

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, JUNE 10, 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: Ken Noble; Charles Slagle; Jerry Hurt

DETERMINATION OF A QUORUM

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

INVOCATION

The invocation was given by Councilmember Schaack.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Litz.

PUBLIC HEARINGS

ORDINANCE 56 – AMEND & REENACT GARAGE AND YARD SALES – Mayor Litz read the public notice as duly published and opened the public hearing for comments. Charles Slagle addressed the Council and stated everything Wytheville does, Rural Retreat tries to follow. He added he agrees with the changes to a certain extent. Mr. Slagle asked what is included in yard sales in a Commercial General zone. Mayor Litz explained yard sales will limit the homeowner in a residential area to two per year but if they want to hold more than two they will have to be in a commercial area mainly because of parking. Mr. Slagle stated where he lives he has plenty of parking. Councilmember Hall stated most people don't and the Council's biggest concern is causing a traffic hazard. Mr. Slagle commented some streets like Chinquapin and Parsonage Avenues don't have any parking. Mayor Litz added those are not in a commercial area either. Town Manager James explained the residential requirements haven't changed. He further stated locations such as The Dutch Pantry and the gas station where yard sales are held often will now be allowed to hold more because they are in a commercial zone but will require the property owner's permission. Mr. Slagle stated he had no problem with that. Mayor Litz asked if there were any further comments regarding amending the ordinance. There being none, he closed the public hearing. Mayor Litz asked the Council to take action on this item. Councilmember

COUNCIL MEETING MINUTES – JUNE 10, 2014 – PAGE 2

Schaack made a motion to adopt Ordinance 56 to amend and reenact the town's yard and garage sale regulations effective upon adoption. The motion was seconded by Councilmember Viars. Mayor Litz explained this now allows more yard sales in a commercial area instead of restricting the area to two. 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.

2014/2015 FISCAL BUDGET & CAPITAL IMPROVEMENT PLAN - Mayor Litz read the public notice as duly published and opened the public hearing for comments. Ken Noble addressed the Council and stated he had reviewed the budget summary and in looking at the miscellaneous revenue item in 2012-2013 there was \$128,900 in the current budget there is \$985,000 and in the proposed there is \$621,000. He inquired as to what had created such a change in this line item. Town Manager James stated the difference is due to the amount of funding received for the sidewalk improvement projects because the money received from VDOT varies based on what phase is being completed. Mr. Noble then stated he had noticed in the news media that the Board of Supervisors, at least earlier, had indicated that they were not planning to fund the Joint IDA but he wasn't sure if this was the town's position or not. Mayor Litz explained the Joint IDA has in excess of \$500,000 in their account of which \$300,000 is promised to a contractor leaving them with about \$240,000. He noted this isn't the first year Wythe County hasn't funded the JIDA but the second year. Mayor Litz pointed out their director has done a good job of being a good steward of their money. The supervisors weren't happy, Mayor Litz commented but he thinks where it is going is the Board is going to allow them to use that money before it is revisited. He added the towns of Wytheville and Rural Retreat nor Wythe County will be including them in their budgets for the upcoming year because they have enough money to make it another year. Town Manager James stated the JIDA doesn't have enough money to make it the entire year so they will be funded a smaller amount. Mayor Litz stated Wythe County and Wytheville are the big dogs in this and Rural Retreat doesn't spend a whole lot not that we don't benefit but Wythe County is the lead agency. Mr. Noble stated from what he read in the paper it indicated that Wytheville was unaware that this was coming and he asked if Rural Retreat was aware of it. Town Manager James replied no. Mr. Noble stated there seems to be a communication problem. Mayor Litz commented Mr. Noble was exactly right. He explained there have been several meetings with different individuals to clarify this. Mr. Noble stated he has been reading about the problems with the fire departments and rescue squads in the County earlier on then this has come up and Wythe County has given the indication that they weren't advising the IDA of their position and they just took the money away. He noted unless they have someone lined up that is skilled in economic development to move into the position then he felt it puts the county at a real disadvantage. Mayor Litz stated it is good to make that comment and he wants citizens to know they are listening. He noted the county has softened their stance but there are sins of the past involved in this as well. He further stated one of the biggest things is miscommunication and that we are guilty of this as well because oversight is what we were lacking. Mr. Noble stated you can bet your bottom dollar that the other counties in the area won't be backing off of their industrial development. Mayor Litz stated it appears that we won't be either based on the tone of the meetings. He noted the JIDA is still operating today though this is the second year Wythe County hasn't funded them. Mr. Noble stated it appears

COUNCIL MEETING MINUTES – JUNE 10, 2014 – PAGE 3

that instead of being the big dog their being the big bull dog. Mayor Litz added this isn't the clearest answer because it hasn't been settled but it is being settled.

