

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, JULY 8, 2014, 7:00 P.M.**

Council Members Present: Mayor Timothy Litz; Dale Yontz; Jerrell Hall; Peggy Hash; James P. "Sean" Viars; Geary Jonas; James Lloyd

Council Members Absent: None

Administration Present: Michael James, Town Manager; Lori Guynn, Clerk/Treasurer

Administration Absent: Scott Mitchell, Police Chief

Others Present: Ricky Cox; Melissa Burris; William Shupe; 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 Jonas.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Litz.

ORGANIZATIONAL APPOINTMENTS

Mayor Litz stated the first item of business was to reorganize the Council.

ELECTION OF VICE-MAYOR – Mayor Litz opened the floor for nominations. Councilmember Viars nominated Dale Yontz and Councilmember Hash seconded the nomination. Mayor Litz asked if there were any other nominations. Councilmember Viars made a motion to elect Councilmember Yontz as Vice-Mayor and Councilmember Hash seconded the motion. Councilmember Yontz stated he appreciates the vote of confidence. There being no further discussion the motion was approved by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against.

APPOINTMENTS TO COUNCIL COMMITTEES – DISSOLVE OPERATIONS & MAINTENANCE AND FIRE & POLICE COMMITTEES – Mayor Litz stated the committees didn't meet very often and there was no reason there couldn't be an ad-hoc committee for both. He asked for a motion to dissolve the committees. Vice-Mayor Yontz made a motion to dissolve the Operations & Maintenance and Fire & Police Committees. The motion was seconded by Councilmember Hall. Vice-Mayor Yontz stated he felt any issues that were previously addressed by the Fire & Police Committee can be addressed by the Personnel Committee and all

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financial situations should be addressed by the Finance Committee. Councilmember Viars also commented that the town has Tony Wright in his position. Mayor Litz added the town doesn't handle items in committee a lot but instead does things out in the public. There being no further discussion the motion was approved by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against. **ORGANIZE PUBLIC UTILITIES COMMITTEE** – Mayor Litz explained they weren't sure what to call this committee but it is mainly a water committee. He noted there have been several comments made about taking water into the western end of the county and we feel from the Board of Supervisors that there is one person telling the supervisors one thing. He stated he would like to see the people on the western end have water because the county can't transmit water much farther than they are now. Mayor Litz explained rather than have the town manager and the county administrator handle this Mr. Houseman has asked us to consider a council committee to meet with the supervisors so that we can tell the town manager and county administrator what we want. He noted Town Manager James has been good about handling this but he can't do it by himself. Mayor Litz stated he has appointed Councilmember Hall as chair of this committee and Councilmember Yontz, Councilmember Viars and Councilmember Lloyd as members. Vice-Mayor Yontz made a motion to create the Public Utilities Committee with the members as appointed by Mayor Litz. The motion was seconded by Councilmember Jonas and was approved by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against. **OTHER COMMITTEES – FINANCE & APPROPRIATIONS** – Mayor Litz appointed Vice-Mayor Yontz as chair of the committee and Councilmember Hall, Councilmember Viars and Councilmember Jonas as members. Mayor Litz asked for a motion to appoint the committee members. Vice-Mayor Yontz made a motion to appoint the committee members as presented. The motion was seconded by Councilmember Viars and was approved by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against. **PERSONNEL, ORDINANCES & LEGAL MATTERS COMMITTEE** – Mayor Litz appointed Councilmember Hash as chair of the committee and Councilmember Lloyd and Councilmember Jonas as members. Mayor Litz asked for a motion to appoint the committee members. Vice-Mayor Yontz made a motion to appoint the committee members as presented. The motion was seconded by Councilmember Viars and was approved by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against. **PLANNING COMMISSION COUNCIL LIAISON** – Mayor Litz appointed Councilmember Hash to serve as the Council liaison on the Planning Commission. Councilmember Yontz made a motion to appoint Councilmember Hash and the motion was seconded by Councilmember Hall. The motion was approved by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against. Councilmember Hash stated she is a certified planning commissioner.

