

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN  
COUNCIL HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, MAY 12, 2015, 7:00 P.M.**

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

Council Members Absent: Vice-Mayor Dale Yontz

Administration Present: Michael James, Town Manager; Lori Guynn, Clerk/Treasurer; Scott Mitchell, Police Chief

Administration Absent: None

Others Present: William Bralley; Steve Bralley; Tony Wright

**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 Councilmember Viars, seconded by Councilmember Jonas to approve the minutes of the April 28, 2015 regular meeting. There being no discussion, the motion passed by a vote of five (5) for: Hall, Hash, Jonas, Lloyd, Viars; zero (0) against; one (1) absent: Yontz.

**CITIZEN’S TIME**

None

**CORRESPONDENCE**

Councilmember Jonas reported he had received a telephone call from a citizen regarding traffic problems specifically speeding on Greever Street before school begins and after it dismisses.

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### **POLICE REPORT**

Chief Mitchell explained his monthly activity report for April. He noted traffic enforcement is down due to an increase in other activities. Chief Mitchell reported he is working with the Wythe County Sheriff's Office to investigate the recent home invasion on North Greever Street.

### **UNFINISHED BUSINESS**

**MOTOR VEHICLE & TRAILER LICENSE ORDINANCE** – Town Manager James stated the staff would like the Council to entertain approving the Motor Vehicle and Trailer License Ordinance. He explained he has met with the citizens that had concerns about the ordinance. He further explained he and Clerk/Treasurer Guynn have discussed the ordinance and developed a list of talking points to address all expressed concerns. Town Manager James stated during the public hearing there was confusion by all parties but everything has now been clarified. Councilmember Viars asked for the Cliffs Notes version of the exact changes in the ordinance compared to the current ordinance. Town Manager James responded there are no changes. He explained Mr. Lee had a concern about the tagged vehicles and Mr. Lee was correct that the fee will be added to licensed and tagged vehicles. Clerk/Treasurer Guynn stated the only major change compared to the current ordinance is with trailers. Previously the ordinance exempted trailers less than nine feet in length but with the proposed ordinance all trailers will be charged the license fee because based on DMV records there isn't a way to differentiate the trailer length such as five foot in length versus fifteen feet, she explained. Clerk/Treasurer Guynn further explained the other difference is the decals will be eliminated with the fee being added to the tax bills this fall instead of being a spring event. Mayor Litz asked if there was a motion and a second on the ordinance in order to further discuss it. Councilmember Lloyd made a motion to repeal, amend and reenact Chapter 54 – Traffic and Vehicles, Article II – Local Vehicle Licenses of the Town Code by adopting the Motor Vehicle and Trailer License Ordinance, No. 57, effective upon adoption. The motion was seconded by Councilmember Hash. Councilmember Hall commented he thought most people won't mind having their taxes and decal fees combined into one bill so they won't have to remember to come in during the spring. Clerk/Treasurer Guynn explained a good response has been received from the citizens though she wasn't sure how they would feel about it. She added some have been positive because citizens don't want the decals and others have expressed concerns that their tax bill will go up in addition to the tax being due around Christmas. She further stated no one likes to have to pay taxes around Christmas but it affects all of us. Mayor Litz asked if there were any further comments. There being none, the motion passed by a vote of five (5) for: Hall, Hash, Jonas, Lloyd, Viars; zero (0) against; one (1) absent: Yontz.

