

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, MARCH 24, 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: Charles Slagle; Dave Evans, Chief – Rural Retreat Volunteer Fire Department; Brian Reed – Mount Rogers Planning District Commission; Jack Weaver; Gary Houseman

DETERMINATION OF A QUORUM

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

INVOCATION

The invocation was given by Dale Yontz.

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 Jonas to approve the minutes of the March 10, 2015 regular meeting. There being discussion, the motion passed by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against.

CITIZEN’S TIME

Charles Slagle addressed the Council and stated in the past there had been a dog situation on West Baumgardner Avenue. He asked if anything had been done to prevent this from happening again. Town Manager James explained to Mr. Slagle that the town adopted a new noise ordinance to address the issue. Mr. Slagle stated he didn’t know if anything had been done and further stated that there was still a mess. Mr. Slagle also asked if any consideration had been given to upgrading the dead end streets in town that the town takes care of. Mayor Litz commented the street Mr. Slagle lives on is probably one of the worst streets in town. Mr. Slagle thanked the town crew for the snow removal through the winter. He stated he thought they did a

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good job. Mayor Litz asked Town Manager James to give Mr. Slagle an update on the streets. Town Manager James explained \$35,000 has been set aside for street paving and West Baumgardner Avenue will be a top priority.

Dave Evans, Chief of the Rural Retreat Volunteer Fire Department addressed the Council and explained they have an issue within the fire department that he would like to discuss. Chief Evans stated on September 21, 2013 the department responded to a structure fire on Apple House Road in which a firefighter, Mike Davis, was injured by a puncture wound to his hand. Mr. Davis was transported to Wythe County Community Hospital and due to complications with medication given for the wound he was transferred to Bristol Regional Medical Center the same night and was released on September 22, 2013. Chief Evans explained at the time Wythe County had a Hartford Life/Accident Insurance Policy on the fire fighters. Mr. Davis received the paperwork and had taken it to the hospital for the doctor's signature; then on September 24, 2013 the paperwork was turned into Martha Collins. No response was received and in the meantime, Mr. Davis started receiving bills from the hospital because of nonpayment. Chief Evans stated since that time Mr. Davis has been turned over to a collection agency because Wythe County's insurance has not paid this. He further stated basically there is now a firefighter whose credit is being ruined because of the County and their insurance is not paying. Chief Evans stated he has documentation that he will give to Town Manager James. He noted the first notice was received in January stating that benefits are not due because of untimely submission and another notice was received last week stating this claim has been denied based on the policy's notice of claim and proof of loss of filing requirement not being satisfied. Chief Evans stated he did not know what this was about because proper paperwork was turned into Martha Collins on September 24, 2013 so there is a problem. He stated he has a copy of the claim that has not been paid and it basically ruining this man's credit. He further stated he is asking for the town's help with this matter.

Town Manager James stated he had worked with Chief Evans and Mike Davis to contact the County to see what the issue was about six months ago. He tried to assist and find out what the issue was and from what he understands everything was fine and had been turned in but the insurance company hadn't responded. Apparently this wasn't the case and he isn't sure what the timeline was, he added. Town Manager James further stated the town can discuss options to either contact the County to request them to look into Mr. Davis' situation more or since Mr. Houseman is in attendance maybe he can inquire about it and help Mr. Davis out. Mayor Litz commented this is a day to day thing that Mr. Houseman probably wouldn't be apprised of. Town Manager James stated he can contact Cellell Dalton. Mayor Litz reiterated this is a day to day operation of the County and not a supervisor's job. Mr. Houseman stated the County has a meeting tomorrow morning and he will talk to Mr. Dalton about this and ask him to contact Town Manager James. Town Manager James stated he can be contacted and he will then forward the information. Mayor Litz commented this will take all the middle people out and get it resolved. He stated when all the paperwork is turned in for an insurance policy there should be some type of resolution. Mayor Litz thanked Chief Evans for bringing this to their attention.