APPOINTMENT OF TOWN MANAGER – Mayor Litz asked for a motion to reappoint the town manager. Councilmember Hall made a motion to reappoint Michael S. James as town manager. The motion was seconded by Councilmember Hash and was approved by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against.

APPOINTMENT OF TOWN CLERK/TREASURER – Mayor Litz asked for a motion to reappoint the town clerk/treasurer. Vice-Mayor Yontz made a motion to reappoint Lori C.

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Guynn as town clerk/treasurer. The motion was seconded by Councilmember Jonas and was approved by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against.

APPOINTMENT OF POLICE CHIEF – Mayor Litz asked for a motion to reappoint the town police chief. Councilmember Viars made a motion to reappoint Scott A. Mitchell as town police chief. The motion was seconded by Councilmember Jonas and was approved by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against.

APPOINTMENT OF TOWN ATTORNEY – Mayor Litz asked for a motion to reappoint the town attorney. Councilmember Hall made a motion to reappoint Michael J. Sobey as town attorney. The motion was seconded by Vice-Mayor Yontz and was approved by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against.

APPROVAL OF MINUTES

A motion was made by Vice-Mayor Yontz, seconded by Councilmember Hash to approve the minutes of the June 24, 2014 regular meeting. There being no discussion, the motion passed by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against.

CITIZEN'S TIME

Mayor Litz noted the next item on the agenda was Citizen's Time and asked if anyone would like to address the Council. Ricky Cox addressed the Council and stated they were at the meeting about the ordinance on trailers in town. He stated the way they interpreted the ordinance it applied to someone's personal property and not a trailer court. He further stated it could be interpreted several different ways and he doesn't feel when the Council passed the ordinance the intent was for trailer courts.

Town Manager James stated he has explained to Mr. Cox that it isn't so much a trailer park because of the zoning but it isn't a conforming use for that zone is why another trailer couldn't be allowed on the property and the fact it had been longer than a year since the previous trailer had been removed. Mr. Cox stated a trailer had just been moved off the property two weeks before. Town Manager James stated Mr. Shupe had told him that it had been gone for three years. Mr. Cox stated at one time there were 12 trailers on the property. Town Manager James stated the number had been reduced to seven for a number of years and now it is back to eight. He explained that due to the number being reduced to seven for more than a number of years, only seven trailers are now allowed on the property because the eighth lot has been empty for longer than a year. Town Manager James explained to Mr. Cox that he gave him a copy of the zoning code to show the regulations that pertain to it if the Council were to approve to allow replacing the trailer.

Mayor Litz asked Town Manager James to explain the situation to them so they will have a better understanding. Town Manager James referred to a document attached to the town

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manager's report. He explained as discussed at the last meeting there were formerly eight lots with trailers on them on the property owned by Mr. Shupe. He further explained once a trailer has been removed for longer than a period of one year then another trailer can't be put back in its place so now only seven are allowed because the development is a non-conforming use in the R-2 district. Town Manager James pointed out this is why he denied the request to locate the trailer on the property because only seven are now allowed. Mr. Cox stated the lot hasn't been empty because there has been a pull camper on the lot for three years. Town Manager James stated a camper doesn't qualify as a mobile home. Councilmember Hash asked Mr. Cox how old the trailer was that he has moved onto the lot. Mr. Cox stated it is a 1974 model. Mayor Litz commented some of the requirements are newer and are in addition to the zoning code. Town Manager James stated the requirements pertain to single-wide manufactured homes in general. He explained with mobile home parks some don't apply because some of the trailers aren't owner occupied but the model, setback and underpinning requirements still pertain to the lot itself. Even if the home was allowed the age of the mobile home wouldn't qualify, Town Manager James stated. Mayor Litz commented the home is too old. He asked if everyone understood what was being asked and why there are issues. Councilmember Hall asked Mr. Cox if he was saying the pull camper was the seventh or eighth on the lot. Mr. Cox explained the trailer park is divided into three properties and is not all one property. Councilmember Hall stated the Council has to deal with the total number of mobile homes allowed which has been set at eight. He clarified that there were seven on the property for over a year. Mayor Litz asked if the Board of Zoning Appeals would handle this. Town Manager James explained it isn't a Zoning Appeals question. He told Mr. Shupe if he wanted to ask the Council to allow this then from this point on for clarity all mobile home parks would be on the same page on what's allowed. He further explained Mr. Shupe wasn't aware of the regulations but as the zoning administrator he couldn't allow the trailer. Mr. Cox explained they were under the impression that as long as the property was a trailer park there were no limits on the trailers. He further explained that he had been doing some grade work and installing water lines to put his trailer on the property. Councilmember Hash commented one of the guidelines states the trailer must be a newer model and not less than five years old. Councilmember Hall stated the year of the trailer is a sub-violation of the first item on the list.

