

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN  
COUNCIL HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY, SEPTEMBER 22, 2015, 7:00 P.M.**

Council Members Present: Mayor Timothy Litz; Vice-Mayor Dale Yontz; Peggy Hash; James P. “Sean” Viars; Geary Jonas

Council Members Absent: Jerrell Hall; James Lloyd

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

Administration Absent: None

Others Present: Bob Lewis; Jerry Hurt; Tony Wright – General Services Director

**DETERMINATION OF A QUORUM**

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

**INVOCATION**

The invocation was given by Geary Jonas.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Litz.

**APPROVAL OF MINUTES**

A motion was made by Vice-Mayor Yontz, seconded by Councilmember Viars to approve the minutes of the September 8, 2015 regular meeting. There being no discussion, the motion passed by a vote of three (3) for: Jonas, Viars, Yontz; zero (0) against; one (1) abstention: Hash; two (2) absent: Hall, Lloyd.

**CITIZEN’S TIME**

Jerry Hurt addressed the Council and explained the Rural Retreat Depot Foundation has been working on a documentary about the depot for over a year. He stated he would like to donate a copy of the documentary to the town and he then presented the copy to Mayor Litz. Mr. Hurt stated the Foundation appreciates the Council’s support. Mayor Litz commented unfortunately, Doug Wohlford, one of the people interviewed for the documentary, has passed away. He explained Mr. Wohlford was on the 611 the night it was photographed in 1957.

## **COUNCIL MEETING MINUTES – SEPTEMBER 22, 2015 – PAGE 2**

### **CORRESPONDENCE**

None

### **POLICE REPORT**

Chief Mitchell reported the radar sign hasn't been out recently due to issues with the battery charger therefore he contacted the company and a new charger was received today. He pointed out the sign will be put out tomorrow. Chief Mitchell stated he had mailed a letter to Jack Singleton about his property though he had not received a response and the letter has not been returned. He added this will allow the town to have documentation on file prior to beginning any legal actions. Chief Mitchell reported he also mailed a letter to the owner of the crossroads gas station property and no response has been received. Inoperative motor vehicle letters were also mailed last week and two have now complied. He reported he had received the police vehicle specifications from the company in Richmond that the vehicle may be purchased from. Chief Mitchell explained he will be speaking to the equipment vendor because some equipment items we were considering buying are included in the dealer specifications. Chief Mitchell stated he is continuing to perform routine business checks.

### **UNFINISHED BUSINESS**

DR PEPPER LOT PROJECT – No report.

STATUS OF SINGLETON PROPERTY – Mayor Litz stated Chief Mitchell reported on this item.

RENTING A PORTION OF THE RANDY'S BUILDING – Mayor Litz stated there is not enough information to make a decision on this and there are conflicting thoughts that require more research. Town Manager Childers reported Tony Wright did get the building information. He stated the building is 3,500 square feet has 14 foot ceilings and a 12 foot garage door. Mayor Litz asked if the electrical service was on one meter. Tony Wright reported he did not know. Mayor Litz asked Town Manager Childers to arrange for the councilmember's to go into the building to look around. He noted he doesn't want anyone to think a meeting is being held. He invited Jerry Hurt and Bob Lewis to join the council on the tour. Mayor Litz added he would like to have citizenry involved in this as well. Mr. Lewis asked if the current owners are working to clean out the building. Tony Wright stated recently six loads of items had been hauled off.

RURAL RETREAT BEACH FEST – Clerk/Treasurer Guynn reported the Rural Retreat Depot Foundation approved the Council's request to reimburse the town for the three checks totaling \$280 that had been made payable to the Foundation instead of the town. She stated after receiving the reimbursement the town's total loss is \$774.85. Mayor Litz commented it is a shame to lose anything but no one gained either.

## COUNCIL MEETING MINUTES – SEPTEMBER 22, 2015 – PAGE 3

### NEW BUSINESS

WINGO PROPERTY ON NORTH GREEVER STREET - Town Manager Childers reported he had spoken to the owner of the dilapidated property on North Greever Street. Ms. Wingo has agreed that if the town cleans up the property a lien can be placed on the property. She will then immediately begin trying to sell the property. Ms. Wingo had asked him some zoning questions related to the property being sold and a house being built back facing North Greever Street. Town Manager Childers contacted Raymond Matney to inquire if this was allowed. Mr. Matney explained to him since the lots are smaller it is grandfathered in and a house could be built back and the front setback would need to be an average of the setback for the homes beside it. Town Manager Childers stated he measured the neighboring houses and the house would have to be set back 18.5 feet on North Greever Street or 15.5 feet on Chestnut Avenue. Councilmember Hash asked how large the lot is. Town Manager Childers replied it is about a half an acre according to the town's GIS system. He added the owner wants the property cleaned up to sell but the Council will need to make that decision.

