

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, APRIL 8, 2014, 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: Kimber Simmons – Joint Industrial Development Authority; Beth Hawk – Vicar, Grace Lutheran Church; Amy McBride

DETERMINATION OF A QUORUM

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

INVOCATION

The invocation was given by Vicar Beth Hawk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Litz.

PUBLIC HEARING

ORDINANCE 14-B – AMEND & REENACT 34-2.1 “NOISES, UNNECESSARY PROHIBITED” OF THE TOWN CODE – Mayor Litz opened the public hearing and read the notice as duly published. Amy McBride addressed the Council and stated she lives across from the downtown industrial park. She referred to item 8, Construction under Section 34-2.2 Specific Prohibition and asked if work beginning at 5:00 a.m. would be in violation of the ordinance. Town Manager James replied yes. She then addressed item b, proposed extended hours of operation, and asked if the contractor had a justifiable cause that was approved then they could begin work at 5:00 a.m. Town Manager James explained it would have to be an extraordinary situation to be approved. Mrs. McBride also addressed item 10, Commercial vehicle and trash collection vehicle operation, and stated her understanding of the paragraph is except in the commercial zoning district 24/7, 365 days a year trucks are allowed to sit with their engines running all hours of the night. She added this means the tractor trailers that sit outside her house running will be within the legal limits of the law. Town Manager James stated technically and explained in the location that Mrs. McBride resides it is difficult to regulate because of the zoning. Mrs. McBride thanked the Council. Mayor Litz inquired if she was

COUNCIL MEETING MINUTES – APRIL 8, 2014 – PAGE 2

comfortable with the explanations. Mrs. McBride stated she is comfortable with her understanding. There being no other comments, Mayor Litz closed the public hearing and preceded with the agenda.

APPROVAL OF MINUTES

A motion was made by Councilmember Yontz, seconded by Councilmember Schaack to approve the minutes of the March 28, 2014 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: Hash, due to her absence; one (1) absent: Crigger.

CITIZEN'S TIME

None

CORRESPONDENCE

Councilmember Yontz reported he had a few items. The first item, he explained was he had been contacted by the Virginia Home Health and Hospice and they are interested in sponsoring The Rural Retreat Times or buying ads to be put in the newsletter. He stated he wanted to present this to the Council and find out how it should be handled such as do we want one sponsor or send letters to businesses asking for ads to be purchased. The next item he stated he had already discussed with Town Manager James but a citizen was concerned with Tony Wright driving a town vehicle and not being cleared to drive. Councilmember Yontz stated Town Manager James has assured him that Tony has been cleared to drive. He then asked for an update on Tony. Town Manager James stated Tony is doing much better. Councilmember Yontz then addressed concerns with Smith-Packett and explained he and Mayor Litz were inundated with this last week while attending a meeting with the senior citizens and he had also received a phone call about it. He then stated word is out that Carrington Place will be managing the facility and citizens seem to be upset about it. He stated he is trying to explain the town isn't in the business of running other people's business. He asked if there was something in place that states Carrington will be the managing facility or if they are who is being considered. Town Manager James stated Carrington Place is what he has been told from the beginning. Councilmember Yontz added citizens have bad feelings about Carrington Place. Councilmember Hall asked if the citizens have specific concerns about their management. Councilmember Yontz stated the comments made are mostly that Carrington Place takes all of their patient's money and the food is horrible. Councilmember Hall stated he agrees it is none of our business who manages the facility. Councilmember Yontz stated he had explained this but he assured the citizen that he would pass the concerns on so they can be addressed and the Council would be aware. Councilmember Hash asked if Carrington Place was going to manage the facility or assist with it. Town Manager James stated they will be the managing partner. Councilmember Schaack stated he has heard comments both good and bad but mostly good about Carrington Place. The next item Councilmember Yontz addressed was regarding the mowing ordinance specifically the old garment factory and why the ordinance wasn't being

