

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN  
COUNCIL HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, SEPTEMBER 8, 2015, 7:00 P.M.**

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

Council Members Absent: Peggy Hash

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

Administration Absent: None

Others Present: Bob Lewis; Brandon Hall

**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 Hall, seconded by Councilmember Jonas to approve the minutes of the August 25, 2015 regular meeting. There being no discussion, the motion passed by a vote of four (4) for: Hall, Jonas, Lloyd, Viars; zero (0) against; one (1) abstention: Yontz; one (1) absent: Hash.

**CITIZEN'S TIME**

None

**CORRESPONDENCE**

Councilmember Lloyd reported he had received an email from Conway Link, O. Winston Link's son, thanking him and Mayor Litz for their hospitality while he was visiting Rural Retreat recently. Mr. Link is planning a fiftieth anniversary celebration of O. Winston Link's photography exhibition in 2017 and would like the town to participate.

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### **POLICE REPORT**

Chief Mitchell reviewed the monthly activity report for August. He explained he has received the radar speed sign and has been putting it in various places around town. He pointed out sign poles will need to be changed in order to accommodate the sign and he is also working with VDOT to install poles and move some signs.

Chief Mitchell explained he was informed today that there had been discussion with VDOT about limiting the parking on Church Street at the Rural Retreat United Methodist Church. Town Manager Childers explained VDOT will be putting up “No Parking” signs in front of the church and he had spoken to the pastor at the church to make him aware of this. Councilmember Viars stated he is a member of the church is obviously biased but he asked why would “No Parking” signs be placed on the side of the street with the sidewalk. He then asked if VDOT makes this decision. Town Manager Childers explained he asked the pastor if the church had enough parking that that side of the street wouldn’t have to be used and he had replied yes they do. Councilmember Viars commented just because there is a nice parking lot he still doesn’t understand why that side of the street would be closed instead of the other side. He added one of the nicest sidewalks in town is in front of the church and if people are being encouraged to attend church then why would you force them to park on the other side of the street. Town Manager Childers reiterated he had specifically asked the pastor if there was now enough parking at the church for his congregation with the addition of the new parking lot and he had replied yes. Councilmember Viars stated to him it isn’t a good solution whether it came from the town or VDOT though he pointed out he may be too close to the situation. Councilmember Jonas commented he agrees with Councilmember Viars because he assumes that parking would be allowed on the side of the street with the sidewalk. Town Manager Childers stated he is biased on this also because when he gets to the end of Sherwood Avenue to look to the right he can’t see traffic coming to pull out. Councilmember Viars stated the Church Street gets about eight to nine inches wider at Sherwood Avenue. He added he has no problem with limiting parking on Church Street but he does have a problem with saying no one should park in front of the church.

Town Manager Childers explained he had been told by members of the congregation that it is more advantageous to park in the back because the entrance is ground level. Councilmember Viars stated he understands that but the church members have always parked out front also. He added just because the parking lot is available now doesn’t mean in five years that it won’t be outgrown. Councilmember Viars further stated Church Street is a public street and there is a public sidewalk and he feels people should have the right to park there. He commented he still hasn’t gotten an answer on who requested this change. Mayor Litz stated the Council can’t give an answer to something they didn’t ask for but the answer will have to come from VDOT. Town Manager Childers offered to contact Kevin Copenhaver, VDOT Signage Supervisor, to further discuss this. Councilmember Viars asked him to please do so.

Chief Mitchell addressed inoperative motor vehicles and explained he had mailed notices and given those in violation seven days to comply. He is composing a letter to send to Jack Singleton about his property.

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Bob Lewis asked to address the Council and Mayor Litz granted permission. Mr. Lewis stated he has had several people mention the new speed sign to him and they are impressed with it. Chief Mitchell added he has had requests from citizens to place it on their street. Mayor Litz added during the meeting with VDOT the comment was made to be careful where it is placed because people will steal it. Chief Mitchell pointed out that it locks onto the posts. Councilmember Lloyd asked if it was possible to get a radar sign that will also issue tickets like other areas have. Chief Mitchell explained that particular type of machine would cost more than a radar trailer because it will have to record the license plate data in order for the ticket to be produced. Mr. Lewis added the legislature would have to approve this also. Chief Mitchell stated he and Mr. Lewis were discussing the purchase of the sign prior to the meeting and discussed that it would be good for the town to purchase a second sign. Councilmember Viars asked Chief Mitchell if he had had the opportunity to run follow-up radar in an area after the sign has been taken down. Chief Mitchell replied yes and it has made people more aware of the speed.

