Manager James requested that this item be tabled until the next meeting. Mayor Litz asked for this request to be placed under unfinished business on the agenda.

Councilmember Yontz asked Mr. Gregory about the rumors concerning the cut backs with the rescue squad. Mr. Gregory stated as of the first of the month there will be restructuring.

COUNCIL MEETING MINUTES – JUNE 25, 2013 – PAGE 3

Councilmember Hash explained the number of calls have decreased since January. After evaluating the number of calls and when they occurred, one employee was let go she stated. She added the maintenance on vehicles and their insurance costs have increased and they have had to make some changes. Councilmember Yontz explained he was asking because he is concerned about giving money to the rescue squad for a door versus giving money that will be better utilized for services to the citizens. Mayor Litz commented the changes sounds like a management decision. He thanked Mr. Gregory for his time.

CORRESPONDENCE

Town Manager James stated Raymond Matney had asked him to express his appreciation to the Council and staff for his retirement dinner and gift. He added Raymond had a great time and was very appreciative.

POLICE REPORT

Chief Mitchell stated he had several items to report on. He explained he is working with Ms. Walden on West Baumgardner Avenue regarding several complaints with kids on bicycles harassing the dogs. Upon looking at the video, he was able to identify the kids and spoke to their parents. He is patrolling East Buck Avenue more since the sidewalk construction has begun and the street is partially reduced to one lane. Following the last meeting, he has reviewed the speed limit signs and made recommendations to Town Manager James. Other signs are being reviewed and recommendations will be made if necessary. Chief Mitchell reported he is continuing to work on the inoperative motor vehicles and will be sending follow-up letters to the residents that haven't responded. He addressed the complaints regarding yard sales at businesses around town. He explained he had personally visited some of the businesses that were allowing yard sales but they weren't aware that the town has an ordinance limiting yard sales to two per year. He added Virginia's Home Health wasn't aware that yard sales were being held at their property but did ask him to tell people they are trespassing if they are conducting a yard sale in the future. Chief Mitchell further reported he is continuing to work with the Wythe County Sheriff's Office on traffic enforcement on the streets that complaints have been received about.

Councilmember Yontz asked if it would be possible to rent a mobile speed limit sign similar to the one on Pine Avenue in Wytheville to move around town to make people aware of their speed. He added this would be an effort to make people aware we are being proactive. Town Manager James asked Chief Mitchell to look into this request. Councilmember Viars referred to the previous research he had conducted on a mobile speed limit sign that mounted on sign posts and could be moved around town. He stated he is in support of this and being proactive especially if it makes Chief Mitchell's job easier and the town safer.

Mayor Litz commented the lady on West Baumgardner Avenue has the same amount of rights as others and asked Chief Mitchell to continue to work with her. He added she has the right to not be harassed. Mayor Litz expressed his appreciation to Chief Mitchell for working on this.

COUNCIL MEETING MINUTES – JUNE 25, 2013 – PAGE 4

UNFINISHED BUSINESS

2013/2014 FISCAL YEAR BUDGET ADOPTION – Councilmember Viars made a motion to accept the 2013/2014 Fiscal Budget. The motion was seconded by Councilmember Hash. Mayor Litz pointed out the next fiscal budget is \$15,000 less than last year. He added a good job has been done in compiling the budget. Mayor Litz further commented the Council got blindsided over \$24 per household per year. Councilmember Hall stated this was in an effort to remain transparent though it wasn't received that way. Town Manager James stated anytime there is a change like this it is tough in any town but the citizens will realize a user fee is better, opposed to a tax increase. Mayor Litz added there were no complaints on the 6% water/sewer rate increase. Councilmember Viars commented this was less than the 15% increase the Town of Wytheville is implementing. There being no additional discussion, the motion passed by a vote of five (5) for: Hall, Hash, Schaack, Viars, Yontz; zero (0) against; one (1) absent: Crigger.

