

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN  
COUNCIL HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, JULY 23, 2013, 7:00 P.M.**

Council Members Present: Vice-Mayor A. Keith Crigger; Ed Schaack; Dale Yontz; Jerrell Hall; Peggy Hash; James P. "Sean" Viars

Council Members Absent: Mayor Timothy Litz

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

Administration Absent: None

Others Present: Bob Lewis and Gary Houseman

**DETERMINATION OF A QUORUM**

Vice-Mayor Crigger 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 Vice-Mayor Crigger.

**APPROVAL OF MINUTES**

A motion was made by Councilmember Viars, seconded by Councilmember Hash to approve the minutes of the July 9, 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**

Gary Houseman stated he was only visiting.

Bob Lewis then addressed the Council and asked if the charter approved by the legislature in 1954 has been changed since then. Vice-Mayor Crigger replied not to his knowledge. Mr. Lewis then stated he didn't think it had because he had a copy of the charter from when he was employed with the town that was from the acts of the General Assembly in 1954. He explained he had read the minutes of the June 25 meeting on the internet and referred to a comment Mayor Litz made. Mr. Lewis noted he was aware the Mayor wasn't present due to personal matters. He then read the statement "Mayor Litz commented he only wants the personnel policy to agree with the charter." He commented he doesn't think the policy agrees with the charter because the

## **COUNCIL MEETING MINUTES – JULY 23, 2013 – PAGE 2**

Charter states “the Mayor shall be the official head of government” and “the Council shall appoint the clerk, the treasurer, a town sergeant and deputies, and such other officers and employees as the council may deem necessary and proper, including a town manager.” However, this Charter is for a Mayor/Council type of government not a Council/Town Manager type of government, he added. Mr. Lewis stated the Charter states “the administrative and executive powers of the town and including the appointment of officers and employees, are vested in the Town Council.” He asked what vested means and explained he looked it up in the dictionary on the internet and it said held completely, permanently, and incapably, protected or established by law, ownership which means it belongs to you not anyone else. It is not transferable because inalienable means not transferrable to another so authority can’t be given to someone to do something that belongs to you solely is the way Mr. Lewis stated he reads the Charter of 1954. He noted the Town Charter is in the front of the town’s Code of Ordinances book. Mr. Lewis referred to the meeting minutes and stated there was a question of who is in charge of whom. He pointed out in paragraph seventeen, using this only as an example, reads “the town sergeant has the same powers and performs the duties both in civil and criminal cases prescribed by the State law for sergeants of towns and he shall be subject to like penalties. He shall also perform such duties in relation to streets and waterworks of the town and such other duties as may be required of him by the council. He shall especially see that all ordinances are observed, and he shall report to the mayor.” Mr. Lewis commented it doesn’t say he should report to any other person it says he shall report to the Mayor. He further commented he read something about salaried and wage employees and asked if there was now a pay chart for both. Town Manager James replied yes. Mr. Lewis added the town had never had this before but he wanted to know if it was now in place. He commented the things he mentioned from the Town Charter are out of date. There was discussion in updating the Charter about 15-16 years ago, he explained, because it is out of date and it also states the Mayor has the right to issue search warrants, warrants, capiases, fix bail. He added it needs to be revised if the town is going to operate as a council/manager form of government because in his opinion, according to the Charter the town is not a council/manager form of government. Mr. Lewis commented in no way are his comments a reflection on Chief Mitchell.

Vice-Mayor Crigger thanked Mr. Lewis for his comments and stated this is something to be concerned about because we currently have a Personnel Policy that was adopted June 25 that goes against the Charter. He noted one of those is an issue he had brought up before. He asked Town Manager James and the Personnel, Ordinances and Legal Matters Committee to address these issues in the near future and look at what is involved in revising the Town Charter and possibly revising the current Personnel Policy to abide by the Charter since it is the governing document of the Council.

