

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, APRIL 28, 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: Jerry Hurt; William Bralley; Bob Lewis; Jack Weaver; Jody Parks

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

Clerk/Treasurer Guynn pointed out the incorrect date of March 24, 2015 was listed at the top of the first page of the April 14, 2015 meeting minutes. A motion was made by Councilmember Jonas, seconded by Councilmember Lloyd to approve the minutes of the April 14, 2015 regular meeting with the noted change. There being no discussion, the motion passed by a vote of five (5) for: Hash, Jonas, Lloyd, Viars, Yontz; zero (0) against; one (1) abstention: Hall, due to his absence.

CITIZEN’S TIME

Jerry Hurt addressed the Council on behalf of the Rural Retreat Depot Foundation and stated he had a request of the town. He explained the Foundation decided they didn’t want the depot to only be a facility to rent, though the community center is nice, but they want to be proactive and have active events happening. He noted the depot will be available for family and class reunions but the desire is for it to be an active venue. Mr. Hurt explained the eastern side of the depot next to Main Street will be a museum, the former ticket and cargo rooms will be available for family and other events. He pointed out the most interesting thing is the partnership with

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Virginia Tech's Moss Arts Center that hosts ICAT which is the Institute for Creativity, Arts and Technology. Mr. Hurt read a brief description about ICAT whose mission is to have student workshops and conferences to give learners the opportunity to develop their creativity and engage in research and output with Virginia Tech faculty and students. Most of the workshops are offered on site at ICAT with students frequently traveling from public schools and other facilities, he added. Mr. Hurt explained currently ICAT doesn't have a facility west of Pulaski so they are very excited to work with the Foundation and have the Rural Retreat Depot as a venue. He further explained the Foundation will be sending a team of eight to ten people to visit Virginia Tech on Monday that includes Ellen Schaack and others from the Foundation and representatives from Wythe and Bland County Schools. The hope is the workshops offered will be streamed into the depot in the future, he added. Mr. Hurt explained the Moss Arts Center would like to begin streaming events this summer. He asked the Council if the Town Hall could be used for the first year or so to host the workshops because the concern is if the program is setup in a school then the school will want to keep the program because this will be an opportunity to draw people to the depot when it is ready. He stated Shentel has put fiber optics into the depot and will meet with the town to assess what will be needed. Mr. Hurt added the town facility will benefit from this because there will be free speed on the fiber optics that the town doesn't currently have. There is a possibility of two to three sessions during 2015 for the teachers and students to experiment with this, he stated. Mr. Hurt asked the Council if the Foundation can pursue with Virginia Tech to explore what would be required to use the town hall as a location until the depot is ready. Mayor Litz commented the Foundation has been using the town hall for meetings and there is an understanding that use of the room needs to be scheduled. Councilmember Hall asked how many workshops were being held this year. Mr. Hurt stated he expects two to three this year but those may be experiments to make sure it will work but at this time the depot may not be ready for use next year. Mayor Litz asked Town Manager James if action should be taken on this item. Town Manager James stated this could be coordinated with the staff. Mayor Litz asked the Councilmember's if they had any questions or concerns. Councilmember Jonas commented he thought this was a good idea. The consensus of the Council was to allow the Rural Retreat Depot Foundation to use the Town Council Chambers to host the Virginia Tech Moss Arts Center's Institute for Creativity Arts and Technology workshops.

Jody Parks addressed the Council concerning her neighbors, the Grubb's, on East Railroad Avenue and asked what the town was going to do about this property. Ms. Parks explained she had a real estate agent tell her she can't sell her property for enough to pay off what she owes because of the conditions of the neighbor's property. She stated there are roaches and rats on the property and it looks like a junk yard because there is a television, dressers, a commode and old tires in the yard. Ms. Parks commented if you name it then it is in the yard. She stated the neighbors have several dogs running around and explained a couple of weeks ago she was in her basement with the door open when one of the dogs came in and proceeded to mess in the middle of her basement floor. She commented she is tired of this. Councilmember Hash asked Ms. Parks where the property is located that she is referring to. Councilmember Hall replied the property is located at the corner of South Greever Street and East Railroad Avenue. Ms. Parks further commented not only do the dogs mess in her basement but also all over her yard.