PERSONNEL POLICY ADOPTION – Mayor Litz stated he is completing his seventh year as Mayor and up until now the Council has operated a certain way. He referred to the proposed Personnel Policy and the town's structure. He pointed out the Council is composed of seven people not six members and a mayor. He stated beneath the Council there are three appointees, the town manager, the clerk/treasurer and the police chief. Mayor Litz stated he feels the town council should not interfere with the day to day operations of the town; they are a legislative body and shouldn't be involved on whether or not an employee comes to work on time or who the town manager hires. He added the three appointees are handled differently than the hourly employees. An hourly employee can't be fired without good reason but the three appointees can be dismissed at any time with three votes and him to break the tie to let one of them go because they serve at the satisfaction of the town council. Mayor Litz stated he would like the structure of the town changed and lines redrawn. He added Mr. James works for the town council and if an appointed individual doesn't suit him then he can ask the council to dismiss them. Mayor Litz explained he began this because he doesn't think the council should be minding every move an employee makes but he doesn't want someone in the structure that can't be dealt with. He then addressed continuing education and stated whether it is clerk related or for wastewater licensing it is done at the pleasure of the council because it is an expense to the people of the town and is not necessarily a gift because a salary is received. The town manager is to be the pivot point the town operates on, Mayor Litz added. He advised if there is an issue with an employee, then contact the town manager. He further stated the General Services Director shouldn't oversee the police chief or the clerk/treasurer because he is not appointed. Mayor Litz stated he is the highest elected official for the town and he wants to say what he thinks is expected of the council and employees. Councilmember's Schaack and Viars asked Mayor Litz how he wanted the lines to changes. Mayor Litz advised the lines to the police chief and the clerk/treasurer should be drawn off of the town manager. Councilmember Viars stated it was his understanding that the general services director would supervise the town's day to day operations. Mayor Litz stated that was correct but not the town office. Councilmember Hall commented it wasn't meant to include administrative positions. Councilmember Schaack suggested eliminating the line from the general services director to the chief of police and clerk/treasurer and redrawing it to connect those positions to the town manager to make it clearer. The members concurred. Town Manager

COUNCIL MEETING MINUTES – JUNE 25, 2013 – PAGE 5

James explained he and Mrs. Guynn had previously discussed this and it is reflecting the positions work side by side but he will change it for clarity. Mayor Litz added employees are continuously coming to him to complain because something didn't go their way and he is tired of listening to it because he doesn't affect it but the Council has the authority to handle the appointed employees. Councilmember Hall commented the administrative offices being discussed are appointees and he has been on Council long enough to fill those positions more than once on some and to find someone to install in those positions. He stated his comment isn't directed toward Mr. James in anyway other than he is one voice, one opinion. He added the town manager is being given authority to hire and fire positions lower than the appointees because they are still under the Council. Town Manager James explained this isn't directed to Mr. Mitchell or Mrs. Guynn but if there came a time that a manager felt those in the positions weren't doing what they should then a recommendation can be made to Council. Mayor Litz added the manager's recommendation doesn't have to be accepted. Councilmember Hall stated this clarified it for him but he isn't ready to allow one person to handle that. Mayor Litz further commented the Council is elected and the three positions are appointed. Councilmember Schaack read a portion from the proposed policy that states all three are appointed at the first meeting following council elections. Mayor Litz stated this is every two years but the Council doesn't have to wait two years to make changes. He further stated no one is being considered for termination. The town manager is responsible for completing the evaluations on both employees and the council evaluates the manager, Mayor Litz noted. Mayor Litz thanked everyone for their attention. Councilmember Schaack made a motion to adopt the Personnel Handbook. The motion was seconded by Councilmember Hash. Clerk/Treasurer Guynn referred to Councilmember Hall's previous comment and stated the town's Charter states her position and Mr. Mitchell's are appointed by the Council and work at their pleasure. She added they work for the Council and with the town manager so the Charter governs. Mayor Litz commented he only wants the personnel policy to agree with the charter. He also pointed out the town manager takes the heat when something happens. There being no further discussion, the motion passed by a vote of five (5) for: Hall, Hash, Schaack, Viars, Yontz; zero (0) against; one (1) absent: Crigger.

STREET SIGNS – Town Manager James reported Chief Mitchell has done a good job on compiling the report and he is to keep a check on other issues while patrolling. He added he has spoken to VDOT and they have agreed to give the town the signs for town staff to install in an approved location so it will expedite the requests.