Mr. Noble then explained he had notice the Board of Supervisors has proposed to increase the trash fees county wide. He asked if the town pays a tipping fee when we haul our trash to the transfer station. Mayor Litz replied yes sir, we do. Mr. Noble commented the fee would not affect town taxes but the county taxes. Mayor Litz stated we are county resident's first then town resident's. Mr. Noble stated he had no further comments. Mayor Litz thanked Mr. Noble for his comments and thanked him for attending. He inquired if there were any additional comments. There being none he closed the public hearing and stated no action will be taken tonight and the budget will be adopted at the June 24, 2014 meeting.

APPROVAL OF MINUTES

A motion was made by Councilmember Schaack, seconded by Councilmember Yontz to approve the minutes of the May 27, 2014 regular meeting. There being no discussion, the motion passed by a vote of five (5) for: Hall, Hash, Schaack, Viars, Yontz; zero (0) against; one (1) absent: Crigger.

CITIZEN'S TIME

None

CORRESPONDENCE

Town Manager James reported a request had been received from the Rural Retreat Depot Foundation. He explained the foundation had been given a price for the bore for their water hookup at the depot property with the cost being \$1,200. The depot foundation is requesting the Council to pay for the bore on their behalf. Mayor Litz stated the Council waived the connection fees for water and sewer and they are asking the town to absorb the cost of a contractor. He asked if there were any comments. Councilmember Yontz stated he fully supports the depot foundation and the cause but at some point in time we have to stop the amount of giving that we are doing. He added it is his opinion if the connection fees are being waived and if we are doing this and that for them and we are bending over backwards to help them out then the foundation can pay for this bore. He further stated it is nothing negative against the foundation, he thinks they are doing a wonderful job and he is glad to see things coming along but at some point in time they can't keep using the town as big brother to lean on every time they need something for free. Councilmember Hall stated his biggest concern with the request is not necessarily the dollar amount but if this is done then we would be ahead to run an announcement in the paper stating we are going to pay for all the boring from now on because we will be setting a precedence which he doesn't want to do. Mayor Litz asked for a motion on the request. Councilmember Hall made a motion to deny the Rural Retreat Depot Foundation's request for the town to pay the \$1,200 cost for a bore under the road to get water and sewer service to the depot. The motion was seconded by Councilmember Yontz. Mayor Litz commented the

COUNCIL MEETING MINUTES – JUNE 10, 2014 – PAGE 4

Council is giving to the foundation by waiving the connection fees but this is a direct expenditure and noted Councilmember Hall has a good point. Mayor Litz asked if we usually pay for bores. Town Manager James stated the cost of the bore is passed on to the customer. Councilmember Yontz added it isn't necessarily the dollar amount but every time there is a dollar amount we are hit up for it. He added others such as Smith-Packett or the Methodist Church may request the same for them if this is granted. Councilmember Yontz noted it is a never ending cycle and at some point in time a line has to be drawn in the sand establishing our boundaries. Councilmember Viars inquired if the town has ever waived the boring fees for a non-profit. Town Manager James stated he didn't think we had ever had this situation. Councilmember Hall stated it has always been done by an outside contractor and we have never paid for it. Mayor Litz stated there is a difference in waiving a connection fee. He stated Mr. King is doing his job. Councilmember Hall added a very good job. Councilmember Yontz stated town employees would not be doing this but an independent contractor. Town Manager James stated yes, we don't have the equipment to do a bore. Councilmember Yontz stated town employees doing it is a little bit different than if an independent contractor is because if the contractor does it wrong and it costs twice as much to fix then we have to pay for it. He noted we don't need to be in the independent contracting business. Town Manager James stated he agrees and he added he had told Mr. King before that the town will assist the contractor some. Councilmember Yontz commented he doesn't want this to reflect negatively. Mayor Litz added this is the Council's decision. He stated there is a motion and a second on the floor to deny the request and asked for a vote. The motion to deny the request was approved by a vote of four (4) for: Hall, Hash, Viars, Yontz; zero (0) against; one (1) abstention: Schaack due to being a member of the Rural Retreat Depot Foundation; one (1) absent: Crigger.