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Chief Evans stated he had another item on a more positive note and stated the fire department appreciates the town maintenance crew, Chris Buckingham and David Jones, for doing the water flow testing on fire hydrants and the color coding for ISO. He noted this is a work in progress but he does appreciate what they are doing. Chief Evans stated he has had people to approach him and ask what the colors on the hydrants mean. He explained the color coding and flow per minute as follows: blue top – 1,500 gallons or more; green top – 1,000 – 1,499; orange – 500 – 999; and red – less than 499. He noted the ISO and insurance companies look for this when going through town. It also means we are maintaining our hydrant system and it is helping Tony Wright with some of the State Water Control Board issues, Chief Evans stated. Mayor Litz asked Chief Evans what procedure he used for the town workers to get this done. Chief Evans explained he talked with Town Manager James and Tony Wright over the past year. Mayor Litz stated this was communication between the fire department and the town. Town Manager James stated this was primarily Chief Evans' and Tony Wright's project and he was glad they worked together to get it done. Mayor Litz stated they have talked about the fire hydrants in Council meetings before so it is nice to get an update. Town Manager James explained there are fire hydrants that are in need of repair but they are close to another working hydrant so we are going to take those out of service instead of buying a new one. Mayor Litz thanked Chief Evans for his report.

Mayor Litz asked Town Manager James and Chief Evans to do some work on the claim issues for Mike Davis and try to get it resolved. He commented it sounds like good records have been kept. Councilmember Hash inquired if Mr. Davis had lost his job. Chief Evans responded no but stated it is becoming an issue with his credit.

Jack Weaver addressed the Council and stated a lot of communities are being asked to have a Day of Prayer on May 7 but he wasn't sure how long it had been since one had been held in Rural Retreat though he assumed one had at some time. He explained everyone is seeing the pressure being put on citizens to take Christianity out of everything. He stated this past week a Navy Chaplain was told to give up his faith of saying Jesus or give up his career so we are seeing this happen more and more. He noted we definitely need a Day of Prayer and pointed out Mr. Obama hasn't been too strong on this date. Mr. Weaver stated he would like to see a Day of Prayer held in Rural Retreat and a possible location would be the Pepper Stage. Mayor Litz commented the Council begins each meeting with an invocation and they have been adamant that they were going to continue to do that and he doesn't see anything wrong with it. Mayor Litz pointed out this would be an event that people would not be required to attend. He asked Town Manager James to look into this event. Councilmember Hash stated this is what is wrong with us now is we let everyone else tell us we can't do this, we have to stand up. Mr. Weaver stated he felt the community would participate, it will just be a matter of getting the pastors and other people involved with it. He stated he understands one used to be held at Elizabeth Brown Park in Wytheville but he wasn't sure if they still have it. Mr. Weaver stated there may not be much of a turnout but it will be a great effort. He suggested having a speaker and have the event from 11:30 a.m. to 12:30 p.m. Councilmember Jonas stated if there are only 10 people there then there are 10 people praying but he hopes there will be more than that. Mr. Weaver stated he

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would like for this to be a Rural Retreat event. Mayor Litz thanked Mr. Weaver for his comments.

CORRESPONDENCE

None

POLICE REPORT

Chief Mitchell reported on his activity for March and stated due to the improvement of the weather he has increased traffic enforcement and there has been an increase in dog complaints. He is contacting dog owners about letting their dogs run loose. Chief Mitchell stated he will begin working on inoperative motor vehicles at the end of the month and sending letters to the owners.

Councilmember Viars asked Chief Mitchell if a response had been received on the grant for the radar equipment. Chief Mitchell stated he submitted the application but he hasn't received a response.

UNFINISHED BUSINESS

RESOLUTION FOR CDBG FUNDING OF THE DOWNTOWN REVITALIZATION PROJECT – Town Manager James explained the Council will need to approve a resolution to allow Mount Rogers Planning District Commission to submit our funding application for a Community Development Block Grant (CDBG) to fund the Downtown Revitalization Project. He stated he appreciates the Town Council's work and patience over the past two years while working on this and also the community people and volunteers that have been involved and the management team. He further stated this has been a very long process but the Town has a great plan and he is excited about it. Town Manager James stated Rural Retreat's application will be one of approximately 20 across Virginia with three to four from Southwest Virginia. Upon approving the resolution it will be submitted to DHCD (Department of Housing and Community Development) tomorrow and we will receive word this summer if we are approved, Town Manager James explained. He stated by submitting the resolution there is no commitment by the town; it only says the Town is approving the application as is. Once the contract negotiations begin in the late summer or fall, more concrete numbers will be determined. A motion was made by Vice-Mayor Yontz and seconded by Councilmember Viars to adopt the resolution as presented. Mayor Litz commented the Town is not committing any money yet. There being no further discussion, the motion passed by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against.

