

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, FEBRUARY 10, 2015, 7:00 P.M.**

Council Members Present: Mayor Timothy Litz; Vice-Mayor 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; Scott Mitchell, Police Chief

Administration Absent: None

Others Present: Lewis McMillion; Foy & Monica Patton; Keith Meredith; Bob Lewis; Charles Taylor; Millie Rothrock – Wytheville Enterprise; Jerry Hurt; Don Meredith

DETERMINATION OF A QUORUM

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

INVOCATION

The invocation was given by Geary Jonas.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Litz.

APPROVAL OF MINUTES

A motion was made by Vice-Mayor Yontz, seconded by Councilmember Hash to approve the minutes of the January 27, 2015 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

SPECIAL PRESENTATIONS – Mayor Litz stated before proceeding into Citizen’s Time he would like to address two items of business. He explained people don’t realize there are a lot of things that go on in the town behind the scenes at other meetings. He further explained the town has two citizens that served the town and have asked to retire from their positions. Mayor Litz stated one citizen served for 31 years and another for seven years. He then asked Charles McMillan and Foy Patton to come forward. Mayor Litz presented Foy Patton with a plaque for his service and dedication as the town’s representative for seven years on the Joint Industrial Development Authority Board from January 22, 2008 to December 31, 2014. Next, Mayor Litz

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presented a plaque to Charles McMillan for his service and dedication while serving for 31 years as a member and chairman of the town's Planning Commission from January 16, 1984 to December 31, 2014. Mayor Litz expressed his appreciation to both gentlemen for their willingness to serve the town.

Mayor Litz explained he would now proceed with Citizens Time if others would like to address the Council. He stated if at any time during the meeting, someone would like leave they may do so though everyone is welcome to stay. He asked the citizens to come forward to the podium and state their name for the minutes.

Lewis McMillion addressed the Council and stated he resides at 240 Sherwood Avenue in front of Don Meredith's garage which is the reason he is in attendance. He stated the garage is located in an R-2 district and it requires a residential business. He further stated Mr. Meredith doesn't live there, it is a standalone business and there has been nobody there but him and now there are three other people working there. The traffic on the street is terrible, he added. Mr. McMillion explained that Mr. Meredith has upgraded his equipment and the noise from the equipment has increased. He stated he thinks the business should move into a commercial zone so it can expand and he pointed out Mr. Meredith has already expanded slightly into the R-1 district. Mayor Litz thanked Mr. McMillion for his comments.

Mayor Litz asked Town Manager James to address Mr. McMillion's comments regarding the zoning. Town Manager James explained to Mr. McMillion that with the zoning he is referencing in the R-2 district, Meredith's Garage was already in existence when the zoning came into place so it is a grandfathered use. Mr. McMillion responded, no sir, he lived there, it was given R-2 because he lived there. Town Manager James stated the garage was there whether Mr. Meredith lived there or not, regardless of when the zoning came into place. Mr. McMillion stated he disagreed. Town Manager James stated he understood Mr. McMillion's position but this is how zoning rules are. Mayor Litz asked if any further clarification was needed. Town Manager James stated the zoning code is clear and there isn't anything the town can do. Mayor Litz explained usually the only time the town has problems with garages is when somebody wants to build a racecar at 10 or 11 o'clock at night and he doesn't think that Mr. Meredith is doing that. He noted the noise ordinance is more for the nighttime hours though he hasn't been there at 10 or 11 o'clock at night but he thinks Mr. Meredith goes home. Don Meredith stated he closes at 4:30 p.m. Mr. McMillion commented Mr. Meredith's sons come back and work. Mayor Litz asked Mr. McMillion if this was happening at 10 or 11 o'clock at night. Mr. McMillion explained someone was there at 10 p.m. and he noticed around 11:30 p.m. someone was moving around but he didn't know who.

Mr. Meredith stated the property was his and he can do whatever he wants too with it. He further stated what he doesn't understand is the garage was there before Mr. McMillion bought the house and if he didn't like it then he shouldn't have bought the house. Mr. McMillion commented to Mr. Meredith that when he was at the garage by himself he didn't create a lot of traffic and now with all the people working there it has increased. Councilmember Hall stated he would attribute most of the traffic increase or at least a great portion of it is due to the

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subdivision located up the street. Mr. McMillion stated the traffic from the subdivision is during the mornings and evenings but during the day it comes to the garage and stops and he has actually had to wait to get out of his driveway and to get in.

Mayor Litz stated as the town grows the traffic will increase and he noted he has complained about it also but this is one of those things that go along with it. He explained during the daytime hours the noise will probably have to be dealt with but if it carries into the nighttime hours then he felt Mr. Meredith would do something about it. He added the town believes in the right to go to bed at a reasonable hour but during the work day a lawn mower could make as much noise. Mayor Litz noted most things make no more noise than the train passing through. He pointed out Meredith's Garage was well represented at the meeting and advised them midnight was not a good time to be running an air ratchet but during the day people have to be allowed to work and the town will not stand in the way of anyone making a living. Mayor Litz asked Mr. McMillion to further discuss his concerns with Town Manager James. He added there isn't much that can be done. Town Manager James stated there wasn't anything legally that can be done. Councilmember Hall stated Meredith's Garage is a needed business because people in Rural Retreat like to trade locally which he is proud of.