**SURPLUS PROPERTY** – Mayor Litz explained Town Manager James has been in talks with Dallas Shumate for over a year about purchasing 5.46 acres of property located between his son's house and the town dump on Cedar Springs Road. He noted it is long strip with the lower part being 169 feet and back part over 200 feet and is mainly a wooded tract with around a quarter of an acre of open field which Mr. Shumate has been maintaining. Mayor Litz stated the town owns several acres of land in this area and after talking to several town employees, he feels

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the land that is called the dump needs to be kept which Mr. Shumate isn't interested in. He asked Tony Wright to comment if needed. Mayor Litz commented the only thing is how much the town is going to ask for the land. He explained after seeing the dump there are a few things that need to be done differently. He further explained no one is sure whether or not the property called the dump ever had household trash hauled and buried on it. Councilmember Hash commented many, many years ago she thought trash was hauled to the dump. Mayor Litz stated as a kid he remembers the trash being hauled and dumped over the bank along the railroad. He suggested at a later time hire a person with a track hoe to do some exploratory digging at the dump to possibly make this determination.

Mayor Litz asked Town Manager James how he would like to handle this. Town Manager James stated he only wanted to make the Council aware of the map and acreage that was being discussed and questions could be addressed. He added action wasn't needed tonight. He asked Mayor Litz how the Council would like to handle the discussions, either he can meet with Mr. Shumate and report to the Council or form a committee. Mayor Litz stated if anyone has real issues he would like to be made aware of them before proceeding. He added there is no need for several of them to be involved when Mr. Shumate has already been working with Town Manager James and he has time to complete it. Mayor Litz stated the town doesn't want to sell the dump, it needs to be kept. He then asked Tony Wright for comments. Mr. Wright agreed with Mayor Litz and stated the town dump does need to be kept. He stated he and Town Manager James had discussed this and the parcel presented doesn't affect the dump because it is 100 to 150 yards to the right of it and hasn't been used in around 50 years. Mayor Litz stated the town has not taken care of the property in the area other than around the water plant because the rest of the land the town owns is the swamp area. He explained when he visited Mr. Shumate he had two things he was interested in and that was making sure the dump was kept and secondly making sure the town has access to both springs. He pointed out Mr. Shumate takes care of the town's property and asks nothing in return. Town Manager James stated there is already a plan in place for when the time comes that Mr. Shumate is ready to buy the other property around the springs. Mayor Litz stated there is a 50 foot right-of-way. Town Manager James commented the town and Mr. Shumate will be swapping property.

Mayor Litz stated 435,000 gallons of water per day can be pumped from the Phillippi Spring 2 resulting in 300 gallons per minute. He asked Mr. Wright how much water was currently being pumped. Mr. Wright responded on the average of 230,000 gallons per day. Mayor Litz stated the town owns a water supply that will double. Mr. Wright commented the water treatment plant already has the capabilities to accommodate the additional water. Mayor Litz added a pump will need to be added and a few filters. He stated there has been a lot of good thought about expanding and protecting the town's water supply. He further stated Raymond Matney did a good job over the years in making sure that was done and Mr. James is continuing to maintain it.

Mayor Litz asked the Councilmembers if they had any reason that the town shouldn't continue with this. Councilmember Hash asked if the Phillippi house was included in the property. Mayor Litz replied no. Mayor Litz explained the spring used daily is located on the old road bed and the other is located deep into the property beside of Mr. Shumate's house. He reiterated the

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property that Mr. Shumate is interested in buying is located beside John Shumate's driveway. He explained it is a long narrow strip and the only person that would benefit from this property would be Mr. Shumate. Councilmember Hash asked Mayor Litz how much the property will be sold for. Mayor Litz responded he doesn't know but it definitely isn't a piece of land worth \$5,000 an acre. Councilmember Lloyd asked if there was a tax appraisal on the property. Mayor Litz stated the town has owned the parcel since the 1920's so there wouldn't be an appraisal. Councilmember Hall stated since it was a small portion there wouldn't be an appraisal on that particular section. Mayor Litz explained the property has been surveyed and the town paid to have this done. Town Manager James commented the first time because Mr. Shumate paid for the second one to have the lines put in. Mayor Litz commented the town isn't taking care of the property and the fence that is on it is falling down. Councilmember Jonas stated if the town can't use the property and someone wants it then let it go. There being no concerns expressed, Mayor Litz declared the consensus was to allow Town Manager James to handle the discussions with Mr. Shumate.