NORFOLK SOUTHERN LEASE AGREEMENT – Town Manager James explained he and Mayor Litz put a letter together to Norfolk Southern requesting the annual lease fee of \$4,000 be reduced or eliminated. Norfolk Southern agreed to reduce the annual fee to \$3,000 which wasn't what they hoped for but it was a reduction and they did at least entertain the request. Mayor Litz

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stated the call came from the Roanoke area but the letter was sent to the Atlanta office. The real estate person that called explained the railroad considers land leases by the right-of-way to be liabilities. Mayor Litz stated the person explained that the town would not be paying to rent the land but would be paying for the liability for having the public close to the railroad tracks. Mayor Litz stated he was very nice and he still feels like it is a lot of money but this is the first time that he has had any contact with the railroad that they made an explanation and it made sense. He stated there will probably be a fence requirement as part of the lease also. Mayor Litz asked Town Manager James if this item needed action tonight. Town Manager James responded no, this was for informational purposes only.

MOTOR VEHICLE & TRAILER LICENSE ORDINANCE – Clerk/Treasurer Guynn asked the Council if they had reviewed the Ordinance or had any questions about it. Mayor Litz stated he has people asking him why the decal fees are less and he is explaining to them that they are only paying for nine months instead of the full twelve months. Clerk/Treasurer Guynn stated they are receiving a good response from citizens because she wasn't sure how they people would respond. She explained most citizens are coming in the office and commenting that the decals are cheaper and are asking why so she and Mrs. Maxey are explaining why they are cheaper and that the full fee will be added to the personal property tax bills. The citizens generally respond that is great because I won't have to come back in or that is one less thing I have to remember to do so the responses have been better than she anticipated because the town citizens are familiar with how the elimination works, Clerk/Treasurer Guynn explained. She asked if there were any comments on the items she brought up at the last meeting especially the exemptions for fire department and rescue squad members. Clerk/Treasurer Guynn asked if they want to continue to limit this. Councilmember Hall asked Clerk/Treasurer Guynn if she was referring to keeping the limit at one. Clerk/Treasurer Guynn stated yes because the current ordinance states "the town shall furnish one vehicle license free of charge to each member of the fire department" and somewhere along the line we started giving two decals free of charge but in the new ordinance there is still the limit of giving the waiver of one license fee to fire department members. She asked if the Council wanted to continue with the waiver of one fee and also give the waiver to rescue squad personnel that live in town because Wythe County recognizes all the fire department members that live in the County and give them the exemption for one vehicle. The consensus was to leave the ordinance as written and allow the exemption of one license fee for fire and rescue personnel.

Councilmember Jonas addressed Mr. Houseman and stated he has heard that Wythe County is considering going back to the stickers. Mr. Houseman responded he had not heard anything. Councilmember Jonas stated his question was going to be if Wythe County does go back to the decals will we do the same. Clerk/Treasurer Guynn explained she has always been against eliminating the decals because they are a great collection tool for personal property taxes. Citizens have to come in and purchase a decal so they have to pay personal property taxes in order to purchase the decal. However she has had to have a change of heart after Wythe County eliminated the decals simply because citizens are not coming in and purchasing decals because those in the County don't have to have a decal so they think since they live in town they don't have to either, she explained. Clerk/Treasurer Guynn further explained some buy the decals but

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don't put them on their vehicle and others simply choose to pay their tax but not buy decals. She noted then there are other taxation issues that both towns are trying to work out with the County Treasurer and Commissioner of Revenue because a lot of people have their vehicles registered in the County instead of the town so they aren't paying town taxes. Most are paying their county tax plus a county license fee not realizing what they are paying for. Clerk/Treasurer Guynn stated she is waiting for the Commissioner of Revenue office to send tax supplements for approximately 150 taxpayers that are registered in Wythe County instead of the Town so we can get our tax revenue. Most of these issues are attributed to residents buying new vehicles and the dealers ask what county they reside in not if they live in a town, she added. She stated because of this we are to the point that we have to eliminate the decals because Wythe County has and we are losing revenue because of it but this will require us to change how we collect delinquent tax and fees. Clerk/Treasurer Guynn stated there will still be the taxpayers that pay diligently and those that we will have to chase to collect their tax.

Councilmember Hash asked if Wythe County is having a lot of problems since they changed. Clerk/Treasurer Guynn stated a lot of their collection problems are attributed to also taxing the titled vehicles in addition to the registered which has added a lot of delinquencies. To date we have cleared over \$12,500 of tax off of our system due to the change especially after we had to pay to have the bills printed and mailed then we are spending the time to enter the exonerations to clear those off because of the change but hopefully the 2015 tax year will be easier, she stated. She pointed out it has been a mess and she and Mrs. Maxey have been about to pull their hair out. The main thing is collection methods have to change which we currently participate in the Set-Off Debt Program and it works well but eventually we will need to consider participating in DMV Stops.