Mayor Litz added that Town Manager James is asking if the town wants to deviate from the requirements with the understanding that the number can't exceed nine. Councilmember Viars asked if this was an ordinance for the town. Town Manager James stated it is part of the zoning code. Councilmember Viars further stated if it is on the books then it isn't Council's job to interpret it but it is essentially town law and an exception can't be made to an ordinance. Vice-Mayor Yontz stated if an exception is made to an ordinance then precedence will be set. Mayor Litz explained Town Manager James has already said no and has done his job but Mr. Shupe wants to put a trailer back on the property. Councilmember Hall stated it appeared to him that Town Manager James's interpretation is accurate. Mayor Litz asked the Council if they want to deviate from it then the Council has the right to do so. Councilmember Viars asked if the ordinance would need to be rescinded. Mayor Litz replied no, but an exception could be made. Town Manager James explained an exception could be made but it must be very clear that the number will not exceed eight. Councilmember Hall commented if this is done then the Council

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will still be setting precedence. Town Manager James replied in his opinion, yes. Mayor Litz stated in this case the Council doesn't have to take action because Town Manager James has already said no. He further stated he understands Mr. Cox's point because he is trying to find a place to live but the regulations have to be followed. He noted the problem is the trailer is already on the property. Mr. Cox stated it hadn't been questioned until recently. Vice-Mayor Yontz asked if any permits were required prior to the water line work being done that he would have been notified that what he was doing was wrong. Town Manager James explained a zoning permit hadn't been obtained so when he was contacted about that is when this process began. Vice-Mayor Yontz asked if the trailer had been moved in before or after the work for the water line was done. Mr. Cox explained the water line work was completed prior to moving the trailer in.

Mayor Litz commented a decision will need to be made or allow Town Manager James's decision to stand. Councilmember Hall stated he has mixed emotions and feels bad due to the situation but he can't support backing up on an ordinance. Vice-Mayor Yontz further commented that the Council is being asked to amend four of the requirements. Mayor Litz informed Mr. Cox that the Council was choosing to back Town Manager James's decision. Mr. Cox asked why a pull behind camper could be put on the property but a trailer that will be set up permanently can't. Councilmember Hall responded if a zoning permit was obtained the camper wouldn't be allowed either. Mr. Cox asked why he wasn't made aware of the regulations before the money was spent to complete the work on the property. Town Manager James explained a zoning permit is required before work can be done in town and that is when things are approved or not. Mayor Litz commented he appreciated everyone attending the meeting and he was sorry it didn't work out the way they wanted.

Ricky Cox, Melissa Burris and William Shupe left the meeting at 7:28 p.m.

Mayor Litz thanked the Council for their stance on the request.

Mr. Cox returned to the meeting and asked if he moved one of the other trailers off the property would he be allowed to move his trailer in. Town Manager James replied no. Mr. Cox stated the properties have different owners. Town Manager James explained the age of the trailer is still an issue. Mr. Cox then asked if he could fence the property off and put cattle on it and then stated there are horses on the property at the top of the hill. Mayor Litz commented Mr. Cox wants to know if he can trade the trailer out. Town Manager James explained as long as the trailer is no older than five years and the total number doesn't exceed seven then he would be allowed to put the trailer on the property. Mayor Litz commented there is more than one issue. Mr. Cox stated there were no problems with the trailer that was set up a year ago and it looked better than the one he is trying to set up. He further stated that it was ignored or something. He extended an invitation to the Council to look at the last one that was setup. Councilmember Yontz asked if the last trailer moved in met all of the requirements. Town Manager James explained this is why the discussion was held at the last meeting because the zoning code doesn't dictate mobile home parks. The ordinance doesn't dictate homes that are not owner occupied. Councilmember Lloyd commented this has been an issue for over 30 years. Councilmember Hall stated citizens don't

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understand the difference in conforming and non-conforming use. Mayor Litz asked Town Manager James to do more research on this.

