

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, AUGUST 27, 2013, 7:00 P.M.**

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

Council Members Absent: Dale Yontz

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

Administration Absent: None

Others Present: Charles Slagle; Gary Houseman; Cheryl Turner; William Downs; Marcel Legare; Wanda Fortuner

DETERMINATION OF A QUORUM

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

INVOCATION

The invocation was given by Rev. Gary Houseman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Timothy Litz.

APPROVAL OF MINUTES

A motion was made by Councilmember Viars, seconded by Councilmember Schaack to approve the minutes of the August 13, 2013 regular meeting. There being no discussion, the motion passed by a vote of four (4) for: Crigger, Hall, Schaack, Viars; zero (0) against; one (1) abstention: Hash, due to her absence; one (1) absent: Yontz.

CITIZEN’S TIME

Cheryl Turner owner of Back In Time Diner, Turner’s Truck & Tire Service and B & C Repair, addressed the Council regarding the ordinance on yard sales. Ms. Turner explained she has had people come to her and ask to hold a yard sale in the parking lot of her restaurant. She agreed, not realizing there was an ordinance against it limiting the number to two per year within town limits. She stated she is asking for this to be changed. Ms. Turner further stated she understands the danger in a residential area but the location she is in is a commercial area and the only danger she has is her own parking lot with entering and exiting. The people setting up are trying to supplement their income and she is only trying to help them, Ms. Turner added. Ms. Turner

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explained when she called to discuss this she was told she would have to buy a peddler's permit that cost \$500 but she is not peddling, she is in one spot and not moving door to door. She stated she has researched this and spoken to her lawyer and other states have this ordinance and allow two but a permit can be purchased for additional days. Ms. Turner stated she is willing to have a flea market or anything she needs to in order to allow the people to be able to setup.

Mayor Litz asked Ms. Turner to provide a little background information so the Council will know what she is referring too. Ms. Turner explained she had two ladies to come to her to ask permission to set up and sell items to supplement their income especially to buy their medicine. She added these ladies really need the extra help and she has personally bought items to help them out but she has also set up herself to sell stuff she has. If the issue is the location the ladies are setting up in, Ms. Turner stated, she owns multiple other properties and she can move them to another location. She added she doesn't see a problem with having the yard sales.

Mayor Litz explained to Ms. Turner that she wasn't the only person Chief Mitchell spoke to that day. Town Manager James stated the other individual was at the Dutch Pantry. Mayor Litz commented he wants citizens to understand that Chief Mitchell was performing his duties as directed to do so. He added he had spoken to Town Manager James about this and he concurs that the ordinance pertains to Buck Avenue, for example, or Sherwood Avenue or a residential area where parking is limited. He and Town Manager James discussed addressing this through the Zoning Ordinance. Town Manager James explained this will be a process to resolve but the town is open to looking at allowing within commercial zoned areas. He asked the Council if they were interested in revisions being drafted because he believes the requirement should remain unchanged in residential areas.

Vice-Mayor Crigger stated he had a question for Ms. Turner and asked about the receipts from the sales. Ms. Turner stated her receipts are through Back In Time Diner. Vice-Mayor Crigger then asked about the receipts from the items the ladies sell. Ms. Turner responded she didn't know about theirs. Vice-Mayor Crigger added this was a problem because they are conducting retail sales. He added there is no difference in this and the opening of the consignment shop at the Crossroads and them purchasing a business license. Ms. Turner asked if it would be better if she put up a building to operate in. Vice-Mayor Crigger stated legally this could be done based on current ordinance and this would cater to an indoor flea market which is an attraction. Town Manager James stated the issue is the frequency the vendors are setting up. Ms. Turner asked for a clarification on the ordinance because she has heard it two different ways and asked if it is two per property. Town Manager James explained the ordinance allows two yard sales per individual regardless of where they set up. Ms. Turner asked if she can have as many as she wants on her property. Town Manager James responded no, there is a two per property limit also. Vice-Mayor Crigger further commented the peddler's license may be a viable option to remedy the situation. Ms. Turner asked if the license was \$500 per year. Vice-Mayor Crigger concurred. Ms. Turner added she would then be able to set up in the field. Councilmember Hall stated this would not set a limit on the number of times she could set up. Clerk/Treasurer Guynn advised Ms. Turner that the license is valid for the same time frame as the business license, May 1 to April 30. Town Manager James advised Ms. Turner if she had any questions to call the town

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hall. Ms. Turner thanked the Council for their time. Mayor Litz told Ms. Turner he appreciated her attitude about working with the town on this.

