

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN  
COUNCIL HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, DECEMBER 10, 2013, 7:00 P.M.**

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

Council Members Absent: Peggy Hash

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

Administration Absent: None

Others Present: None

**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 Timothy Litz.

**PUBLIC HEARING**

TOWN CHARTER AMENDMENTS – Mayor Litz opened the public hearing and read the notice as duly published. There being no citizens present to comment, Mayor Litz closed the public hearing and proceeded with the agenda.

**APPROVAL OF MINUTES**

A motion was made by Councilmember Yontz, seconded by Councilmember Viars to approve the minutes of the November 26, 2013 regular meeting. There being no discussion, the motion passed by a vote of four (4) for: Hall, Schaack, Viars, Yontz; zero (0) against; one (1) abstention: Crigger due to his absence at the previous meeting; one (1) absent: Hash.

**CITIZEN’S TIME**

None

## **COUNCIL MEETING MINUTES – DECEMBER 10, 2013 – PAGE 2**

### **CORRESPONDENCE**

None

### **POLICE REPORT**

Chief Mitchell explained his monthly activity report for November. He pointed out the low mileage driven was due to the police car being at Huff Ford for recall repairs. He explained no additional dog complaints have been received by Wythe County Animal Control recently. Currently, Chief Mitchell reported, the Wythe County Sheriff's Office is assisting him with a larceny investigation. He noted due to the weather the Christmas Parade was canceled. Chief Mitchell stated the "Mr. Strong" 5K family run/walk went well though he had to miss the event.

### **UNFINISHED BUSINESS**

**TOWN NEWSLETTER** – Town Manager James reported he is taking pictures to fill additional space in the newsletter and upon completing this it will be ready to print.

**HORSES ON BARROW PROPERTY** – Town Manager James reported the horses have been removed from the Barrow property. He pointed out the fee was waived.

### **NEW BUSINESS**

**VIRGINIA LOCAL DISABILITY PROGRAM ORDINANCE PUBLIC HEARING** – Mayor Litz stated the public hearing for the Virginia Local Disability Program Ordinance will be held next Tuesday, December 17. He noted a quorum will need to be present to adopt the ordinance.

**DISPENSE WITH DECEMBER 24 MEETING** – Vice-Mayor Crigger made a motion to dispense with the December 24 meeting and to authorize Treasurer Guynn to pay invoices.

**TOWN CHARTER AMENDMENTS** – A motion was made by Councilmember Yontz to accept the amendments to the town charter and was seconded by Vice-Mayor Crigger. There being no discussion the motion passed by a vote of five (5) for: Crigger, Hall, Schaack, Viars, Yontz; zero (0) against; one (1) absent: Hash.

### **COMMITTEE REPORTS**

**HERITAGE DAYS** – Chairman Yontz reported there have been no changes.

**FINANCE & APPROPRIATIONS** – Treasurer Guynn reported she is waiting for the final audit report to be issued.

**PERSONNEL, ORDINANCES AND LEGAL MATTERS – NOISE ORDINANCE** – Councilmember Schaack reported the noise ordinance will be discussed in January.

## **COUNCIL MEETING MINUTES – DECEMBER 10, 2013 – PAGE 3**

### **TOWN MANAGER’S REPORT**

The following items were discussed and/or acted upon:

**RURAL RETREAT SIDEWALK IMPROVEMENT PROJECT PHASE 7** – All sidewalk work has been completed. We created a punch list of minor items that needed to be addressed last week during a meeting with A&A. Following the substantial completion that was deemed acceptable last week, the contractors will spend the next few weeks cleaning up the project area and planting the trees that were outlined in the project scope. We hope to have all this completed by the week of Christmas.

Vice-Mayor Crigger asked if a performance clause was included in the contract specifically for yard restoration. Town Manager James stated there was a one year warranty to correct any issues that arise.

**DOWNTOWN REVITALIZATION** – The management team will meet tomorrow night to discuss the selection of a firm to conduct the economic restructuring study of the town. If one team stands out and interviews aren’t conducted, then team will meet in January to complete the management plan.

**VDOT – TOWN STREETS** – We are still working with VDOT on the taking of Town streets into the state system. The lack of adequate mapping of the right of ways has caused a delay in our progress, but the project will continue.

**MOUNT ROGERS CONTRACT – RURAL RETREAT ZONING ORDINANCE** – Staff has contacted Mount Rogers Planning District Commission for a cost proposal to conduct a thorough review of our zoning ordinance with the intention of updating the code as well as ensuring it operates in accordance with the comprehensive land use plan. Major objectives will be to remove the overlapping land use language between zoning districts, digitize our zoning code, and assist with long range planning and to provide recommendations for zoning map amendments to accommodate future growth. We hope to have this item completed by the summer of 2014. The planning commission and staff will be heavily involved in creating the recommendations to the Town Council. The expected cost is \$4,000. Staff is requesting permission to place Mount Rogers under contract to perform he outlined objectives.

Town Manager James referred to a Memorandum of Understanding between the town and the MRPDC for \$4,000 to develop a digital copy of the current ordinance, conduct meetings for input on a new ordinance and draft the ordinance. He added his main concern is to change the districts because our current districts are inclusive and uses carry over. Town Manager James requested the Council grant him the authority to contract with the MRPDC to complete this work for final approval mid-year.