Town Manager James reported Kevin Williams with the Wythe County Parks and Recreation department had come to him about a month ago about having Dive-In movies at the Rural Retreat Pool and he was looking for sponsorships from area businesses and the town. He stated a sponsorship is \$350 per night. Town Manager James noted there is a budget line item for the lake that would cover this donation. He stated the County hasn't asked for this money in a number of years so he feels this could be used to sponsor a movie night. Town Manager James added any event held at the lake that is successful is also good for the town. He asked for comments on the town sponsoring a night at the pool. Councilmember Viars stated he had seen a write up in the paper that stated admission of \$4 was being charged per person to help cover the cost of the licensing fees for the movie. He asked if they are charging admission why do they need sponsors. Town Manager James stated the licensing fees cost around \$500. He added he feels it could be good for the town and with the money available and not being used it could be a good event for them. Councilmember Viars stated he doesn't agree with asking for sponsors plus charging an admission fee. Mayor Litz asked if the Council was interested in revisiting this item. The consensus was to table the request until more information is received.

POLICE REPORT

Chief Mitchell explained his monthly activity report for May. He noted he assisted the Virginia State Police when the train struck a car which occurred outside of the town limits. Chief

COUNCIL MEETING MINUTES – JUNE 10, 2014 – PAGE 5

Mitchell stated generally with train incidents the VSP handles the investigation because of dealing with Norfolk Southern Railway. He noted there were no injuries related to the accident. Mayor Litz inquired which crossing this occurred at. Chief Mitchell responded the Tea Olive Lane crossing which has no crossing gates. He reported he is working on traffic issues on Main Street but there are no good places to sit and run radar so he is driving back and forth and running radar while moving. Chief Mitchell reported of the letters sent out on inoperative motor vehicles over half have responded, he has spoken to the others in which most have complied with the exception of a few he is working with. He noted he had an increase in dog complaints since the first of the month mainly on North Greever Street and Chinquapin Avenue. Town Manager James and Councilmember Hash commented complaints have been received from Sherwood Avenue. Chief Mitchell stated the 2013 Virginia Crime Report has been released and he will have a report at the next meeting comparing Rural Retreat to other localities of our size.

Mayor Litz explained he has noticed that it is impossible to pull out at Food Country onto North Main Street around 5:15 of the evenings. He noted the speed limit from the crossroads to Hilltop Carryout is 45 but drivers will run over you if you are going the speed limit or are trying to pull out. He asked Town Manager James to submit a request to VDOT asking them to consider lowering the speed limit from 45 to 35 from the interstate to Hilltop Carryout because it is already 35 from this point to BB&T bank. Mayor Litz added if lowered Chief Mitchell won't have any problem finding plenty of people to write tickets too.

Councilmember Hash suggested Chief Mitchell park at the Jack Grubb house to run radar. Chief Mitchell stated he has to be parallel with the road to run radar. He noted this limits him because he will be sitting completely out in the open. Councilmember Hash suggested sitting at the cabinet shop. Chief Mitchell explained traffic coming down the hill would be able to see him. Mayor Litz commented it would be good for him to be seen while running radar.

Mayor Litz asked that VDOT speed limit reduction request be kept under unfinished business until a response is received.

Councilmember Hash asked Chief Mitchell how far on Cedar Springs Road does he have to go. Chief Mitchell explained he only has to go to the orange water tanks but assists Wythe County if needed beyond this point.

UNFINISHED BUSINESS

NEW BUSINESS

VRS RESOLUTION ESTABLISHING EMPLOYER CONTRIBUTION RATES FOR THE 2014-16 BIENNIUM – A motion was made by Councilmember Yontz, seconded by Councilmember Hash to approve the resolution accepting the Virginia Retirement System Employer Contribution Rate of 7.06% effective July 1, 2014. There being no discussion, the motion was approved by vote of five (5) for: Hall, Hash, Schaack, Viars, Yontz; zero (0) against; one (1) absent: Crigger.

COUNCIL MEETING MINUTES – JUNE 10, 2014 – PAGE 6

FAMILY DOLLAR SITE PLAN REVIEW – Town Manager James reported the Planning Commission had reviewed and approved the submitted site plan at their regular meeting the previous evening. He noted the plans meet Town Code with the exception of 29 parking spaces are shown in the plan instead of the 33 spaces that are required. The developer has requested a decrease in the number of spaces based on the site plan. Town Manager James stated he recommends the plans be approved as is with the reduction in the number of parking spaces being granted. Councilmember Hall inquired if the number of required parking spaces is based on square footage of the business. Town Manager James replied yes. Councilmember Hall stated he didn't have a problem with reducing the number of spaces. Councilmember Hall made a motion to approve the Family Dollar site plan as submitted including the 29 parking spaces. The motion was seconded by Councilmember Yontz and was approved by vote of five (5) for: Hall, Hash, Schaack, Viars, Yontz; zero (0) against; one (1) absent: Crigger.