Mayor Litz asked Town Manager Childers to explain exactly what he is proposing for the town to do. Town Manager Childers explained he obtained a quote from Tommy Reedy to clean up the property. He stated it appears that it will cost approximately \$4,000 - \$5,000 for complete cleanup but the cost can be reduced because Mr. Reedy charges to haul off the debris. Upon speaking to Tony Wright, the town's dump truck could be used to alleviate some of the expense. He pointed out this should cost no more than \$5,000. Town Manager Childers stated the tax assessment on the property is \$14,500. Mayor Litz asked the Council if the proposal makes sense. He stated the town is not purchasing the lot but paying to remediate the property and will be placing a lien against the property which can't be sold until the lien is satisfied. Councilmember Jonas commented the property can't be sold the way it is but by doing this the property can be cleaned up and the town can get their money back. Mayor Litz stated complaints had been received with good reason. He explained the owner's permission wasn't needed but to protect the people in the town we got it because it makes better sense to have the owner involved. Town Manager Childers stated when he spoke to the owner she was very responsive to the proposal.

Councilmember Jonas made a motion to proceed with the cleanup of the property at 415 North Greever Street and to contract with Tommy Reedy to perform the work. Councilmember Hash seconded the motion. Councilmember Viars asked if the town attorney would need to be contacted. Mayor Litz replied no, the town treasurer can file the lien and will need a check to cover the fees associated with the lien. He further explained when the property is sold the town will receive the money and he pointed out the town can also sell the property to recover the money.

Vice-Mayor Yontz asked for the thought of the town manager for future situations like this and asked if this is something that is going to be established as a practice or be on a case by case basis. Town Manager Childers replied it will be on a case by case basis. Vice-Mayor Yontz explained he wants to make it clear that this will be considered on a case by case basis and the

## **COUNCIL MEETING MINUTES – SEPTEMBER 22, 2015 – PAGE 4**

town will not be in the business of taking liens by cleaning up property. Town Manager Childers stated there aren't many properties in Rural Retreat that this will apply to. He explained the property owner is welcoming this and he doesn't see a downside to it because the town will get the money back plus the neighborhood is being cleaned up. Vice-Mayor Yontz stated he wanted to make sure they were on record with the Council's thoughts and intentions for this.

Jerry Hurt suggested the Council allow Mr. Reedy to do all the work because it may set a precedence that the town will incur the cost to clean up other properties. Mayor Litz stated Mr. Hurt presented a good idea. Councilmember Viars asked if there was a time frame that this property must sell. Mayor Litz replied no. Vice-Mayor Yontz pointed out that by the time the property is cleaned up and ready to be placed on the market it will be a prime time for people looking to buy in the spring. Mayor Litz added this has been an ongoing concern. Tony Wright pointed out this will be a total cleanup including hauling all debris off and bringing in fill dirt to fill in the lot so that it will be buildable upon later. Councilmember Viars asked if there was a set amount. Mayor Litz replied no, the quoted price was \$4,000 - \$5,000 but may be more once Mr. Reedy begins hauling debris off. He stated rather than save money, Jerry Hurt made a good point to have the property cleared without the town helping. There being no further discussion, the motion passed by a vote of four (4) for: Hash, Jonas, Viars, Yontz; zero (0) against; two (2) absent: Hall, Lloyd.

### **COMMITTEE REPORTS**

**HERITAGE DAYS** – Chairman Yontz reported he is working on putting items together for the November 24 meeting to be held prior to the Council meeting at 6:00 p.m.

**FINANCE & APPROPRIATIONS** – Clerk/Treasurer Guynn reported the auditors completed their work over a week ago. She pointed out in preliminary discussions it seems the normal concerns will be addressed such as the lack of internal controls. Mayor Litz commented the office isn't big enough to meet the requirements.

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

**PUBLIC UTILITIES** – No report.

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

Town Manager Childers reported on the following items:

**SIDEWALK IMPROVEMENT PROJECT** – A meeting was held with Dennis Amos with Anderson & Associates, Inc. about the phase 8 project. The project has been approved by the Bristol VDOT office and is now in Richmond for approval. Mr. Amos had stated that it will probably be spring before construction begins due to having to put the project out for bids. Mr. Amos also discussed phases 9 and 10 and the possibility of combining the phases due to water drainage concerns at the Weaver and Randy's properties. In order to complete phase 9, a

## **COUNCIL MEETING MINUTES – SEPTEMBER 22, 2015 – PAGE 5**

temporary line would have to be installed to run the drainage around the building which would cost \$6,000. To combine the two phases would delay the projects three months and it would allow the permanent drainage structure to be installed instead of having temporary drainage.

Bob Lewis asked why a temporary structure was being put in. Town Manager Childers explained the temporary drainage structure will be needed if the projects are completed separately but if both are combined the permanent structure will be installed. Bob Lewis asked if the next sidewalk to be installed will be on West Baumgardner Avenue. Town Manager Childers replied yes.

**DUMP TRUCK** – Consideration was given to renting, leasing or purchasing a used dump truck, however to meet what we need will still cost \$80,000 plus there will be wear and tear on the truck. The truck will only be needed during the winter months for snow removal. Tommy Seagle with the Town of Wytheville and Craig Stallings in Abingdon were contacted and they recommended using the NJPA (National Joint Powers Alliance) which is a new option to purchase equipment without having to put out for bids and a fee is added to use this service. Upon speaking with Mr. Seagle and Mr. Stallings, both stated the quotes generally are less than other bids that are received. The initial quote received on a truck was \$101,000 and the quote from NJPA for a turnkey truck to meet our specifications was \$99,320. The budgeted amount for this purchase is \$124,000 so the town will be saving \$24,680 by using the NJPA. Town Manager Childers stated he felt he had exhausted all options when looking for a truck.