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Mayor Litz asked Town Manager James what could be done. Town Manager James stated the dogs can be dealt with. Ms. Parks commented she has been told this before but nothing has been done. Town Manager James directed Chief Mitchell to speak to the Grubb's about their dogs. Ms. Parks stated there are two big dogs, both possibly pit bulls, running around plus one small dog and it is unknown how many are in the house. She further stated the odor coming from the house when the wind blows is terrible. Town Manager James stated there isn't a lot the town can do and he explained the Grubb's have called and asked if there were any assistance programs that would help them clean up the house and fix it up but there aren't a lot of programs out there. He explained there isn't much legal authority because they have everything stored on the carport. Ms. Parks stated no. Town Manager James stated there are some things outside but the majority of it is on the carport. He explained the health department can be asked to look at the property but we have heard their answer before on similar situations. Ms. Parks stated the last meeting she was at was the revitalization meeting and Town Manager James had told her he would be willing to send a truck to haul the stuff off. Town Manager James explained the Grubb's would have to agree to it. Ms. Parks commented they called and asked for help. Town Manager James then explained Mr. Grubb didn't ask for help in cleaning up the property but more for assistance with repairs.

Ms. Parks stated she may not be the best person in the world but she is a law abiding citizen of Rural Retreat and a decent one and she is being told that nothing will be done. She added this is bull. She further commented she shouldn't be forced to live this way and to be told that she can't sell her house because of them. Ms. Park's asked what she needs to do, let the bank have her house back because she can't sell it. She added she is 63 years old and wants to sell her house because she can't continue the upkeep it takes. She wants to move to an apartment but she can't get rid of the house because of the neighbors, she explained. Ms. Parks stated this just isn't right because the town has ordinances for trash and if there isn't an ordinance for this then pass one. She asked how much trash a person is supposed to put up with especially when it causes roaches and rats.

Councilmember Hall addressed Ms. Parks and stated he lives close enough to see everything that she sees but the Council doesn't have the authority to dictate how people live. Ms. Parks asked since it was in the town limits if there was anyway an ordinance could be passed to cover how much trash a person has on their property. She stated she realizes an ordinance like that would be a judgement call but surely two or three people could be found in Rural Retreat that has the judgement to make such a call. Councilmember Hall stated anyone that sees what they do can certainly make that call but again the Council has no authority to dictate how people live.

Mayor Litz stated if there is a problem it could fall under public health. Ms. Parks commented it is her public health. Mayor Litz stated this is a good point. Town Manager James stated he can ask the health department to look at the property but there is no guarantee that they will do anything because they have restrictions and requirements. Ms. Parks asked if the town had any public health ordinances. Town Manager James explained this is the health department's responsibility not the towns. Ms. Parks stated in other words what she needs to do is go home throw everything she can find into the middle of her front yard and put a sign up that says don't

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complain the town of Rural Retreat says this is okay. She further stated this is what she is ready to do and it isn't fair because she pays her taxes and she ought to get something for it.

Mayor Litz informed Ms. Parks that Town Manager James will look into this and see how far the town can go with the health department. He advised this is probably the only avenue that the town can take. Bob Lewis asked if there would be some kind of a fire regulation because it would have to be a fire hazard with all the stuff piled up because he didn't think the back door of the house could be used. Town Manager James commented he wasn't sure what the town can legally do and if the Grubb's would allow the house to be inspected. Mayor Litz asked that this concern be addressed and Ms. Park's be given a definite yes or no answer. He commented Ms. Parks has a point. Ms. Parks stated the last she was told, by a person that knows what they are talking about, part of the sewer is running under the house. Mayor Litz commented he couldn't imagine that wouldn't be a health issue. Ms. Park's asked how would a person find this out but yet she has to live next to it. Town Manager James stated there are legal processes that must be met before a person's property can be entered into.