Mayor Litz asked Mr. Weaver if he would like to speak. Mr. Weaver stated he has had a lot of conversations with Sam Crockett because Mr. Weaver despises the decals because he never could get them on the windshield right and couldn't get to the windshield. He asked if the decal always has to be in the center of the windshield or can they be put on the side as in North Carolina. Clerk/Treasurer Guynn stated she thought it was state law that regulates where the decal must be placed but Chief Mitchell or Mr. Evans may be able to better answer that.

Clerk/Treasurer Guynn stated the decals are listed on the agenda for the Joint Governing Bodies meeting on Monday night. She asked Mr. Houseman if he had anything to offer at this point. He stated he voted to keep the vehicle decals because the County Treasurer said it was a good collection tool and by the Code of Virginia the County Treasurer is the person who is in charge of collecting taxes. He stated as it happens very often he gets out voted. Mr. Houseman stated another thing about the registered and titled vehicles is that if there is a misconception, he would like to clear it up, is that the change was not by any action the County took. The Board found out only registered vehicles were being charged taxes because the County had always been exempting things like washing machines, bicycles and related personal property but the Code of Virginia states that this can only be done by ordinance. When doing this, the Board also found out that it is not only registered vehicles, because personal property is personal property, it is what you own therefore it doesn't matter if a vehicle has a registration to go along with it, it is

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personal property that you own therefore according to the state of Virginia it is supposed to be taxed. He stated a lot of people have been upset that the Board changed this but they didn't do this when in fact the Board and the Commissioner of Revenue found out that they were in violation of the Code of Virginia so they took the steps to correct it. Mayor Litz asked whose idea was it that he be charged for eight vehicles when some of them had been gone for more than ten years. He explained when he went to DMV three of them had to be reinstated into the system in order to remove them because they didn't exist. Mr. Houseman stated this is a problem that everyone has had to deal with but it isn't a problem that they made, it is actually DMV. He gave an example of a vehicle that was on his records that he sold 25 years ago but he stated he thought what happened was he sold it to a guy that wanted to use it for parades and he didn't change the title. He explained when you sell a vehicle you are supposed to go to DMV and turn the tags in, some do and some don't and over a period of time the vehicles accumulate. Mr. Houseman stated now after the vehicles are exonerated the Commissioner will only get new vehicle information.

Clerk/Treasurer Guynn stated she thought a lot of it was bad record keeping on DMV's part because they had a lot of people that had sold vehicles and were being taxed. She explained one resident had sold a car 10-12 years ago but when he went to DMV their records showed there had been five other owners since he had sold it and the car was still in Virginia. She further stated this has also forced us to correct our DMV records. Clerk/Treasurer Guynn asked the Council their opinion on the ordinance because people are saying Wythe County is bringing decals back but she doesn't understand how that will be done because she hasn't heard of a locality that has eliminated decals then brought them back. Mayor Litz stated the town will have to operate under the premise that the County is not. Mr. Houseman explained right now the County Treasurer is using DMV Stops that has a \$25 charge to the person. Mayor Litz stated if the County wasn't doing it then we wouldn't either.

The consensus of the Council was to advertise the proposed Local Vehicle License Ordinance for a public hearing on April 14, 2015.

NEW BUSINESS

REQUEST FOR OUT-OF-TOWN WATER SERVICE – Town Manager James reported a request for water service from Robert Hall, who has bought property off of Kenny Peebles on Murphyville Road, was received. Mr. Hale is moving to Rural Retreat from Honaker. The town's line ends at the corner of the property and he has requested that we serve him with water. Town Manager James stated he will contact Wythe County and ask for permission to serve this out-of-town customer. A motion was made by Councilmember Hall and seconded by Councilmember Jonas to approve water service for this property. There being no discussion, the motion as approved by a vote of six (6) for: Hall, Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against.

B & B GUN & PAWN SHOP – Town Manager James explained Bobby Mullins had spoken to him, Vice-Mayor Yontz and several others about opening a gun and pawn shop in Rural Retreat.