Mr. Lewis asked if he could further comment. Vice-Mayor Crigger agreed. Mr. Lewis suggested not revising the Personnel Policy until the Charter is amended if it is obsolete. He explained when this was discussed 15-16 years ago the procedure was the Town Attorney drafts it, then it must be given to your delegate and the delegate takes it to the House in Richmond and both the House and General Assembly must vote on it. He added the General Assembly sets the Charter and that it can’t be adjusted by ordinance. Vice-Mayor Crigger commented it was a

## **COUNCIL MEETING MINUTES – JULY 23, 2013 – PAGE 3**

lengthy process. Councilmember Hall stated it appears that several items are in arrears in the Town Charter that need to be addressed. Vice-Mayor Crigger added the Town must operate under the existing Charter until a new one is approved. Mr. Lewis commented based on the minutes there appears to be some items in the Personnel Policy that are contrary to the Charter.

### **CORRESPONDENCE**

None

### **POLICE REPORT**

Chief Mitchell stated he was on vacation during the last meeting and has been updated by the Wythe County Sheriff's Office on issues. He reported he is continuing to resolve inoperative motor vehicle issues and working with those that have requested additional time. Speeding on town streets was discussed at the last meeting and he stated he had contacted the Town of Wytheville about using their speed trailer which they are willing to allow us to use, if approved, for the purpose of using it to evaluate if it is a purchase we want to make. Chief Mitchell explained he has contacted several companies for a quote on monitoring equipment that would be a suitable for us and a report will be given to Town Manager James and the Council. There is several traffic signs that need to be replaced which a report will be given to Town Manager James. The Wythe County Sheriff's Office will be providing two paid deputies for Heritage Days and others will be assigned to the area if needed. Sheriff King is also working with Chief Mitchell on the first responders night to host a meet and greet that will include himself along with personnel from the Sheriff's Office, rescue squad and fire department. Walmart has donated two children's bikes for a raffle and a donation was received from another organization that will be used to purchase a larger bike. Chief Mitchell stated he has requested a meeting with the Fire and Police Committee to discuss the happenings of the department and other issues around town.

### **UNFINISHED BUSINESS**

TOWN NEWSLETTER – Town Manager James reported he hopes to have the first issue out in late August or early September

### **NEW BUSINESS**

None

### **COMMITTEE REPORTS**

HERITAGE DAYS – Chairman Yontz reported the festival time is here and last minute issues will be dealt with as they arise.

## **COUNCIL MEETING MINUTES – JULY 23, 2013 – PAGE 4**

**FINANCE & APPROPRIATIONS** – Clerk/Treasurer Guynn reported the work to prepare the books for the audit will begin August 12 and the complete audit will take place September 3 & 4.

**PERSONNEL, ORDINANCES AND LEGAL MATTERS – NOISE ORDINANCE** – Chairman Schaack reported a revised draft of the Noise Ordinance was distributed for review. He asked for any questions or comments. Councilmember Hall stated there were a couple of items that he would like to have changed. Vice-Mayor Crigger asked Town Manager James if he would like to schedule a committee meeting to address the ordinance. Town Manager James stated he had spoken to Councilmember Hall about the revisions and a new draft will be sent to the committee for review. Vice-Mayor Crigger asked for the committee to review the revised draft to address concerns prior to it being sent to the Council.

### **TOWN MANAGER’S REPORT**

The following items were discussed and/or acted upon:

**RURAL RETREAT SIDEWALK IMPROVEMENT PROJECT PHASE 7** – Work is ongoing; we anticipate finishing the south side of East Buck Avenue within the next few weeks and beginning on the north side shortly after. The main drainage pipe behind the RRHS tennis courts has been installed, there was discussion with the school about extending the pipe beyond the tennis court area, but the topography of the area made that impossible to do. The weather has been an issue recently but once the project is completed the drainage issues should be alleviated.

**RURAL RETREAT SIDEWALK IMPROVEMENT PROJECT PHASE 8** – The Town of Rural Retreat is still on the list of projects to be funded by VDOT in 2013. We hope to receive the notice of final award soon. This section will cross the railroad on Greever Street and go down East Baumgardner Avenue toward to South Main Street.

**UV DISINFECTION – WWTP** – We are still awaiting the arrival of the UV disinfection equipment. The engineer is to contact the manufacturer to obtain a delivery date. Teeters Trucking, Inc. may begin site prep work within the next few weeks.

**WATER TREATMENT PLANT** – Staff is researching options for an updated telemetry system, which communicates between the water plant, the tanks and the wastewater plant, to replace our outdated and failing system. Council will be presented with some cost estimates as soon as those options are located. This will be included in the next capital improvement plan.