Jack Weaver addressed the Council and distributed information about the National Day of Prayer event to be held Thursday, May 7 at the Pepper Stage from noon to 1:00 p.m. He explained a letter will be sent to the ministers of the area churches explaining the event. Mr. Weaver stated there are a few things that need to be tweaked. He asked Mayor Litz to provide the welcome to the attendees and stated the Rural Retreat American Legion will be presenting the colors and hopefully bagpipers will be in attendance but if not this part will be led by a flute and violin. The National Anthem will be sung by Brooke Smith, the Pledge of Allegiance will be led by Keith Dunnagan and the Prayer of our Nation, a prayer being put out by the chairman of the National Day of Prayer, will be given by Pastor Greg Ezell, he explained.

Mr. Weaver asked the town to consider issuing a proclamation and stated he hopes that Wythe and Smyth Counties will also. He stated the keynote speaker will be Dale Gilbert who is in his 23rd year of ministry with Holston Valley Conference. Mr. Weaver gave the Council the biographical information on Mr. Gilbert. He stated Vice-Mayor Yontz will be the coordinator for the event. Mr. Weaver explained still pending is the attendance of a Catholic priest, Jewish representative and military leader. He asked for contacts to fill these spaces. There will also be singing by the Riches and Wings of Faith. He added the theme for the national event is "Lord, Hear Our Cry" and it will be held in 47,000 communities across the United States with most being held between noon and 1:00 p.m. Mr. Weaver pointed out the Rural Retreat event is the only one listed in Southwest Virginia on the National Day of Prayer website.

Mr. Weaver stated he will need approximately eight chairs for the stage and microphones for the speakers. Mayor Litz commented the Riches will probably have their sound system. Vice-Mayor Yontz offered the use of his portable system. Mr. Weaver stated the 2016 event will be held on May 5. He further stated he hopes to have at least 200 people to attend and he is only asking for one hour of everyone's time.

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Councilmember Viars asked if this will be considered a town sanctioned event. Town Manager James stated the town is allowing the use of the stage so he didn't see any need to sanction the event. Councilmember Hash stated she thinks this is great. Other Councilmember's echoed Councilmember Hash's comment.

CORRESPONDENCE

Councilmember Hash stated she had received a complaint about kids playing on the Pepper Stage and tearing it up as well as throwing rocks at the rescue squad building. Chief Mitchell stated he had spoken to Jay Hawkins about this. Councilmember Hash asked Chief Mitchell to check on both during the afternoons. She noted usually the kids parents are with them when this is happening.

Councilmember Viars explained he had spoken to Town Manager James but he had received two requests for improved pavement markings for the crosswalks because some can't be seen anymore and possibly more appropriate signage. Mayor Litz asked if the town crew had a paint buggy that they could use. Town Manager James stated this will be the simpler way to do it but it can be coordinated with VDOT because they did some painting last summer on the crosswalks and other locations.

POLICE REPORT

Chief Mitchell stated he is continuing to work traffic enforcement. He and the school resource officer are working the school area during the afternoons. Chief Mitchell explained during the past week and half the school resource officer has written two summons' using the new increased fines in the school zone code section. He noted the RRHS prom will be held this Saturday in Marion with the after prom party being held at the high school. Chief Mitchell stated he hasn't sent inoperative motor vehicle letters out yet due to the increased number of notifications to be sent. He addressed the dog issues with the Grubb's that were brought up earlier and explained he had spoken to the dog warden about the dogs running around town and if the dogs are seen again they will be seized. Chief Mitchell noted several complaints have been received about the dogs. Town Manager James asked Chief Mitchell to also speak with the owners.

UNFINISHED BUSINESS

MOTOR VEHICLE & TRAILER LICENSE ORDINANCE – Town Manager James stated the Personnel, Ordinances and Legal Matter Committee will be meeting following the Council meeting to discuss the ordinance. He referenced an attachment to the town manager's report that addresses concerns from the previous meeting. Any comments made in the committee meeting will be presented at the next meeting.

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NEW BUSINESS

JOINT INDUSTRIAL DEVELOPMENT AUTHORITY – Town Manager James stated he had asked Executive Director, David Manley for a copy of their draft budget. He explained the JIDA has drawn down their reserve funds and will now be building up a three month surplus of funds. The town's annual allocation will be approximately \$17,000 for the next three years and will then decrease after that time. Mayor Litz asked when this allocation will be paid. Town Manager James explained this is paid on a quarterly basis. He asked if there were any comments for Mr. Manley. No comments were offered.