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He and the town are working with Circuit Court Clerk Hayden Horney to get all the procedural things done that he needs to do to get approval. We will be completing our administrative side soon. Mr. Horney has told Town Manager James that Judge Showalter wanted to know if the Council had any concerns or comments about the business opening in town because some localities have set restrictions about gun and pawn shops but we don't really have any on the books, Town Manager James stated. Councilmember Hash asked if this was the business opening in the Williams Superette building. Councilmember Hall responded yes. Town Manager James stated he has no concerns and there are no zoning issues. Councilmember Jonas asked what type of concerns would there be about the business. Town Manager James explained some towns don't want gun shops in their downtown or a pawn store in other areas so they restrict them. Mayor Litz stated gun and pawn shops are a fence for stolen property so that is usually a concern. Chief Mitchell explained Mr. Mullins is required to send him a list of items that he has purchased each day by noon the next day. Mayor Litz stated the Council had no concerns or comments.

COMMITTEE REPORTS

HERITAGE DAYS – Chairman Yontz reported the children's entertainment was finalized today and the contract will be sent within the next week or so. Councilmember Hash asked if there would be a new group. Chairman Yontz replied no, we are using the same group because we haven't received any complaints. Town Manager James asked what time would the festival start. Clerk/Treasurer Guynn added vendors are starting to call about participating and we try to include a schedule with the vendor packet so the start time for the bands is also needed. Chairman Yontz stated the bands usually start around 1 p.m. or 2 p.m. because of the parade at noon and then opening ceremonies. Clerk/Treasurer Guynn stated one concern is the vendors are to be set up by 9 a.m. so they are there for hours before anything starts. Chairman Yontz stated the main music will begin around 2 p.m. and are determined by what the band does. He added hopefully music will be playing over the speakers by 11 a.m.

FINANCE & APPROPRIATIONS – Town Manager James reported the committee met to review the draft budget and draft Capital Improvement Plan. A completed draft of the budget will be presented at the next committee meeting prior to the Council meeting. Capital purchases were also discussed.

PUBLIC UTILITIES COMMITTEE – Chairman Hall stated there has been no business requiring a meeting.

TOWN MANAGER'S REPORT

The following items were discussed and/or acted upon:

SIDEWALK IMPROVEMENT PROJECT PHASE 8 – The Town has received 90% plan comments from VDOT. Anderson & Associates are putting together the response and those will be forwarded back to VDOT as soon as possible. The anticipated time for bidding the project is May or June with construction beginning during the late summer or early fall.

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SIDEWALK IMPROVEMENT PROJECT PHASE 9 – This afternoon we hosted the kickoff meeting with VDOT. We discussed the project timeline and inquired as to the delay of the project which they apologized profusely for. This project should be placed out for bids in January with construction during next summer because it will be a lengthy project.

SOUTHFORK REED CREEK SEWER PROJECT – Anderson & Associates has responded to DEQ's final review comments. There have been no significant concerns on our project plans and DEQ informed the Town that we can move forward on loan discussions with the Virginia Resources Authority. Shawn Crumlish, with VRA, has been contacted and we hope to acquire an estimated amortization schedule for the accrued debt to discuss during our budget preparation with the Finance Committee. We met with Klöckner last week because we will have to cross their rail spur but we are going to realign their manhole to get out of their way. We are working with Norfolk Southern because we will be in the railroad right-of-way for a portion of the project though we won't be crossing their line.

DOWNTOWN REVITALIZATION – The Town and Mount Rogers PDC have been working over the past two weeks to put together our final application for funding to DHCD. This is due by March 27th and we are prepared to move forward. We should receive work from the state by the summer on our potential allocation which should be \$700,000. Applications will be made this fall to the Wythe Bland Foundation and other agencies for the farmer's market construction.

YOUR BODY WORKS RELOCATION ASSISTANCE – Staff has been in touch with representatives from WCCH who will be working on the relocation of their facility from Dr. Lacy's office. We have invited them to come to town and walk through the Dr. Martin facility as well as discuss improvements that are proposed to be made to the building and the adjacent lot with Jeanne Stosser. We hope to schedule this visit within the next week.

DR. PEPPER LOT PROJECT – Staff is still working with Anderson & Associates to decide on the cost estimate for the replica site design. More information will be provided soon. Town Manager James noted the total plan cost of \$90,000 was received but he has asked Anderson & Associates to develop more marketing material to be submitted to Dr. Pepper Corporation.

TREASURER'S REPORT

The invoices for March 24, 2015 were read and approved.

CLOSED MEETING – REAL ESTATE

A motion was made by Vice-Mayor Yontz, 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.

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Mayor Litz called the regular meeting back into open session.

Motion was made by Councilmember Hash, 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 | |

TALK OF THE TOWN

No one was available 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 Viars. The motion was duly seconded and approved.

Mayor

Clerk