### **UNFINISHED BUSINESS**

DR PEPPER LOT PROJECT – No report.

STATUS OF SINGLETON PROPERTY – Chief Mitchell stated he is working on a letter. He asked if Attorney Sobey had been contacted. Town Manager Childers stated he had gone to Attorney Sobey's office but he was out of town.

RENTING A PORTION OF THE RANDY'S BUILDING – Mayor Litz asked if there was an update on this request. He added the Council makes the decision on whether or not it is rented if the interest is still there. Councilmember Jonas stated the Council needs to find out what to rent it for. Mayor Litz explained the starting point is to determine the square footage. He added the town will have until November 1 though he wasn't sure what can be done prior to that. Town Manager Childers stated Tony Wright has said the town could get access to the building. Mayor Litz questioned if the electrical service in each building was separated. He noted at this time there isn't enough information to make a decision but only to have it on the front burner to think about until the time comes to make a final decision.

### **NEW BUSINESS**

RURAL RETREAT BEACH FEST – Mayor Litz asked Clerk/Treasurer Guynn to review the revenue and expense report for the Rural Retreat Beach Fest event. Clerk/Treasurer Guynn explained the total revenue received from sponsors and admission charges was \$14,235 and the expenditures totaled \$15,289.85. This resulted in a loss of \$1,054.85 for the event, she stated. She further stated three checks totaling \$280 were received from attendees for admission that were made payable to the Rural Retreat Depot Foundation instead of the Town of Rural Retreat. Clerk/Treasurer Guynn stated the Council would need to decide if they want the depot foundation to reimburse the town for the total of those three checks. She pointed out depending on the decision made the towns total loss is \$1,334.85 if the town isn't reimbursed. She then

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referred to the council meeting minutes from January 13, 2015 that states a motion was made, seconded and approved that the town would be reimbursed for the \$3,750 in deposits that was paid to secure the bands from the first \$3,750 in profit made. Mayor Litz stated it appears to him the decision was made months before about what to do with the checks. He noted Clerk/Treasurer Guynn has the checks but they would need to be endorsed to the town. Clerk/Treasurer Guynn suggested in order for this to be a clean transaction for both entities that the Rural Retreat Depot Foundation deposit the checks then write a check back to the town. She pointed out initially in looking at the numbers it appeared there was a profit that would be given to the depot foundation but there was a misunderstanding about the town being reimbursed for the \$3,750 paid for the deposits but instead was understood that it was a donation. Councilmember Jonas commented it isn't like the town hasn't already given the foundation money and there is the possibility that it will occur again in the future. He added it is covered in the minutes and the money should be repaid.

Clerk/Treasurer Guynn asked for the Council to make a motion that the Rural Retreat Depot Foundation reimburses the town in order to keep it clear. Councilmember Jonas made a motion to request the Rural Retreat Depot Foundation reimburse the town \$280 for the checks that were made payable to them instead of the Town of Rural Retreat. Councilmember Hall seconded the motion. Mayor Litz stated this isn't being nitpicky but Mr. Lewis has previously asked questions about it and the town set themselves up for pretty hard criticism if it hadn't worked out any better than it did. Mr. Lewis addressed Mayor Litz and stated in looking at the minutes Mr. Lloyd had a very good point when he said the town doesn't need to be in the promotion business. Mayor Litz commented that statement has been echoed several times since then. He added the town showed a sign of weakness and he would rather the town not do this anymore. Councilmember Jonas commented if it doesn't have anything to do with inside the town limits then leave it. Mayor Litz stated it doesn't mean the town won't help support the fair association. Mr. Lewis commented this was an alcohol event and the town was promoting it. He stated he didn't have any problem with alcohol but he didn't think the town should be in the business of promoting alcohol events. Mr. Lewis asked who was responsible for the \$1,000 loss. Mayor Litz replied the town. He explained one of the members of the fair association stated next year they would get a bigger piece of the pie and he informed the person that next year they can have the whole pie because the town doesn't need to be in the promotion business. He added \$1,000 loss isn't much because it was thought that it would be a \$14,000 - \$15,000 loss. Mayor Litz explained if it hadn't been for Vice-Mayor Yontz and Vicki Sprouse it would've been. He commended Mrs. Sprouse for pulling out the stops and noted she basically did most of it by herself with Vice-Mayor Yontz assisting some. He added there is a difference between this and Heritage Days. Councilmember Viars stated at least there was good attendance and if they choose to go forward with it then they can. Councilmember Lloyd stated if only a couple thousand dollars was asked for to promote it then it would be fine but \$15,000 doesn't need to be done. There being no further discussion, the motion passed by a vote of four (4) for: Hall, Jonas, Lloyd, Viars; zero (0) against; one (1) abstention: Yontz; one (1) absent: Hash.