Wanda Fortuner also addressed the Council regarding the yard sale ordinance. She asked if the ordinance was for the town only or for the county. Town Manager James responded the town only; the county doesn't have an ordinance for yard sales. Mrs. Fortuner stated she doesn't understand the problem with having yard sales and thinks it shouldn't be limited to two per year. She added she understands some of the places that have traffic issues. Councilmember Hall commented it would be hard to pick out one situation and be fair. Mrs. Fortuner stated especially since some people are trying to supplement their income due to the economy. Councilmember Hall added people can set up in the county as many times as they want. Mrs. Fortuner thanked the Council. Mayor Litz reciprocated.

Charles Slagle inquired about how the farmer's market was being handled because the flat was being blocked off. Vice-Mayor Crigger responded it is a sanctioned event for the town. Mr. Slagle commented on the parking issues on East Buck, Parsonage and Chinquapin Avenues and stated if you stop at a yard sale you have to hope you don't get hit. He suggested charging a \$5 fee to have a yard sale and make sure they take their signs down and charge extra if they don't.

CORRESPONDENCE

Town Manager James reported on items that Councilmember Yontz requested to be brought before the Council in his absence. He added most can be addressed in the office. The first item was a request by Vicki Sprouse to use the Pepper Stage to host a benefit concert. Town Manager James stated the agreement had been approved for the use of the stage which he will contact Mrs. Sprouse and complete the process. Second, Ms. Blevins on Indian Circle contacted Councilmember Yontz again about the lot behind her house. Town Manager James stated he would contact Ms. Blevins. The last item was campaign signs being placed too close to the road however, VDOT is addressing those.

Councilmember Viars asked what the problem is with the lot. Town Manager James explained there is an empty house behind Ms. Blevins' property and she is concerned with the brush and weeds. He added a letter has been sent to the property owner but we haven't heard back. Mayor Litz directed Town Manager James to contact Ms. Blevins so she won't have to keep contacting Councilmember Yontz instead of the office. Town Manager James stated he had spoken to Ms. Blevins personally. Vice-Mayor Crigger added if she is interested in cleaning up the neighbor's property then she needs to contact them but they are making an attempt to clean it up. Mayor Litz commented the right person hasn't been contacted. He added the Council isn't immune to the citizens talking to them but if it has something to do with the day to day operations of the town, it needs to come through the town office.

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POLICE REPORT

Chief Mitchell stated he is continuing to work on inoperative motor vehicles and has sent out another round of letters. He added one of the letters was sent to the property owner on West Baumgardner Avenue that was previously mentioned and he has attempted to speak to the owner but didn't receive much of a response. Chief Mitchell reported since school has begun he has been conducting a walk thru at the elementary school and is working the school zone on East Buck Avenue but the sidewalk construction makes it difficult. He has been making calls on radar trailers to obtain pricing and will present the information once it is received. Chief Mitchell stated he will be doing business checks to increase public awareness. He added during the evenings when he is doing the business checks he will be leaving a business card in the door to let the owner know he has checked the business. Vice-Mayor Crigger stated this is a good idea. Mayor Litz commented this is a good thing and will hopefully allow for feedback. He thanked Chief Mitchell for his report.

UNFINISHED BUSINESS

TOWN NEWSLETTER – Town Manager James reported a draft newsletter will be completed within the next week. Councilmember Schaack inquired the time this will cover. Town Manager James stated he plans to issue the newsletter quarterly.

NEW BUSINESS

EMERGENCY HELICOPTORS – Councilmember Hash explained as everyone is aware the emergency helicopters that pickup patients to be taken to the hospital are very expensive. She added Wings is offering a program that will allow patients to be taken to certain hospitals for an average cost of \$6 per day. She added this will be similar to having insurance coverage but will aid in avoiding a cost of \$29,000 if the helicopter is needed. If anyone is interested in getting more information can contact her or anyone on the rescue squad. Chief Mitchell added this will cover what insurance doesn't cover.

COMMITTEE REPORTS

HERITAGE DAYS – No report.

FINANCE & APPROPRIATIONS – Clerk/Treasurer Guynn reported the work to prepare the books for the audit has been completed and the complete audit will begin next Tuesday. Mayor Litz asked how long it takes to complete the audit. Clerk/Treasurer Guynn stated about a day and a half.