Councilmember Schaack inquired if the water valve on Greever Street had been repaired. Town Manager James explained it wasn't a valve issue instead it was related to the telemetry issues but has been repaired.

**SOUTH FORK REED CREEK – SEWER SYSTEM PROJECT** – As noted in the weekly update, the town has received a \$20,000 technical assistance grant from the Mount Rogers Planning District, which must be matched 1:1. We have previously allocated \$26,000 toward the manhole rehab project and those funds can be directed towards this more encompassing project.

## **COUNCIL MEETING MINUTES – JULY 23, 2013 – PAGE 5**

A & A will be contracted to provide professional design services for the replacement of 5,150 linear feet of existing 12" pipe as well as replacing the failing manholes. We have contacted SERCAP to find out if they will provide extra funding to lower the burden on local funds; we applied for these funds in conjunction with our Mount Rogers application. We should know more by the end of the week. The total for this project is \$40,000 and will hopefully cost the town little to nothing.

**RURAL RETREAT CHURCH OF CHRIST – CONDITIONAL USE PERMIT APPLICATION** – The public hearing for the conditional use request from the RR Church of Christ will be held on August 12 and Council will be asked to make a final decision on August 13<sup>th</sup>. The church would like to place a manufactured home on the property to be used for classroom and meeting space. The application information will be provided to Council prior to the regular scheduled meeting.

**HERITAGE DAYS** – Staff is continuing to work to prepare for the Heritage Days weekend. All stage work has been completed outside of the staining of the stage itself. VDOT swept the streets earlier in the week to help us prepare for the festival.

**DOWNTOWN REVITALIZATION** – The management team will meet tomorrow night, in preparation for the facilitated planning session with DHCD on July 31<sup>st</sup>. The survey we used to notify citizens about the downtown project has received minimal participation but has shown an overall positive opinion and support for the downtown revitalization project. This item will be discussed by the management team tomorrow night, as well as project specifics that will be outlined with DHCD. Council members as always are welcome to attend any of these meetings.

Vice-Mayor Crigger asked what time both meetings will be held. Town Manager James replied 7:00 p.m.

**RURAL RETREAT SUMMER CONCERT SERIES** – The final summer concert will be held on August 9<sup>th</sup> at 7 p.m. at the Pepper Stage. This will be our first responder's night; Chief Mitchell is coordinating with the RRVFD and RRVES on creating a fun night for the kids.

**DEPOT FOUNDATION AUCTION** – Vice-Mayor Crigger informed the Council that the depot foundation will be holding an auction as a fundraiser on Heritage Day's at 10:30 a.m.

### **TREASURER'S REPORT**

The bills for July 23, 2013 were read and approved. The expenses related to the Heritage Days festival were approved upon a motion made by Councilmember Hall and seconded by Councilmember Yontz. The motion passed by a vote of six (6) for: Crigger, Hall, Hash, Schaack, Viars, Yontz; zero (0) against.

Vice-Mayor Crigger inquired of the recent services provided by South Data and asked if this was related to the downtown survey and if there was a savings by using this company.

**COUNCIL MEETING MINUTES – JULY 23, 2013 – PAGE 6**

Clerk/Treasurer Guynn explained South Data did mail the survey however a cost savings was not calculated because this needed to be sent out in a short time frame and they are capable of fulfilling orders within two business days. She stated the company was also used to mail the 2012 water quality reports to the citizens that resulted in over a \$600 savings in comparison to the cost of the paper, envelopes and postage in addition to Brenda Maxey spending an entire week putting the mailing together to be sent out. Vice-Mayor Crigger asked what kind of other services South Data provides. Clerk/Treasurer Guynn stated South Data provides billing services for taxes and utility bills and provides bulk printing and mailing. She added she has recently signed a contract with them to print the 2013 real estate and personal property bills that will cost the town less than half than the cost if she and Mrs. Maxey process the bills.

Mr. Lewis inquired who the downtown survey was mailed too. Clerk/Treasurer Guynn replied it was sent to the in town residents only. He questioned how the surveys submitted online were being tracked because anyone can submit a response. Town Manager James stated there was no way to separate those. Mr. Lewis asked how many responses have been received online. Town Manager James responded about 50.

**TALK OF THE TOWN**

Town Manager James and Councilmember Yontz are 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.

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Mayor

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Clerk