COUNCIL MEETING MINUTES – APRIL 8, 2014 – PAGE 3

enforced and that property isn't being mowed. There are also manholes on the property and the property is filthy inside the fence the citizen had stated. Councilmember Yontz stated Carl Vaught has asked him about the property and told him he could use his name when relaying the complaint. Town Manager James stated Brian Evans did mow the property one time last year but it wasn't mowed as frequent as he would have liked for it to be done. Councilmember Yontz explained he told Mr. Vaught he would call him back tomorrow with a response and asked if he should tell him it is being looked into or that it will be taken care of. Town Manager James stated ownership is the question right now. Councilmember Yontz stated that Mr. Vaught is under the impression the property is in foreclosure. Councilmember Schaack stated a field near North Greever Street and Gienow Road on the left going out of town is grown up and appears to not have been mowed. Councilmember Yontz stated the town is going to have to get hardnosed and make people mow the lots because each year the same complaints are received that one property was forced to be mowed but another one wasn't. Town Manager James stated the majority of the lots have been addressed though some wasn't to the satisfaction of everyone but it can always be improved. The last item Councilmember Yontz addressed was pot holes on East Baumgardner Avenue. Town Manager James stated filling the holes was in the work schedule this week.

There being no additional correspondence, Mayor Litz proceeded with the agenda.

POLICE REPORT

Chief Mitchell explained his monthly activity report for March. He stated he is working on inoperative motor vehicles now that the weather is warmer. Chief Mitchell explained he received an email from Mr. Copeland on the issues brought up about the 911 Center. The issues were addressed with the company that handles the computers and radios and are being resolved. He added the radio issues are not only with law enforcement but also with fire and rescue. Chief Mitchell reported he distributed 30 business check cards during a shift the previous week. He explained he will be contacting the Wytheville Police Department this week to ask about borrowing their speed trailer.

Mayor Litz mentioned he received his business check card and told Chief Mitchell he appreciated him checking his business. He asked Chief Mitchell if the dog complaints had slowed. Chief Mitchell replied it has slowed some.

UNFINISHED BUSINESS

ORDINANCE 14-B – AMEND & REENACT 34-2.1 “NOISES, UNNECESSARY PROHIBITED” OF THE TOWN CODE – Mayor Litz asked for a motion and second to discuss Ordinance No. 14-B to amend and reenact section 34-2.1 “Noises, Unnecessary Prohibited” of the Town Code. A motion was made by Councilmember Schaack to approve Ordinance No. 14-B to amend and reenact section 34-2.1 “Noises, Unnecessary Prohibited” of the Town Code and was seconded by Councilmember Hash. Mayor Litz asked if there was any discussion because a lot of thought had gone into putting this together. Councilmember Hall stated he originally had

COUNCIL MEETING MINUTES – APRIL 8, 2014 – PAGE 4

some sticking points with the ordinance but the committee worked hard to improve it and did a good job. He added fine tuning the ordinance is something we can benefit from. Mayor Litz stated it is hard to cover everything but some things were taken out that we don't want to see. He further stated noisy trucks can be dealt with through the state. Councilmember Viars commented that not too long ago the Council had a situation to deal with and they have worked hard to resolve it though the Council can't move as fast as people want but he feels this ordinance will now give the town a way to deal with potential issues. Councilmember Schaack commented it doesn't matter what is put down because common sense will have to be used because at midnight on New Year's there will be firecrackers going off. He then reiterated that common sense will have to be used. There being no further discussion, the motion was approved by a vote of five (5) for: Hall, Hash, Schaack, Viars, Yontz; zero (0) against; one (1) absent: Crigger.

THE RURAL RETREAT TIMES – Mayor Litz stated the town newsletter has been well received and that he has been hearing a lot of comments. Councilmember Hash addressed allowing businesses to advertise in the newsletter and stated she thought town businesses should be highlighted in the newsletter with a description of each. Councilmember Viars stated he would prefer to not see any ad space in the newsletter and added he has no problem with highlighting the businesses. Councilmember Hall added the original intention was not to have a sponsor for the newsletter.