**CONCERNS WITH PROPERTY ON EAST RAILROAD AVENUE** – Councilmember Hall inquired about the concerns Jody Parks had brought to the Council at the last meeting about the property on East Railroad Avenue. Town Manager James referred to an attachment to the town manager's report and explained this is an issue that a lot of towns are going through and Rural Retreat may want to consider addressing this later. He explained the town's current property maintenance Code and offered comments on maintenance codes that address structural maintenance more than actual yard cleanup. Town Manager James stated he had spoken to James Grubb and he wants help with cleaning up his property. He explained he told Mr. Grubb that he would find someone to clean-up the property and he would be billed for the work. The town's flatbed truck may need to be used. Mayor Litz suggested using a community service worker to clean-up the property. Town Manager James stated it is hard to find someone but he will get this taken care of within the next week.

## **NEW BUSINESS**

**RURAL DEVELOPMENT RURAL BUSINESS ENTERPRISE GRANT** – Town Manager James stated a grant application will be made to Rural Development for \$75,000 for the farmer's market. He explained this program provides financial support toward farmer's markets and agricultural endeavors. There is approximately \$400,000 available on this side of the state with four to five communities applying for funding, he added. Town Manager James met with the representatives last week about the town's Downtown Revitalization Plan as a whole but more specifically the farmer's market project which they were excited about and felt Rural Retreat was a strong candidate for funding. He explained the Council would need to authorize the staff to submit a grant application to Rural Development for funding. A motion was made by Councilmember Jonas to authorize Town Manager James to submit an application to Rural Development for the Rural Business Enterprise Grant for funding to be used for the farmer's market. The motion was seconded by Councilmember Viars. There being no discussion, the motion passed by a vote of five (5) for: Hall, Hash, Jonas, Lloyd, Viars; zero (0) against; one (1) absent: Yontz.

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**GROSECLOSE FIRST CHURCH OF GOD REQUEST** – Town Manager James reported he had spoken to Pastor Wagner and he explained the church wants to hold a walk on May 23<sup>rd</sup> beginning at the crossroads, up Main Street to East Buck Avenue to the high school then to the firehouse and end at the town hall. Town Manager James suggested that the walk be shortened because of the uphill walk on Main Street from the crossroads and being in traffic instead of on sidewalks. The suggested revised route was East Buck Avenue to the high school then to the firehouse. Councilmember Hall asked if this would require any street closures. Town Manager James responded no and stated with the amended route they should be walking on the sidewalks. Mayor Litz commented with this route Main Street will only be involved at the beginning. Town Manager James asked the Council to take action to allow this event to be held in town. A motion was made by Councilmember Hash to allow the Groseclose First Church of God to conduct their walk on Saturday, May 23 along the revised route, Main Street to East Buck Avenue to Greever Street to East Railroad Avenue. The motion was seconded by Councilmember Hall. There being no discussion, the motion passed by a vote of five (5) for: Hall, Hash, Jonas, Lloyd, Viars; zero (0) against; one (1) absent: Yontz.

**RANDY’S INC. TAX** – Town Manager James explained Town Attorney, Mike Sobey is conducting the title search on the Randy’s Inc. property so the town will have a clean title when taking ownership. He stated all taxes on the property must be alleviated in order to have a clean title. Clerk/Treasurer Guynn stated this is also required to remove the tax amounts from the town’s tax records. Mayor Litz commented money can’t be made to disappear it has to be removed. Clerk/Treasurer Guynn concurred. Mayor Litz asked Town Manager James in the negotiations with the Randy’s Inc. owners if they understood that this is also part of their payment. Town Manager James replied yes and stated they know this is money that they will not receive. Mayor Litz asked if they were moving any stuff out of the building. Town Manager James replied it appears to be very little. Mayor Litz asked for a motion to take action. Clerk/Treasurer Guynn requested the motion also include real estate and personal property tax due for the 2015 year in addition to the previous years owed. Councilmember Hall made a motion to forgive all real estate and personal property taxes owed by Randy’s Inc. through May 2015 including the 2015 tax due. The motion was seconded by Councilmember Viars. There being no discussion, the motion passed by a vote of five (5) for: Hall, Hash, Jonas, Lloyd, Viars; zero (0) against; one (1) absent: Yontz.