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### **COMMITTEE REPORTS**

HERITAGE DAYS – Chairman Yontz stated a meeting will be held on November 24 prior to the Council meeting at 6:00 p.m. to begin planning the 2016 festival. The revenue and expense report for the 2015 festival will be reviewed and areas that require no change or need improvement will be discussed.

FINANCE & APPROPRIATIONS – Clerk/Treasurer Guynn reported the auditing firm Robinson, Farmer, Cox Associates will be in the office on Thursday and Friday to perform the complete audit of the town's books.

PERSONNEL, ORDINANCES & LEGAL MATTERS – No report.

PUBLIC UTILITIES – Chairman Hall inquired about the effluent discharge pipe. Town Manager Childers explained a grant will be applied for to replace the line and the grinder system at the lift station. Mayor Litz stated some of the problems at the plant are with the grinder because it is grinding up the rags and cloths that are coming through instead of taking them out. A portion of this has been fixed to pick up the larger items, which is better than it going through the pumps. Town Manager Childers stated a piece of the pipe had been replaced in the past but it has now fallen and the water flow is inhibited.

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

Town Manager Childers reported on the following items:

RURAL RETREAT DOWNTOWN REVITALIZATION PROJECT – Our project was the second project that was denied funding and we were seven points short of receiving a grant. Town Manager Childers stated upon reviewing the report there were three things, project needs and outcomes, readiness and capacity and impact on economic development that he felt kept us from being funded. The information received stated the evaluators felt the entire downtown area wasn't being included. He referred to an aerial photo of the downtown area that doesn't include Dr. Spraker's dental office or the improvements made to the Joey's Country Kitchen and Parkway Gas properties. Town Manager Childers stated he had no idea why that photo was submitted. Because of this, Brian Reed has obtained a new aerial photo and taken pictures from ground level to resubmit with the hope that we will at least receive partial funding, Town Manager Childers explained. He further explained additional money may become available from disaster relief if the hurricane season isn't bad. He pointed out we now know what our deficiencies are so that we can address those in the next application.

Councilmember Viars asked why Anderson & Associates submitted an old aerial photo with the project because that may have kept us from getting the money. Councilmember Lloyd asked Town Manager Childers if the town was completely out on receiving the funding. Town Manager Childers replied no, we may receive money prior to resubmitting another application in

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March. He noted the east side of the town was mentioned within the report about not being included in the project but those areas don't need to be included.

**NORFOLK SOUTHERN DITCH LINE ON EAST RAILROAD AVENUE** – Town Manager Childers met with Mary Williams to review and discuss her concerns with the ditch line. He contacted a person with the railroad and met with him to discuss the concerns. The railroad person wants to wait to see what happens when there is a heavy rain because he feels that it isn't coming from their side. Town Manager Childers assured Mrs. Williams that the next time the water rises and starts toward her house the railroad person will come immediately to evaluate the situation. At this time, he noted, Mrs. Williams seems to be satisfied with this proposal.