NEW BUSINESS

GYMNASIUM PROPOSAL – Town Manager James explained a proposal from The Lane Group had been received for preliminary design work on the proposed Rural Retreat gym facility. He explained when he met with the committee last week they determined they could not raise the money needed in a short amount of time to pay for the preliminary design work. He stated in the 2014 Fiscal Budget there was a good amount of money set aside for the Dr. Pepper Lot Project in anticipation of receiving grant money which was not received. Town Manager James asked the Council to use these funds toward the gym project so that tangible items including drawings and plans could be put together in order to have a thorough discussion with the committee. He noted the amount for the preliminary design is around \$6,000 not \$9,000 as stated because the study has already been completed. Mayor Litz commented there is no need to duplicate services already paid for. Town Manager James requested the Council authorize him to execute the documents with The Lane Group on behalf of the town to work on the gym facility. He further stated The Lane Group is under term contract with the town.

Councilmember Hash made a motion to authorize Town Manager James to execute the documents on behalf of the town with The Lane Group to develop a preliminary design on a gym facility. The motion was seconded by Councilmember Viars. Councilmember Hall asked Town Manager James if he had found out anything about the original property site for this project. Town Manager James stated he had received no information at all. Councilmember Hall stated this is a concern for him because we do not have a site yet. He further stated he isn't necessarily against the project but he is probably not in favor of proceeding with the design work without the

COUNCIL MEETING MINUTES – APRIL 8, 2014 – PAGE 5

deed of the property being in the town's possession in addition to having the other legalities out of the way. Councilmember Yontz suggested tabling this item until a site is found. Councilmember Hall pointed out without the property it will affect the design especially with parking and the size of the facility related to dimensions. Town Manager James explained he has a feeling that Klöckner is no longer interested in donating the land. He added the first step will be to find a site if that's what Council wants to do. Councilmember Yontz commented he feels the committee will understand that this can't be planned for without a location. He further commented they have been told that the town doesn't want to raise taxes to pay for it and money can't be spent on it when there is nowhere to put it. Councilmember Viars asked if they were agreeing to not proceed with the preliminary building design. He added he understands everyone's point but trying to find land may bog the project down. Councilmember Yontz stated he understands what Councilmember Hall is saying because if a piece of land is found the facility may need to be drawn taller instead of wider which would then require the drawings to be changed. Mayor Litz stated he hates to see the town spend \$10,000 when a location hasn't been determined. There being no further discussion, Councilmember Hash withdrew the motion. Mayor Litz stated this doesn't mean the project has stopped it has just slowed down.

VIRGINIA ENTERPRISE ZONE – Town Manager James stated a resolution has been presented to the Council for adoption to participate with Wythe County in the Virginia Enterprise Zone. Mayor Litz then read the proposed resolution. Town Manager James stated Kimber Simmons, with the Joint Industrial Development Authority is in attendance to answer any questions the Council may have from the IDA's perspective. Mayor Litz pointed out the town will not be giving or lending money but providing relief that in return will be received in the long term.

A motion was made by Councilmember Schaack to accept the resolution as presented for Rural Retreat to participate in the Virginia Enterprise Zone. Mayor Litz asked Town Manager James to give a brief overview of the incentives. Town Manager James explained this is basically for grant programs for new businesses that locate or expanding businesses that are in the designated Enterprise Zone areas. He stated the grant program is for five years and includes incentives for meals, transient occupancy and business, professional, occupational license taxes. These taxes will be rebated to the businesses at 100% for the first three years and it scales back over the next two with the fifth year the full tax being paid. Town Manager James noted this doesn't affect new revenue and will not affect the town's operating budget. Councilmember Schaack asked if this matched Wythe County's plan. Town Manager James stated no, it matches the Town of Wytheville's. Kimber Simmons explained that a portion of the zones in Wythe County are located within Progress Park which has other incentives related directly to manufacturing. She noted other areas are around Fort Chiswell in the beverage corridor. Ms. Simmons explained the defined incentives for Enterprise Zones by the Commonwealth of Virginia. Town Manager James stated an application must be submitted each year to receive the incentives. Amy McBride inquired if the Council was trying to determine if they want to have an Enterprise Zone and asked who determines the designated areas. Town Manager James replied it is an obligation of the grant program and the town manager's and county administrator with approval by the councils and boards determine the areas. There being no additional discussion, the motion was