PERSONNEL, ORDINANCES AND LEGAL MATTERS – Chairman Schaack reported the committee met and reviewed a draft of the possible new Town Charter. This will be distributed to the Council for review. He added the Noise Ordinance is complete.

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TOWN MANAGER’S REPORT

The following items were discussed and/or acted upon:

RURAL RETREAT SIDEWALK IMPROVEMENT PROJECT PHASE 7 – The work is ongoing and they are working on all school entrances this week and hope to have those completed, with good weather, this week. They will then finish Evergreen Avenue, before beginning work on the north side of Buck Avenue. We held our progress meeting this morning and the comprehensive change order we will be submitting to VDOT is near completion and we should have that approved in 2-3 weeks. That will include a change in the storm water structures in Ms. Hutton’s property, replacement of the auxiliary utility lines across from the high school and ending at Ms. Frances Marshall’s lot and the removal of the guardrail near the agricultural building. These should be the only change orders needed.

UV DISINFECTION – WWTP – We are still awaiting some final pieces of material. The contractor has begun preliminary work for the burying of the electrical piping and early excavation.

Mayor Litz inquired if an estimate for the electricity bill had been mentioned. Town Manager James stated it is included in the budget and is approximately \$2,000

DOWNTOWN REVITALIZATION – Our grant application has been submitted and we are waiting on word from DHCD on the budget and timeframe to begin the planning study.

TRASH TRUCK / COLLECTION – The maintenance staff has had constant issues with the dependability of the trash truck as of late. They will be able to operate currently by solely using pick-up trucks and the flat bed to collect trash but they are unable to use the compaction mechanism while on route. We are currently looking at options to present to Council as we go into this next fiscal year, those avenues being privatization or the purchase of a new trash truck. We are currently exploring some financing options for a new sanitation truck, as well as preparing the RFP for council review and if agreed with advertisement to solicit bids on privatization.

VDOT SIGNAGE – We are still working with VDOT on getting the requested signage needed in town, either the relocation or replacement of damaged signs. We met with the interim sign maintenance employee today and he will be working with Tony on completing this and future projects. As of today some of the requested signs have been installed.

LINDSEY’S FUNERAL HOME – Staff is working with Mr. Blevins and his architect on the expansion of the funeral home. Planning Commission and the Town Council will be presented with this item if any zoning code issues arise.

CONSOLIDATED DISPATCH CENTER – The 911 center is still going through some staffing issues but they are working to have a full staff as soon as possible. We met yesterday to discuss issues and make a decision and recommendation on the citizen alert system. We should have a

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recommendation to each governing body next month and the item will be on the next Joint Governing Bodies agenda for the September 30th meeting.

Vice-Mayor Crigger asked Mr. Houseman about the turnover at the dispatch center and the number of new hires that have left. Mr. Houseman stated there had been some resignations but new applicants are in line to fill the positions. Town Manager James added the kinks are being worked out. Mr. Houseman explained an advisory committee has been set up, consisting of the fire chiefs and rescue captains, to meet with the 911 coordinator on a quarterly basis to resolve any issues that come up.

SOUTH FORK REED CREED SEWER PROJECT – Anderson & Associates are currently surveying for the project and should have that completed by next week.

UTILITY SYSTEM IMPROVEMENTS – We are currently scheduled to meet with consultants on either repair or replacement of our telemetry we will come to council with a recommendation. We are also looking at the replacement of the older variable frequency drive in the upstairs of the water plant. This item may be placed in our next CIP, but we are quoting costs now.

VIRGINIA LOCAL DISABILITY PROGRAM (VLDP) - The state has passed legislation on employer responsibility for short-term and long-term disability programs. We had until September 1 to make a decision but we requested an extension until November 1 to review other program offerings. This change will affect new hires after January 1 and will not affect current employees.

OSHA ON SITE AT THE WASTEWATER TREATMENT PLANT – A representative with OSHA was on site this morning at the wastewater treatment plant. A few items were identified to be addressed, mainly railing around the clarifiers.

TREASURER’S REPORT

The bills for August 27, 2013 were read and approved.

TALK OF THE TOWN

Chief Mitchell is to attend the *Talk of the Town* radio program at the WYVE/WXBX radio station on Wednesday morning.

ADJOURNMENT

Prior to adjourning, Mayor Litz thanked Mr. Houseman for attending the town’s meetings and being interested in the town’s operations. Councilmember Hash also thanked the citizens for attending.

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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