Mr. Million stated he doesn't want to shut the garage down but would like for him to have time to relocate. Town Manager James stated the town can't force a business to relocate. Charles McMillan suggested to Mr. McMillion that he relocate. Mr. McMillion asked Mr. McMillan if he would like to buy his house. Town Manager James asked Mr. McMillion to come by the town office and discuss this with him. Mayor Litz encouraged Mr. McMillion to meet with Mr. James. He also thanked Mr. McMillion for bringing his concerns to the Council's attention.

Charles Taylor addressed the Council and explained he lives across the street and works at night and sleeps during the day but the garage doesn't bother him. Mr. McMillion pointed out Mr. Taylor also works at Meredith's Garage. Mayor Litz reiterated his earlier statement and encouraged Mr. McMillion to meet with Town Manager James.

There being no other citizens to address the Council, Mayor Litz proceeded with the agenda.

CORRESPONDENCE

Councilmember Viars stated he had spoken to Town Manager James about citizen's concerns with potholes. He stated warmer weather will probably be needed to make the repairs. Mayor Litz stated he had received comments about Baumgardner Avenue. Councilmember Viars stated the citizens mentioned Sherwood and Baumgardner Avenues. Town Manager James stated VDOT is to be in town doing repairs.

POLICE REPORT

Chief Mitchell explained his January activity report. He pointed out there was an increase in traffic stops which he gave verbal warnings and issued one summons. He is also compiling a list

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of pothole locations for Town Manager James. Chief Mitchell noted he is continuing to perform business checks. He explained recently while running radar on Parsonage Avenue at the former Pentecostal Holiness Church location he was approached by one of the church members and was informed the church people have decided they do not want their property used for traffic control. Chief Mitchell stated it is his understanding that church members may have been stopped for speeding and due to the small congregation they are concerned they may lose members if they allow the use of the property for traffic control. Mayor Litz commented it is their right. Chief Mitchell explained he has notified the Wythe County Sheriff's Office and Virginia State Police of the church's request. Mayor Litz inquired about dog complaints. Chief Mitchell stated he hasn't received any complaints over the past few months. Mayor Litz added the owners are staying in due to the cold weather and keeping their dogs in also.

UNFINISHED BUSINESS

None

NEW BUSINESS

REQUEST FOR OUT-OF-TOWN WATER & WASTEWATER SERVICE – Town Manager James explained Greg Hoofnagle that owns Crossroads Bridge, Inc. on West Baumgardner Avenue is relocating to the property behind the rest area accessed by the service road and Mr. Hoofnagle has applied for water and wastewater service. He noted this will be an easy connection for the town and he will be contacting Wythe County tomorrow to request that the town serve the property. Councilmember Hall made a motion to approve Greg Hoofnagle's request for water and wastewater service at the property located behind the rest area. The motion was seconded by Vice-Mayor Yontz and passed by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against.

COMMITTEE REPORTS

HERITAGE DAYS – No report.

FINANCE & APPROPRIATIONS – Clerk/Treasurer Guynn reported the 2013/2014 Fiscal Audit report was distributed for review and representatives from Robinson Farmer Cox Associates will be attending the next meeting to give a report on the audit. She explained it had been a few years since they had given the Council a report and she felt it would be beneficial to everyone because we have several new members since the last time they were here. Clerk/Treasurer Guynn asked the Council to review the audit and to return the reports within the next month or so to place on file for future use if needed. She explained some of the items addressed in the audit were internal controls which not much can be done about this since there are only two employees in the office, collecting W-9 forms from all vendors and issuing 1099's at the end of the year which will be implemented and they addressed having the ability to delete receipts. Clerk/Treasurer Guynn explained the town's system and stated if there is access to entering payments then there is also access to deleting receipts. Mayor Litz commented an army

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can't be hired to watch each other. Clerk/Treasurer Guynn stated these were the main items addressed and informed the Council if they had any questions she would be glad to answer them. Mayor Litz stated one thing he wanted to make notice of is "Disagreements with Management" on the second page; the second sentence states "we are pleased to report that no such disagreement arose during the course of the audit." Mayor Litz stated he would like point out they are met with agreement and if they find something wrong they work on it.

Vice-Mayor Yontz asked about the schedule for the FY 15-16 budget. Town Manager James stated it is included in his report.

PUBLIC UTILITIES COMMITTEE – Chairman Hall reported the committee will meet with the Wythe County Water Committee at 6:30 p.m. on Thursday, February 12.