COUNCIL MEETING MINUTES – APRIL 8, 2014 – PAGE 6

approved by a vote of five (5) for: Hall, Hash, Schaack, Viars, Yontz; zero (0) against; one (1) absent: Crigger.

COMMITTEE REPORTS

HERITAGE DAYS – Chairman Yontz reported the start time for the festival will now be around 10:00 – 10:30 a.m. with some acts performing at the Maurin Pavilion. Music from these acts will be broadcast throughout the festival area.

FINANCE & APPROPRIATIONS – Clerk/Treasurer Guynn reported the committee met prior to the Council meeting to review a draft of the 2014/2015 Fiscal Budget and some capital items.

PERSONNEL, ORDINANCES AND LEGAL MATTERS – Chairman Schaack thanked the Councilmembers for passing the amendments to the Noise Ordinance.

TOWN MANAGER’S REPORT

The following items were discussed and/or acted upon:

RURAL RETREAT SIDEWALK IMPROVEMENT PROJECT PHASE 7 – King General Contractors, Inc. returned to town last week and completed the necessary cleanup work. We are now finalizing the closeout of the project and releasing the final \$3,000 with pay request number 8.

Councilmember Hash reported a portion of the sidewalk on East Buck Avenue in front of the Bryant house has a drop and she is concerned someone could get hurt. Town Manager James is to check on the section of sidewalk.

RURAL RETREAT SIDEWALK IMPROVEMENT PROJECT PHASE 8 – We held a kickoff meeting with VDOT and Anderson & Associates Monday morning. We anticipate going through the review process with VDOT and placing the project out for bid this fall. Due to the timing expected for approval we will most likely begin Phase 8 next spring. Funding for Phase 9 should be announced within the next few weeks.

WYTHE HEALTH & REHAB – We held a preconstruction meeting with the General Contractor and Smith-Packett this morning to discuss the overall project. They will begin site preparation this week. All utility work was reviewed by town staff and was satisfactory in regards to Chestnut Avenue and the tap and bore on North Main Street. Some minor blasting is needed for a section of the property and we will work with the contractor to inform the neighboring property owners.

SUMMER CONCERT SERIES – We are looking at different options for summer events at the Pepper Stage. The Summer Concert Series as previously constructed will be amended to provide a better cost benefit. Council will be presented with some ideas for feedback in the coming weeks. Town Manager James noted one suggestion has been a movie in the park.

COUNCIL MEETING MINUTES – APRIL 8, 2014 – PAGE 7

SOUTH FORK REED CREEK SEWER PROJECT – Anderson & Associates will be assisting the town with funding applications. We are awaiting word from DEQ on application times and available monies. The Mount Rogers PDC will also be targeted as a funding partner. The project cost is estimated at \$800,000. The MRPDC can be used as a match with the DEQ loan.

RURAL RETREAT ZONING CODE AMENDMENT – Town staff and the Planning Commission will continue this project during our regular meeting in May.

TREASURER’S REPORT

The bills for April 8, 2014 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

Prior to adjourning, Mayor Litz commented there has been discussion that if no more is offered for discussion at the next Joint Governing Bodies meeting than at the previous meeting then consideration should be given to canceling the meeting. Clerk/Treasurer Guynn explained generally if agenda items are not received from the other bodies then the meeting is canceled.

There being no additional business to discuss, the meeting was adjourned upon a motion by Councilmember Viars. The motion was duly seconded and approved.

Mayor

Clerk