Ricky Cox left the meeting.

CORRESPONDENCE

Councilmember Hash reported the Rural Retreat Volunteer Emergency Services will be conducting a health fair at their building on Saturday, September 20, 2014. She added this is a daylong event and free to attendees.

POLICE REPORT

Chief Mitchell's activity report for June was available for review in his absence.

UNFINISHED BUSINESS

JOINT IDA RESOLUTION BY WYTHE COUNTY – Town Manager James stated this is mainly for discussion. He explained the town of Wytheville discussed the resolution this morning. He further explained that we had been working on a resolution from our office with six key points for the Joint IDA for the upcoming year. It had been discussed with the town of Wytheville, he added. Town Manager James explained Wythe County distributed a new resolution as the Joint Governing Bodies meeting that no one had seen though it wasn't passed. He pointed out the differences in the resolutions and noted the main issue is Wythe County wants the Joint IDA to give back all land that they have given them. He stated everyone would be meeting again to discuss the points and asked if there were any comments or recommendations.

Mayor Litz stated at the Joint meeting Mayor Trent Crewe said there were points that became micromanaging. He explained there were no comments made by the supervisors and it is clear that the resolution came from the county administrator's office. Vice-Mayor Yontz commented he agrees that the resolution is 100% micromanaging and pointed out if this was placed on any small business out there then the business would be set up to fail because you have to work with the contact you have. He added it is a clear attempt by Wythe County for a power grab. He further stated like us the town of Wytheville is looking for answers but they can't get any. Councilmember Jonas stated what bothers him is Wythe County wrote the resolution but it shows that it is also coming from the two towns as well. Vice-Mayor Yontz stated he would like to make the request that the Joint Governing Bodies be seated when the resolution is discussed or approved. Councilmember Lloyd asked who wrote the resolution. Town Manager James responded he assumes Mr. Dalton did.

Mayor Litz stated the idea of governing is to do the greatest good for the greatest number. He further stated if the county wants to dissolve the IDA then do it. Town Manager James pointed out the county can't dissolve the JIDA they can only defund it which would leave the two towns. Mayor Litz stated if they need to do so then do it we will react accordingly. Vice-Mayor Yontz

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explained he feels the new director needs to be given the opportunity to prove his worth. He added it has become a partisan issue and it shouldn't be because we are all here to represent the people. Mayor Litz stated input is needed. Town Manager James stated he felt the resolution should be tabled. Mayor Litz explained the resolution in place has six points that was also approved by the town of Wytheville. He noted the longer resolution was written without any input from the Board of Supervisors and had not been seen until the meeting. Town Manager James informed the Council that Kimber Simmons has resigned from the Joint IDA. Councilmember Hash stated she was impressed with David Manley's speech at the meeting. Vice-Mayor Yontz stated he will be a great asset to both the towns especially with Downtown Revitalization and bringing in small businesses. Councilmember Viars referred to the draft resolution by Wythe County and stated points 11 and 14 refers to taking away what the Joint IDA does because it is making sure Wythe County receives credit for it. Town Manager James explained he had told Linda DiYorio with the Joint IDA if Wythe County wants to take back Progress Park then allow them to do so and the IDA can focus on marketing Wythe County, the exits and the two towns. Vice-Mayor Yontz inquired about a name change that would be friendlier to small businesses such as an economic development authority.