**DUMP TRUCK** – We are talking with VDOT to discuss the possibility of getting one of their trucks to push snow with during the two months out the year that we are clearing VDOT's roads. Town Manager Childers noted this doesn't look promising. He explained the money has been budgeted to purchase a new truck but he doesn't want to spend \$120,000 for a truck that is primarily used two months out of the year. Mayor Litz asked how many miles are on the truck. Town Manager Childers replied the truck is 13 years old and has 16,000 miles on it. He stated the maintenance crew uses the small dump truck more than the big truck so we may need to consider purchasing another truck with a dump bed and the snow removal equipment to equip that truck.

**VDH WATER PLANNING GRANT** – Anderson & Associates, Inc. has submitted a grant application to the Virginia Department of Health's Office of Drinking Water for a planning grant for hydraulic modeling and leak detection. He added we are currently losing 26% of our water and anything that we can do to save the water needs to be done. Mayor Litz stated state law requires 30% or less but every drop of water that is generated and isn't being accounted for needs to be reduced.

**GIS PROGRAM** – A meeting was held with the IT person at Anderson & Associates, Inc. to discuss the town's Web GIS system. The person is going to print out aerial views of the entire town so every house in town can be seen. This will allow us to make changes if needed when we are out making repairs. Town Manager Childers explained certain people know where everything in town is located but he wants to have the information on the system because there are water meters, manholes and abandoned lines missing. As the crew completes work we will be adding this to the GIS system.

### **TREASURER'S REPORT**

The invoices for August 25, 2015 were read and approved.

**SALES TAX ISSUE** – Mayor Litz asked Clerk/Treasurer Guynn if she had received any further information from Wythe County about the Evatran issue. Clerk/Treasurer Guynn stated she is going to allow the 30 days to pass then follow-up with Wythe County to inquire about the remaining balance of sales tax revenue that is due the town. Mayor Litz stated we have an ally

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because the Town of Wytheville has the same problem. Clerk/Treasurer Guynn stated from the town standpoint she doesn't see where Rural Retreat should be responsible for a business that fails in Wytheville just the same as Wytheville shouldn't be responsible for a business that fails in Rural Retreat. She added she felt there is more to this than what is being told because she understands how the set-off debt program works. She explained the claim is filed and upon a hold being placed on the funds the entity is notified. At this time you must notify the party the claim is against them and they have 30 days to respond in writing. Clerk/Treasurer Guynn further explained after the 30 days is up it takes at least another 30 days to receive the money therefore at least 60 days at a minimum has passed.

Mayor Litz provided background information on Evatran and explained they manufactured the charging stations for electric cars and to date only have five employees instead of the amount they quoted would be hired. He added since they didn't fulfill their quota the Tobacco Commission asked for their money back and due to no response when the Commonwealth of Virginia sent the one percent of sales tax revenue to the County the money due the Tobacco Commission had been withheld. This resulted in the towns of Wytheville and Rural Retreat having almost \$37,000 total withheld by Wythe County, Mayor Litz explained. He added we would like to know why we are being penalized for something we had nothing to do with.

Councilmember Viars asked if anyone from the county formally contacted the town. Mayor Litz replied no. Clerk/Treasurer Guynn stated Sam Crockett had contacted her to explain what was happening and she had also discussed it with Michael Stephens with the Town of Wytheville and they both had attended the last Board meeting. The Board took the approach that Rural Retreat is also involved in the Joint IDA and all three entities are equally responsible, she explained. She further explained the Board is confident that they will receive the money from Evatran.

Councilmember Viars asked if the money withheld was reflected in the town's allocation to the JIDA. Mayor Litz commented the Town of Wytheville's percentage is a lot larger than ours. Clerk/Treasurer Guynn addressed the sales tax percentage and explained the percentage that the towns receive is based on the 2010 school census therefore Wytheville receives more than we do. She noted we were due almost \$11,000 for our portion of Wythe County's sales tax but we only received \$4,000.

Mayor Litz explained he wanted the Council to know what was going on is why he brought this up. He stated Clerk/Treasurer Guynn had called him to inform him about this because of the Joint Governing Bodies meeting but not one word was spoken about it.

### **TALK OF THE TOWN**

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

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**ADJOURNMENT**

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

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Mayor

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Clerk