**CONDITIONAL USE PERMIT REQUEST – LARRY & DONNA BLEVINS** – Councilmember Hash reported the Planning Commission held a public hearing and considered a request by Larry and Donna Blevins for a conditional use permit to locate a double wide manufactured home on Orchard Hills Road. The Commission heard all comments and voted to recommend the Town Council approve the conditional use permit request. Councilmember Hall stated this is a procedural item for the R-2 district. Councilmember Hash made a motion to approve the request by Larry and Donna Blevins for a conditional use permit to locate a double wide manufactured home, on a vacant lot, located adjacent to 233 Orchard Hills Road in the Residential Medium Density (R-2) zoned area. The motion was seconded by Councilmember Jonas. Councilmember Hash stated this request is primarily to help in selling the property. Councilmember Viars asked if there were any concerns from the neighbors. Councilmember Hash responded no, no one

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spoke against the request. Mayor Litz stated in respect to the new double wide and modular homes they are built really well. There being no further discussion, the motion passed by a vote of five (5) for: Hall, Hash, Jonas, Lloyd, Viars; zero (0) against; one (1) absent: Yontz.

### **COMMITTEE REPORTS**

**HERITAGE DAYS** – Mayor Litz reported this is ongoing. There was discussion about contacting the sound person to work out all sound items with the bands. Mayor Litz explained by changing the lineup to acoustic bands only it allows the equipment to be set up and left alone until the main act.

**FINANCE & APPROPRIATIONS** – Mayor Litz reported the Council had received the full draft budget for review. Clerk/Treasurer added the public hearing will be scheduled for the first Council meeting of June. Mayor Litz stated the budget will be adopted the second meeting of June. He pointed out the town has once again come up with enough revenue without having to make tax and fee increases.

**PUBLIC UTILITIES** – Chairman Hall reported the Committee had not met. Mayor Litz asked Chairman Hall to tour the water plant and springs when he had the opportunity. Other members pointed out they hadn't had the opportunity to tour the water facilities. Mayor Litz asked Tony Wright to give the Council a tour when time is available.

**PERSONNEL, ORDINANCES & LEGAL MATTERS** – No report.

**DR. PEPPER PROJECT** – Councilmember Lloyd reported he has been researching Dr. Pepper through the Census reports. He explained he had always heard Dr. Pepper's brother owned the newspaper but it turns out that one of Dr. Pepper's three sons owned it and a print shop. Another son was the editor and the third son was the Worshipful Master of the Masonic Lodge, he explained. There was also a daughter that was in Tazewell, he added. Councilmember Lloyd stated he had been researching Wade Morrison and found him in Christiansburg but can't make any connections to Rural Retreat. He pointed out Dr. Pepper was born in Montgomery County. Councilmember Hash asked about the man in the other drug store across the street and commented this was also an interesting story. Councilmember Lloyd explained he found a copy of the Rural Retreat Times that contained an ad for C. T. Pepper's drug store. He noted C. R. Pepper was the editor of the drug store which is also the book that we have. Councilmember Hash explained when she opened the florist in the drug store, Dr. Pepper came in and showed her all the things they were going to do but they never did. Mayor Litz added Rural Retreat makes no claim to the drink but only the man it was named after.