Vice-Mayor Crigger commented he feels if the town was annexing then it would be good to change the ordinance. He added he didn’t think our current zoning will change much from what we currently have. He then addressed adding the ordinance to the internet and stated this will

## **COUNCIL MEETING MINUTES – DECEMBER 10, 2013 – PAGE 4**

open the ordinance to interpretation by the public because it is vague. Vice-Mayor Crigger stated the ordinance is available to the public and anyone that wants a copy has the right to request it based on the Freedom of Information Act. He further commented the \$4,000 expense wasn't justifiable to make the document available on the internet. Town Manager James stated that would only cost \$500 and added the additional cost is to update the ordinance and for the PDC to offer suggestions to do this. He added the Comprehensive Plan outlines this need. Vice-Mayor Crigger suggested tabling this item to allow the Council to further review the proposal. The consensus was to table this item.

Vice-Mayor Crigger requested that the Council be included in the public hearings involving zoning issues that require the Council to take action because they may or may not agree with the Planning Commission's recommendation. He further stated he would like for the town manager to schedule the meetings on the same night. Town Manager James asked if he is asking for a joint meeting. Vice-Mayor Crigger stated yes because this will allow both bodies to hear comments and it will avoid having a biased hearing because both can hear all comments for or against the request. Councilmember Yontz added sometimes citizens don't want to attend both meetings and it gives the Planning Commission the opportunity to ask questions to the Council. Vice-Mayor Crigger further stated this will also allow the Council to ask the public questions. Councilmember Viars stated this is the reason for having the Planning Commission is for them to have the hearing then make a recommendation. Councilmember Schaack added during the recent rezoning issue the same people attended both meetings. Town Manager James stated he would schedule the meetings as the Council chooses.

**STORMWATER MANAGEMENT PLAN** – With new developments coming into Town, staff is recommending that the Town evaluate the plausibility of creating a stormwater management plan. Anderson & Associates has been directed to assess topography information in town, and provide a recommendation as to whether a formal management plan should be created. With the new stormwater law adopted by the state legislature, strict regulations that were once imposed solely on the eastern part of the state are now enforced statewide. This is simply a gathering of data with no cost to the town. More information will be made available soon.

**TERM CONTRACT FOR A & E SERVICES** – The term contracts the town has with the Lane Group, Anderson and Associates and Mattern & Craig will expire at the end of this month. We are finishing an RFP for A&E services on a four year term, with optional annual renewals as the current agreements are setup. We will contact several firms as well as publish with a regional paper. Staff is requesting permission from Council to advertise for term contract for A&E services.

Town Manager James asked if the Council would like to review the proposals or send it to committee for review. The consensus was for Town Manager James to handle this as he sees fit.

**SMITH-PACKETT** – Representatives from VDOT, Wythe County, Smith-Packett and Town will meet next Thursday to discuss project details. The preliminary design of the site will be presented at the meeting. VDOT has requested a traffic study, which is standard, and we will be

## **COUNCIL MEETING MINUTES – DECEMBER 10, 2013 – PAGE 5**

evaluating the storm water management plan for the development as well as any utility questions they may have.

Discussion was conducted on the potential expense on stormwater management for the town and the previous flooding issues on Valley View Avenue related to the property Smith-Packett is purchasing.

IDA – The IDA has presented an opportunity for a Virginia Enterprise Zone in Wythe County that would incorporate the Town of Wytheville and Rural Retreat. We have put together some draft maps that show the areas that may be included in the zone. Staff presented the IDA with a preliminary design for Rural Retreat that would focus largely from exit 60 to the industrial park. Anderson & Associates will produce a more accurate map for Council to review and if agreed upon recommend to the IDA as a VEZ. These zones would then be available for state grants and local grants from the Town. The Town incentives will be drafted and recommended to Council early next year. We are looking at options that will have little to no impact on our budget, but may delay the realization of 100% of the increased revenue from development and improvements of a 5 year period. More information will be present as it become available.

### **TREASURER’S REPORT**

The bills for December 10, 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.

### **RECESS**

There being no additional business to discuss, the meeting was recessed to Tuesday, December 17, 2013 at 7:00 p.m.

### **RECONVENE**

The meeting reconvened on Tuesday, December 17, 2013, at 7:00 p.m.

Council Members Present: Mayor Timothy Litz; Ed Schaack; Dale Yontz; Jerrell Hall; James P. “Sean” Viars

Council Members Absent: Vice-Mayor A. Keith Crigger; Peggy Hash

Administration Present: Michael James, Town Manager; Brenda Maxey, Secretary; Scott Mitchell, Police Chief

Administration Absent: Lori Guynn, Clerk/Treasurer

**COUNCIL MEETING MINUTES – DECEMBER 10, 2013 – PAGE 6**

Others Present:           None

**PUBLIC HEARING**

VIRGINIA LOCAL DISABILITY PROGRAM ORDINANCE – Mayor Litz opened the public hearing and read the notice as duly published. There being no citizens present to comment, Mayor Litz closed the public hearing and proceeded with the meeting.

Councilmember Hall made a motion to accept the Joint Powers Association Agreement Ordinance. The motion was seconded by Councilmember Yontz. Mayor Litz asked for comments on the Ordinance. Town Manager James explained VML (Virginia Municipal League) wants to sell its program to people that aren't VML customers and in order to do this the Virginia Retirement System required VML to organize the Virginia Local Government Insurance Association. We are required to join this association by adopting an ordinance. Mayor Litz asked for a vote on the ordinance and noted by adopting it Town Manager James will be given authorization to sign all documents on behalf of the town. There being no further discussion, the Joint Powers Association Agreement Ordinance passed by a vote of four (4) for: Hall, Schaack, Viars, Yontz; zero (0) against; two (2) absent: Crigger, Hash.

**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