NEW BUSINESS

SCADA RFP – Town Manager James noted this item will require action. He explained the request for proposal has been completed and will be published next week. He further explained the old system is out of date and it is difficult to find someone to work on it. Town Manager James stated the plant operators have to physically drive to the plants when there is an issue which results in work time lost. This item is in the capital improvement plan and will cost around \$20,000 - \$25,000. He noted it will move from a land line phone system to a cellular network and laptops will be made available to the operators for monitoring in real time. Mayor Litz commented this will be most beneficial during the summer months when lightning storms occur. Councilmember Hash made a motion to approve the RFP and proceed with the advertising and purchase of the SCADA system. The motion was seconded by Councilmember Hall and it was approved by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against.

CITIZEN BIRTHDAY – Councilmember Lloyd stated Rural Retreat has a citizen that will be celebrating his 90th birthday on July 12th and he would like for the town to present him with a resolution. Mayor Litz asked if he was referring to Carl Vaught. Town Manager James stated he would have Lori Guynn or Brenda Maxey to draft a resolution.

COMMITTEE REPORTS

HERITAGE DAYS – Chairman Yontz reported there will be a meeting following the Council meeting. He noted the festival posters are available, sponsorship money has been received and final details for the bands are being worked on. Councilmember Hash is working on the parade.

FINANCE & APPROPRIATIONS – None

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PERSONNEL, ORDINANCES AND LEGAL MATTERS – None

TOWN MANAGER’S REPORT

The following items were discussed and/or acted upon:

PHASE 8 & 9 SIDEWALK IMPROVEMENT PROJECTS – The phase 8 design has been submitted to VDOT for review and comment. We hope to have their feedback within the coming weeks. A cost proposal for Phase 9 is being developed by Anderson & Associates. This will be submitted to the town for review.

PLANNING COMMISSION – Staff is currently evaluating reappointments of our planning commission members. As we complete a few outstanding requests for commission consideration, we will present the town council with a list of reappointments and possible new appointments.

DOWNTOWN REVITALIZATION PROJECT – The management team met to discuss the proposals developed by the consultant team. They made several recommendations to the consultants and they will be presented with amended development plans. We will hold another meeting in the near future in preparation for a public meeting in September.

RR DEPOT UTILITY CONNECTIONS – The contractor has completed the bore and town staff will be installing the water line and meter this week. The sewer connection will be completed as soon as possible.

STREET LIGHT REQUEST – EAST RAILROAD AVENUE & NORTH GREEVER STREET – Staff has requested for AEP to replace the street light that was taken down during the previous sidewalk project. We were told that because there is an existing pole and the light was previously installed, there would be no cost to the town for installation. We anticipate this being completed fairly soon.

WATER ACCOUNTABILITY – The May water accountability report was reviewed. Mayor Litz explained the water accountability is required to not exceed 30%.

TREASURER’S REPORT

Clerk/Treasurer Guynn noted the agenda erroneously referred to the bills for June 26, 2012 instead of July 8, 2014.

The bills for July 7, 2014 were read and approved.

TALK OF THE TOWN

Vice-Mayor Yontz is to attend the *Talk of the Town* radio program at the WYVE/WXBX radio station on Wednesday morning.

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CLOSED MEETING – DISCUSSION OF PERSONNEL MATTERS

A motion was made by Councilmember Lloyd, seconded by Councilmember Yontz to convene to a closed meeting in accordance with §2.2-3711,A-1 of the Code of Virginia - discussion, consideration or interviews of prospective candidates for employment; assignment; appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body.

The motion was approved with the following voting in favor: Hall, Hash, Jonas, Lloyd, Viars, Yontz.

Mayor Litz called the regular meeting back into open session.

A motion was made by Councilmember Viars, seconded by Vice-Mayor Yontz, to adopt the following Resolution:

WHEREAS, the Rural Retreat Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3712, paragraph D, of the Code of Virginia requires a certificate by this Council that such closed meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Rural Retreat Town Council hereby certifies that to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certificate resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Council.

Vote:	Ayes	Nays
Jerrell Hall	X	
Peggy Hash	X	
Geary Jonas	X	
James Lloyd	X	
James P. “Sean” Viars	X	
Dale Yontz	X	

Absent during meeting: None

Absent during vote: None

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ADJOURNMENT

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

Mayor

Clerk