TOWN MANAGER'S REPORT

The following items were discussed and/or acted upon:

SIDEWALK IMPROVEMENT PROJECT PHASE 8 – We are still awaiting VDOT's final review of the project. Hopefully we will hear from them soon, and then we will begin discussions with the citizens along East Baumgardner Avenue.

SCADA TELEMETRY SYSTEM – We are coordinating with ClearWater, Inc. on beginning the telemetry project. We have tentatively scheduled installation on March 4th, with the hardware being shipped to the town prior to install.

Councilmember Viars inquired about the amount of time needed to install this system. Town Manager James explained ClearWater, Inc. has a 60 day time line.

DOWNTOWN REVITALIZATION – On Tuesday, February 17th at 7 p.m. we will host another public hearing here at the Town Hall. This meeting will be another full presentation to the community about the downtown revitalization plans. This will also be the last public hearing before we apply for funding from DHCD in March. All drawings will be presented again, the budget will be discussed and the project will discussed more in-depth.

SOUTH FORK REED CREEK PROJECT – We will hold a conference call with the main DEQ office in Richmond on February 18th to go over the status of the project and receive an update from the Abingdon DEQ office. We anticipate that our preliminary plans which have been provided to DEQ will be fully reviewed and commented on by the end of the month.

PLANNING COMMISSION – Last night the Commission approved a recommendation to Council that would allow the conditional use permit request by Mr. Keith Crigger. This item will be on the agenda for our February 24th regular meeting.

TOWN STREET CONVEYANCES – Staff will meet with VDOT this week to go over the necessary requirements to place a request into VDOT and Wythe County to convey a portion of

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Sherwood Avenue and Frye Avenue into VDOT's secondary road system. An updated resolution will need to be passed by the Town Council stating the specifics of the request. This item will also be included on the agenda for our February 24th regular meeting. Last year we were unable to have the portion of these streets included in the state system and will also require a resolution from the Wythe County Board of Supervisors as well as VDOT approval.

OUT-OF-TOWN WATER REQUESTS – We have three upcoming requests to Council for out of town water hookup. These are being processed and will be presented to Council as they are ready. Town Manager James reported in addition to the request by Crossroads Bridge, Inc. others will be made for Earles Road, Murphyville Road and Rt. 11. These requests will also need Wythe County approval.

SPEEDING CONCERNS ON EAST BUCK AVENUE – Town Manager James explained due to speeding issues on East Buck Avenue he has requested VDOT to place smaller signs below the speed limit signs that state fines higher with the fine amount.

BUDGET FY 2015-2016 – Town Manager James reported the FY 15-16 Budget schedule is attached to his report and if additional meetings are needed they will be added but he hopes to stay as close to the schedule as possible.

TREASURER'S REPORT

Clerk/Treasurer Guynn reported she is still continuing to gather information for an ordinance to eliminate decals. She noted she has discovered that a lot of localities, especially towns, instead of adding the decal fee onto the tax ticket they have chosen to increase the personal property tax rate. She explained she felt citizens will accept the fee easier than a tax increase.

The invoices for February 10, 2015 were read and approved. Mayor Litz asked that the Appalachian Power bills be reviewed to compare the town's electricity consumption.

Prior to proceeding with the agenda, Clerk-Treasurer Guynn stated she would like to address the Council concerning one other item. She explained in all probability everyone has heard through the gossip of Rural Retreat but she would like to inform the Council directly that she does intend to seek nomination for Wythe County Treasurer in November. Mayor Litz stated this was a good way to go about it and the Council appreciated Clerk/Treasurer Guynn for letting them know. Councilmember Viars commented this was very professional.

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.

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CLOSED MEETING – REAL ESTATE

A motion was made by Councilmember Jonas, seconded by Councilmember Viars to convene to a closed meeting in accordance with §2.2-3711, A-3 – of the Code of Virginia – discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the 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.

Motion was made by Councilmember Viars, seconded by Councilmember Lloyd 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.

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

ADJOURNMENT

Vice-Mayor Yontz stated he wanted to wish Clerk/Treasurer Guynn the best of luck. Clerk/Treasurer Guynn stated likewise. Vice-Mayor Yontz stated he wanted both to make a promise that this will be handled as adults and be straight forward about it and the best person will win because if they get into a competition, nasty drag out or whatever it should be called the only people that will lose is the Town of Rural Retreat. Clerk/Treasurer Guynn stated she agrees and she doesn’t want that and doesn’t have any intentions of this happening because they are

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friends whether here and outside of here. Vice-Mayor Yontz stated for both win or lose; they will still have to work together. He further stated people will think that nothing will get done because they won't work together but their jobs are to work together. Vice-Mayor Yontz stated when the opportunities come you have to take them and neither of them can afford to pass it up. Clerk/Treasurer Guynn stated she enjoys working for the town and this doesn't have anything to do with that but this is an opportunity for her.

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