Mayor Litz explained Councilmember Lloyd worked on a documentary with Rebecca Jones about Dr. Pepper. He noted some of it contains tales but Councilmember Lloyd presents it as such and this is the story as we've heard it. Town Manager James commented it will be a great addition to the presentation to Dr. Pepper. Mayor Litz stated that is right and with the understanding that the town is making no financial claim to their product. Councilmember

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Lloyd added we can't prove that Wade Morrison was here but they can't prove that he wasn't because of the Census reports being ten years apart.

Town Manager James referred to the town manager's report and explained there are two renderings for a proposed Dr. Pepper Drug Store. He explained he thought the two shown were the best proposals. Town Manager James stated Anderson & Associates will be putting together a marketing booklet for the project to be presented to Dr. Pepper that will include the estimated construction and design plan cost for each rendering and a copy of the video that Rebecca Jones is working on.

### **TOWN MANAGER'S REPORT**

The following items were discussed and/or acted upon:

**SIDEWALK IMPROVEMENT PROJECT PHASE 8** – We are still waiting to meet with some citizens who live out of town. The attempt is being made to schedule those ASAP.

**SIDEWALK IMPROVEMENT PROJECT PHASE 9** – The design for this phase is ongoing.

VDOT's fiscal year is coming to a close, Lori and I will be working to submit all remaining reimbursement request by the end of May.

**GRANT APPLICATIONS – RURAL DEVELOPMENT & WYTHE BLAND FOUNDATION** – Our preliminary grant drafts will be completed this week and we will schedule follow up meeting with both funding agencies for a final review before submittal.

**RURAL RETREAT TIMES NEWSLETTER** – Duke's Printing has been provided a draft of our next RR Times. We hope to have this out by the end of May.

**RURAL RETREAT SUMMER CONCERT** – Wayne Henderson will be playing his annual show in Rural Retreat on June 5<sup>th</sup> at 7 p.m. at the Dr. Pepper Stage. There was discussion on increasing the advertising for this concert.

**FARM BUREAU BUILDING – DOWNTOWN REVITALIZATION** – We are scheduling a meeting with Mr. Jack Weaver to attempt to come to an agreement on the purchase price of his downtown building prior to my leaving. CDBG funds will be used to purchase this building with a goal of \$70,000 - \$80,000.

**HOUSE DEMOLITION ON NORTH GREEVER STREET** – Town Manager James reported he has spoken to Wendy Wingo about the demolition of her house on North Greever Street. The contractor is to return to town next week to complete the work.

**WATER CONNECTIONS ON CHESTNUT AVENUE** – Town Manager James reported Baker's Construction is to return to town tomorrow to complete the lateral water connections on Chestnut Avenue.

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MOBILE HOME ON CHINQUAPIN AVENUE – Councilmember Viars inquired if the trailer on Chinquapin Avenue had been removed. Town Manager James reported it hasn't that been. Councilmember Viars asked if there was a timeline on it. Town Manager James stated we will probably end up having to pay someone to haul it off. Councilmember Viars commented he felt the town has been more than patient and we have tried to work with the owner as much as possible but the town needs to do something.

### **TREASURER'S REPORT**

The invoices for May 12, 2015 were read and approved.

### **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.

Mayor Litz commented the Relay for Life event was well attended and an impressive event. He also commented on the National Day of Prayer that was held in town and noted at least 200 people were in attendance. He thanked the Council for allowing the event to be held.

### **CLOSED MEETING – DISCUSSION OF PERSONNEL MATTERS**

A motion was made by Councilmember Viars, seconded by Councilmember Jonas 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.

Mayor Litz called the regular meeting back into open session.

Motion was made by Councilmember Lloyd, seconded by Councilmember Jonas, 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

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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.

<b>Vote:</b>	<b>Ayes</b>	<b>Nays</b>
Jerrell Hall	X	
Peggy Hash	X	
Geary Jonas	X	
James N. Lloyd	X	
James P. “Sean” Viars	X	

Absent during meeting: Dale T. Yontz

Absent during vote: None

**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.

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Mayor

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Clerk