RURAL RETREAT NEWS – Councilmember Schaack explained he had sent out an email about the Rural Retreat News but he would like to postpone this discussion because the cost to direct mail it hasn't been determined. Councilmember Yontz asked if it would be direct mailed or bulk mailed. Town Manager James replied bulk mailed possibly through a sub-contractor. Discussion on mailing rates ensued. Town Manager James added a cost needs to be determined to send the newsletter out quarterly so the money can be budgeted in the future. Councilmember Schaack suggested soliciting advertisers to cover the costs of the newsletter.

COUNCIL MEETING MINUTES – JUNE 25, 2013 – PAGE 6

NEW BUSINESS

BURKETT REZONING REQUEST AT 209 MAPLE AVENUE – This item was addressed and action taken during Citizen's Time.

COMMITTEE REPORTS

HERITAGE DAYS – Chairman Yontz reported the festival is one month away. The advertising poster is being reviewed by Shentel for approval prior to printing.

FINANCE & APPROPRIATIONS – No report.

PERSONNEL, ORDINANCES AND LEGAL MATTERS – Chairman Schaack reported the committee is looking at revising the noise ordinance and the draft will be distributed to the Council for review.

Prior to proceeding Clerk/Treasurer Guynn inquired if the Personnel Handbook was effective July 1. Mayor Litz concurred.

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 – The trees on Evergreen Avenue has been cut down and the stumps will be removed soon. The existing sidewalks on the south side of East Buck Avenue have been removed and curb and guttering are being poured this week. We have spoken with residents affected by the project and no major concerns have been raised.

Councilmember Hall inquired about traffic control in the area. Town Manager James stated traffic is limited due to school being out. Councilmember Viars inquired if the sidewalks will be built on both sides of the street. Town Manager James replied yes.

UV DISINFECTION – WWTP – The UV disinfection system design specs have been approved by the engineering firm and are currently being constructed. We anticipate 30-60 days for construction until delivery to the WWTP.

SEWER REHAB PROJECT – As noted in the weekly update, the Town has applied for Mount Rogers PDC grant funding to possibly create a full sewer rehab project. We have already budgeted \$30,000 to rehab manholes individually but in an effort to more completely address the issues of I & I in our sewer system, we may be better suited to apply for technical assistance money to have a shovel ready project for 2014. This grant would require a match that we anticipate to be \$20,000. I would be interested in any Council feedback on this matter. Town Manager James added a study has been completed but there are no plan designs. If grant funding

COUNCIL MEETING MINUTES – JUNE 25, 2013 – PAGE 7

is received the Council will need to decide if they want to apply the matching funds to the project to make it shovel ready in 2014. The rehab project will proceed if funding is not received.

VDOT SIGNAGE – We have discussed with VDOT the possibility of them providing the signs we request to the Town Shop and having town staff install the signs in approved locations. They approved this method, and this should reduce the timeframe between our request and the signs being installed.

DOWNTOWN BANNERS – Staff has been going through banner designs for the Town. These decorative banners would be mounted on AEP poles, and we are looking at around 15 at this time. They would be placed around town during the spring, summer and fall. We are working with AEP to solicit their approval for our use of the poles. The Mosca Company and staff have been reviewing designs and once we find some suitable options we will present those to the Council as well as the cost for the project, for final approval.

DOWNTOWN REVITALIZATION – Our management team meeting went very well, and we have requested DHCD to allow for us to move on to the next step. One item that has been requested is staff to do a town-wide mailing to solicit input on the downtown project. This mailing will request their participation in an online survey that will be placed on our website and Facebook, as well as hard copies in the office. We hope to be able to more accurately gauge citizen support as we move forward.

WATER ACCOUNTABILITY – Attempts are being made to decrease our water loss. Mayor Litz pointed out it is on a downward trend.

Councilmember Viars inquired about the tree removal at the Rural Retreat Community Center because the stumps and roots are still there. Town Manager James stated he may have a contractor remove the stumps instead of waiting for Top Notch to return.

Town Manager James stated the materials have been ordered to install a door on the back side of the stage which will be completed prior to Heritage Days. Councilmember Viars inquired about the stage being stained. Town Manager James stated an effort is being made to get it done.

TREASURER'S REPORT

The bills for June 25, 2013 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.

COUNCIL MEETING MINUTES – JUNE 25, 2013 – PAGE 8

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. (8:20 p.m.)

Mayor

Clerk