RESIGNATION OF TOWN MANAGER – Mayor Litz stated everyone has a copy of Michael James's resignation and it must be acted upon. He stated Mr. James has been with us for three and a half years. He added a lot of citizens have expressed positive feedback and have stated they hate to see him leave. Town Manager James stated he really appreciates the Council very much and the people in town have been great to him. He stated this was a tough decision but he is excited about the next step in life and moving on to other things. Town Manager James further stated he has had a lot of fun and he has laughed more than with anyone in his life. He added this is a formality to accept his resignation but he would like to stay until June 5. He stated he is willing to help with the search for the next manager and will prepare the advertisement and other documents if Council wishes. Vice-Mayor Yontz made a motion to accept Town Manager James's resignation effective June 5, 2015 and it was seconded by Councilmember Viars. Mayor Litz commented he has bragged on the Personnel Committee and stated they found Mr. James and they can do it again. He stated people ask him what Mr. James is going to do so he has been telling them he is going to higher briars and sweeter berries. There being no further discussion the motion passed by a vote of five (5) for: Hall, Jonas, Lloyd, Viars, Yontz; one (1) against: Hash.

DR. PEPPER LOT – Town Manager James explained the Dr. Pepper Lot Project is a time sensitive project that is being worked on so he has asked Anderson & Associates to push up the date to complete the renderings in order to present those to Dr. Pepper. He stated Councilmember Lloyd has shown a lot of interest in this project and he asked the Council to allow Councilmember Lloyd to work with him on this project and to also meet with Dr. Pepper. Mayor Litz stated if anyone else would like to participate can do so. Councilmember Viars volunteered to help and Mayor Litz asked Vice-Mayor Yontz to participate also. Councilmember Lloyd explained he has been researching the Pepper brothers and has discovered they had lot more to do with the growth of the town than he originally thought. He stated they built the building he owns and they owned the Augsburg Bank, the newspaper and possibly the entire block from the drug store up to and including his building. Mayor Litz stated this will now be an ad-hoc committee. Jerry Hurt asked if it was appropriate for citizens to serve on this committee and if it was he would be interested because of the depot's museum.

Bob Lewis asked Mayor Litz if he could address the rumors. He asked Town Manager James if it was true that he had someone in mind to come in and oversee the Downtown Revitalization Project. Town Manager James stated the Council will make that decision. Mr. Lewis asked if he

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had a recommendation. Town Manager James replied no. Mr. Lewis stated it would be a good idea because the project has come this far and though he hates to say it, is looking good. Mayor Litz stated there are several projects that will need to be kept going and the town doesn't want to let those slip.

Mr. Lewis stated he had one more item. He explained he and Town Manager James have had words since he has been here but they have always walked out the door and shook hands. He stated he likes Mr. James and he does hate to see him leave. Mayor Litz stated there has been a lot of support of Mr. James. Councilmember Hash commented when Mr. Lewis attended the reception before Mr. James was hired he said Mr. James was too young but now he sees that he is a grown man.

COMMITTEE REPORTS

HERITAGE DAYS – Vice-Mayor Yontz stated he will be meeting with Mayor Litz and they will contact the bands to finalize the details. He noted everything is falling into place. Town Manager James stated he is still working with Wal-Mart about the Indian Blessings fundraiser.

FINANCE & APPROPRIATIONS – Vice-Mayor Yontz reported the committee finalized the budget and the Council will receive the final draft at the next meeting. He stated Clerk/Treasurer Guynn will advertise the public hearing for the adoption of the budget. Clerk/Treasurer Guynn stated the public hearing for the budget will be advertised for the first meeting of June and it will be adopted at the second June meeting.

PUBLIC UTILITIES COMMITTEE – Chairman Hall asked Town Manager James if the out-of-town water connections had been approved by Wythe County. Town Manager James replied yes.

TOWN MANAGER'S REPORT

The following items were discussed and/or acted upon:

SIDEWALK IMPROVEMENT PROJECT PHASE 8 – We are waiting on two final easement agreements for the project and those will hopefully be completed this week. Once that is in, the Town will notify VDOT that we are prepared to proceed with the bidding process. The project has been well received and we anticipate little issues.