Mayor Litz asked if action needed to be taken on a budgeted item. Town Manager Childers explained at the last meeting this was discussed but the town's purchasing policy requires approval by the Council. Councilmember Jonas made a motion to purchase a dump truck through the NJPA. Councilmember Viars seconded the motion. He commended Town Manager Childers and Tony Wright for trying to save the town money instead of spending the amount budgeted. There being no further discussion, the motion passed by a vote of four (4) for: Hash, Jonas, Viars, Yontz; zero (0) against; two (2) absent: Hall, Lloyd.

**WATER REQUEST AT RURAL RETREAT ELEMENTARY SCHOOL** – A member of the athletic department at the elementary school has requested water service at the baseball field. The person had explained this facility is heavily used and there is no water access at the field. If it is after school hours, in order have water they must attempt to gain access to the inside of the school or if an injury occurs there is no water to clean a wound. The person requested the town allow him to tap into the water line at the school and not charge the \$2,000 fee. Town Manager Childers explained this will be for the kids because there is no place to fill a water cooler and it will only be used during the spring and fall primarily and not for irrigation purposes. He noted the water will be metered so we can account for the usage but not billed. The request is for a waiver of the tap fee.

Councilmember Hash stated this has been needed for a long time. Vice-Mayor Yontz pointed out there is no water service on the backside of the building. Councilmember Hash made a

## **COUNCIL MEETING MINUTES – SEPTEMBER 22, 2015 – PAGE 6**

motion to allow the school to connect to the water system and to waive the connection fees. Vice-Mayor Yontz seconded the motion.

Bob Lewis asked the Council why a meter was needed if the water usage isn't going to be billed. Clerk/Treasurer Guynn asked for clarification on the request and asked if the town was donating the water because the line would be connected to the schools line and they would be paying for the usage. She added the school system would need to make an application for the service. Mayor Litz commented this can be arranged. He noted the only expense would be for a meter. Tony Wright stated an old meter would be used. Bob Lewis stated he thinks it is a good idea but the school needs to be involved because it is their property and their line. Mayor Litz stated a connection would be made from the main line that crosses the property. Clerk/Treasurer Guynn addressed the Council and stated this would be for water service only and would be similar to the meter at the high school football field. Vice-Mayor Yontz stated it was his understanding that the request was for the backside of the building. Town Manager Childers stated no but that area doesn't have water service either. Vice-Mayor Yontz stated there had been a motion and a second but he thinks a review from Mr. Rouse should be obtained since he is over the property for the school board and to find out what they want to do. Town Manager Childers stated he had been in direct contact with Mr. Rouse and Mr. Poole. Mayor Litz stated Clerk/Treasurer Guynn made a good point in that an application needs to be made. Councilmember Hash and Vice-Mayor Yontz rescinded the motion. Clerk/Treasurer Guynn explained the school board should submit a request in writing that they want a water connection at that location for water service only and also ask that the connection fee be waived. She stated the Council requires requests to be made in writing and no written request has been received for this.

### **TREASURER'S REPORT**

**WATER ACCOUNTABILITY** - The August water accountability report was reviewed.

**SALES TAX ISSUE** – Clerk/Treasurer Guynn reported the town was due \$10,442.35 from Wythe County for the June sales tax. She explained the payment received in August was only for \$4,003.35 but the remaining balance of \$6,430 was received yesterday. She noted the local paper had published an article stating that Evatran had paid Wythe County in full for the amount due. Clerk/Treasurer Guynn stated she wanted to correct a statement she made at the last meeting regarding the school census figures used to calculate sales tax due to the town. She explained she had reported the figures were based on the 2010 census but are actually based on the 2012 census. The figures are now based on 2013 due to a change in the fiscal year.

The invoices for September 22, 2015 were read and approved.

### **TALK OF THE TOWN**

Clerk/Treasurer Guynn is to attend the *Talk of the Town* radio program at the WYVE/WXBX radio station on Wednesday morning.

**COUNCIL MEETING MINUTES – SEPTEMBER 22, 2015 – PAGE 7**

**ADJOURNMENT**

Prior to adjourning, Tony Wright addressed the concerns Jack Trivitt had brought to the Council and he stated the properties on Greever Street and Gienow have been mowed.

Mayor Litz inquired about the former garment factory property. Town Manager Childers stated a letter must be sent first.

Bob Lewis asked if the Council was looking into bringing a restaurant to town. Mayor Litz stated it is being looked at but he is unsure what will be done. Mr. Lewis inquired about a doctor. Councilmember Hash stated the town is losing some. Mr. Lewis stated Dr. Hurlbert is leaving December 10 and he is only working two days per week. Discussion ensued on the need for doctors in the community.

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

---

Mayor

---

Clerk