MRPDC RESOLUTION FOR FUNDING OF WASTEWATER PROJECT – Mayor Litz stated this resolution will allow the town to apply for grant funding in the amount of \$100,000 through the Mount Rogers Planning District Commission for the construction phase of 5,300' of aging sewer pipe as part of the South Fork Reed Creek Sewer Project. Councilmember Yontz made a motion, seconded by Councilmember Viars to accept the resolution. Town Manager James explained the grant application will be submitted by the end of this week and we should receive word in August if this is received. The total project cost is estimated at \$800,000 he added.

COMMITTEE REPORTS

HERITAGE DAYS – Chairman Yontz reported a brief meeting will be held following the Council meeting. He stated he is also negotiating sponsorship for the 2015 festival.

FINANCE & APPROPRIATIONS – None

PERSONNEL, ORDINANCES AND LEGAL MATTERS – Chairman Schaack reported the Committee met prior to the Council meeting to discuss the Derelict Homes Ordinance. He stated there are a few more questions to be answered then it will be presented to the Council.

TOWN MANAGER'S REPORT

The following items were discussed and/or acted upon:

PHASE 8 SIDEWALK IMPROVEMENT PROJECT – Anderson & Associates will be submitting Phase 8 design specifications to VDOT next week. We anticipate a lengthy review process and hope to have final approval by late fall. This project should be ready to bid out in late winter or early spring.

REMADE EVENT IN THE FLATS – Alex Qliano has been in discussion with me about his event this Saturday. We will be going over further details this week to make sure there are not interruptions in town during the event. Specific information will be provided to Council in the weekly update this Friday.

COUNCIL MEETING MINUTES – JUNE 10, 2014 – PAGE 7

RURAL RETREAT ZONING CODE – Staff met with the Mount Rogers Planning District Commission and went over the ideas and recommendations on the Zoning Code from the PDC. The Planning Commission will be presented with these recommendations at their regular meeting in August.

SOUTH FORK REED CREEK SEWER PROJECT – The town has identified two major funding sources for the sewer line and manhole replacement project. The Mount Rogers PDC and the DEQ Clean Water Revolving Loan Fund will be our major applications submitted this year. These applications are due on June 16th and July 16th. Once the funding decisions have been made by the agencies we will evaluate the cost benefit of the debt load for the project during our next budget process.

RURAL DEVELOPMENT GRANT / LOAN – The capital equipment funding package has been received by the Wytheville Rural Development office. Processing has begun and the funds should be available for drawdown in the coming weeks. The grant amount was reduced from \$25,000 to \$19,000 which will still be helpful.

VDOT ROAD ADDITIONS – After a lengthy process the town was able to secure VDOT acceptance for Church Street, Richfield Street, Delp Avenue and West Railroad Avenue. VDOT came back to the town and stated they would not accept Sherwood Avenue and Frye Avenue under the Code section used to take the original three without County approval as a rural addition. The County chose to not accept the roads this year and we will work to get these added next year. We can add .25 miles a year until the roads are accepted in full.

Mayor Litz pointed out West Baumgardner Avenue needs some attention because the pavement is breaking off and asked if it was scheduled to be repaired by VDOT. Town Manager James stated if streets aren't on the six-year capital plan VDOT won't pave but he would talk to them about patching the street. He added he will ask that the street be considered for repaving next year.

DOWNTOWN REVITALIZATION PROJECT – Hilary Greenberg and David Gall have submitted 50% complete economic restructuring studies and downtown design plans. The management team will meet in the coming weeks to go over these preliminary proposals and provide feedback to the consultant team.

PLANNING COMMISSION – The Planning Commission met to discuss the rezoning requests from Larry Crigger and Keith Crigger and the conditional use permit request from Kenny Peoples. The Commission voted to approve the scheduling of a public hearing on July 14th. The Town Council will consider the requests on July 22nd.

SCADA SYSTEM – With anticipation of adoption for the proposed budget, staff is moving forward with collecting quotes for a new SCADA system. We hope to present the Council with firm cost estimates by late July. This system is anticipated to cost less than the \$25,000 budgeted.

COUNCIL MEETING MINUTES – JUNE 10, 2014 – PAGE 8

RURAL RETREAT SUMMER CONCERT SERIES – We had a good turnout for our first summer concert of the year. Plans are moving forward for an August date. More information will be presented to Council as it becomes available. Town Manager James stated he appreciated everyone that came out to the concert.

TREASURER’S REPORT

Clerk/Treasurer Guynn reminded the Council of the upcoming Joint Governing Bodies meeting the town will be hosting on June 30, 2014 at 7:00 p.m.

The bills for June 10, 2014 were read and approved.

TALK OF THE TOWN

Schedule permitting, Town Manager James is 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 Hash. The motion was duly seconded and approved.

Mayor

Clerk