SIDEWALK IMPROVEMENT PROJECT PHASE 9 – Anderson & Associates has completed the surveying for Phase 9. They will now begin the project design.

Mayor Litz asked what will happen to the stone walls along this project. Town Manager James stated it will be more cost effective to tear them down but some property owners will prefer to keep them or have them built back. Mayor Litz asked if it was the policy of the town to build them back. Town Manager James stated it is the choice of the property owner to decide what

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they want done. Councilmember Hall stated this was the same situation on Delp Avenue when that sidewalk was built but the contractors were able to salvage the walls.

Mr. Lewis asked Town Manager James if he had the opportunity to observe the water on East Baumgardner Avenue during the recent rain and if it was going to be made better with the project. Town Manager James explained he did see the water and it will be better because it will be piped and channeled. Mr. Lewis asked if this will be put back on the property or done along the road. Town Manager James stated along the road.

Mr. Lewis stated another issue during the rainfall was neither the Town Manager nor Mayor Litz have listed numbers and he received about four phone calls from citizens inquiring about how to get in touch with them. He explained he didn't have Town Manager James's phone number but he had an old phone book with the Mayor's phone number in it. Mayor Litz stated he received a few calls. Vice-Mayor Yontz stated he received calls and pictures in which he turned them over to the Mayor but he forwarded the pictures on to Delegate Campbell to find out if VDOT could do something about the mess. Mayor Litz commented it doesn't go unheeded but they listened more than one might think. Vice-Mayor Yontz stated he was told VDOT would be visiting each person individually.

SOUTHFORK REED CREEK SEWER PROJECT – As discussed during our last Finance Committee and Town Council meetings, we are recommending the postponement of the sewer project. We have notified staff at VRA and will provide Council on the length of time that the award is valid and what steps can be taken next, as the information is available. It is our hope that our revenues do increase enough where this debt service can be absorbed next fiscal year.

BOARD OF ZONING APPEALS – We are waiting on the agreement of one more candidate for the BZA. This list will be presented to the Town Council our next meeting.

CHESTNUT AVENUE WATERLINE WORK – Staff is in contact with Bakers Construction who was the site construction team for the Carrington Place facility. Per our agreement with them, they would be responsible for providing new connections to residents off Chestnut Avenue while they developed a new six inch line for the facility's water service redundancy. They are scheduled to be back in town soon to complete the work.

Councilmember Hash asked if there was any water that came from Carrington Place during the storm. Town Manager James stated the worst of the water came from Chinquapin Avenue and not from the nursing facility that caused the issues on Valley View Avenue. He explained the detention pond did its job and he would hate to imagine if it wasn't there or didn't work properly.

GRANT APPLICATIONS – RURAL DEVELOPMENT & WYTHE BLAND FOUNDATION – We are beginning work on two grant applications to provide additional funds for the development of the farmer's market site. These will be completed and submitted prior to Town Manager James leaving.

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TOWN MANAGER POSITION ADVERTISEMENT – This will be reviewed during the committee meeting tonight. Town Manager James asked the Council to review it also and notify him or a member of the committee to discuss it.

WATER ACCOUNTABILITY – The current report was reviewed. Mayor Litz asked if the town crew had repaired a lot of water leaks. Town Manager James stated this is ongoing to try to resolve issues.

SCADA SYSTEM – Mayor Litz explained this system is now operational. He encouraged the Councilmember’s to take time to see how this system works now from a computer for the water plant and pump station. Town Manager James stated there were some concerns with the cellular system but the operators can now log into the system and see the status of the plant without having to drive to the plant. He reported Tia Morris will be giving a presentation at a future meeting.

TREASURER’S REPORT

The invoices for April 28, 2015 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. Mr. Weaver suggested using this time to discuss the National Day of Prayer event.

ADJOURNMENT

Jody Parks asked Mayor Litz what the purpose of the ordinance was on junk or untagged cars. Mayor Litz stated this was to keep junk cars off the street. Ms. Parks stated they aren’t even allowed to be on the owner’s property. Mayor Litz stated the cars must be covered up. Town Manager James stated this is for the most part a property maintenance ordinance.

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

Mayor

Clerk