

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, JUNE 28, 2016 - 7:00 P.M.**

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

Council Members Absent: Vice-Mayor Dale Yontz

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

Others Present: Carolyn Ellison, Brian Vaught, Jerry Hurt, David Rose, Charles Parcella

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.

PRESENTATION TO COUNCIL

Mayor Litz presented Councilmember Hash and Councilmember Hall with plaques and thanked each one of them for their service to the Town of Rural Retreat. Councilmember Hall advised the two new Councilmembers to learn quickly to "separate fact from fertilizer". Town Manager Childers stated it has been a pleasure working with each of them. Speaking for all Town employees, himself and Treasure Patton he appreciates everything they have done for the Town and the employees. Councilmember Hash stated she has enjoyed working with the Town Council and she will miss everyone. She asked that council continue to work on projects she has brought up before like the museum.

APPROVAL OF MINUTES

A motion was made by Councilmember Lloyd and seconded by Councilmember Hash to approve the minutes of the June 14, 2016 regular meeting. There being no discussion, the motion passed by a vote for four (4) for: Jonas, Lloyd, Hash, Hall; zero (0) against; one (1) abstain: Viars

CITIZEN'S TIME - None

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CORRESPONDENCE

Councilmember Viars stated he has had many compliments on the cleanup at the old Randy's building from citizens. Town Manager Childers said he has had several compliments as well for the cleanup including use of the street sweeper.

POLICE REPORT

Chief Mitchell reported he has found a location on Buck Street to run radar and has stopped a few vehicles. He plans on continuing his presence on Buck Street. He stated he has begun sending letters to property owners regarding property maintenance.

UNFINISHED BUSINESS

DR. PEPPER LOT PROJECT –None

CHANGE TO DRAFTED 2016/2017 FISCAL BUDGET – Treasurer Patton reported the meter reading software that was previously approved by Council for purchase with undesignated funds from fiscal year 2015-16 is on backorder. The software will not be received and put into use until sometime in July. Therefore a line item was changed in the 2016/2017 draft budget as a capital outlay in the water department fund. The budgeted amount for capital outlays will be \$45,000 instead of the initial \$12,000. This will also affect the budgeted amount for the water fund's undesignated account from \$58,675 to \$25,675. A motion was made by Councilmember Viars to add \$33,000 to the water fund's capital outlay account for the purchase of new meter reading software in 2016-17. Motion was seconded by Councilmember Jonas. Motion passed by a vote of five (5) for; Jonas, Lloyd, Hall, Hash, Viars; zero (0) against.

2016/2017 Fiscal Budget – Councilmember Hash made a motion to approve the proposed budget for fiscal year 2016-17 as presented by Town Manager Childers and Treasurer Patton. Councilmember Viars stated his appreciation for the hard work from Town Manager Childers and Treasurer Patton. He added he feels like the budget is a responsible budget and he is satisfied that utilities and taxes were not increased. The motion passed with a vote of five (5) for; Jonas, Lloyd, Hall, Hash, Viars; zero (0) against.

INVOICE FROM WYTHE COUNTY FOR REGISTRAR - Town Manager Childers explained the Town received an invoice from Wythe County for a part time employee in the Registrar's office. The invoice was for the recent town election for Wytheville and Rural Retreat. Town Manager Childers stated to his knowledge the Town has never paid the extra expense in the past. Per a conversation with the Registrar's office the employee's normal hours are 16 to 24 hours per week. Due to the town elections the employee worked 40 hours per week during the election. The Registrar's office was told by Wythe County that the Town of Wytheville and Rural Retreat were informed before the elections of the extra hours. The Town of Wytheville has elected to pay their half of the expense. Treasurer Patton stated the first time she heard of the invoice was after the election when an employee for the Registrar's office called the town office and explained that an invoice would be arriving in the mail and the County requested a letter of intent if the check could not be written upon receipt of the invoice. Town Manager Childers said he

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spoke to Assistant County Administrator Stephen Bear regarding the situation and he was told to contact the Registrar's office to obtain the details of the invoice. Councilmember Viars stated since Rural Retreat only has one polling place then we should not be required to pay half of the invoice. Councilmember Lloyd stated that he does not think the Town of Rural Retreat should be required to pay the extra expense at all. Councilmember Jonas stated there is more work for the Town of Wytheville since it is larger. We should not be required to pay half of the invoice. Mayor Litz suggested further discussion and for Town Manager Childers to continue to work with the County and Registrar's office regarding the bill. Town Manager Childers stated the Town has already paid a total of \$720 and expect another invoice for around \$700- \$800 for ballots and coding. This will put the total budgeted amount for the election around \$1,500 which is generally the amount spent for the election. We budget \$2,000 each year for elections.

PERSONNEL/SICK LEAVE POLICY – Councilmember Hash asked Council if everyone had a chance to look over the memo regarding the new sick leave policy and personnel policy changes. She stated for a while now employees have not had sick leave and she does not think it is fair for employees to be required to take vacation days when they are sick. Councilmember Hash made a motion to adopt the benefits policy as presented in the memo; Councilmember Jonas seconded. No further discussion the motion passed with a vote of five (5) for; Lloyd, Hash, Jonas, Hall, Viars; zero (0) against.

DOG ORDINANCE ISSUE ON CHINQUAPIN AVENUE – Town Manager Childers stated there is an issue with dogs on the corner of Chinquapin Avenue. He has had several complaints regarding the dogs on this property. Town Manager Childers stated he believes all parties have the right to give their side of the story so Council can see what is taking place. Carolyn Ellison came forward and addressed Council regarding the dogs on her neighbor's property. She stated she is afraid to even go on the side of her property that joins the neighbor. She spoke with the neighbor a couple of weeks ago and he told her he was building a kennel and was planning on getting more dogs to breed and sell. He built a three sided dog kennel and attached the fourth side to the existing fence on the property line. She is afraid for her grandchildren to be out in the yard. She stated it would be better for her if the dogs were placed on the other side of the property away from her property line. She stated she appreciates everything the Town Manager and Council have done for her regarding this issue.

David Rose came forward and stated he lives at 401 North Main Street (which is the corner of Main Street and Chinquapin Avenue). He stated he is sympathetic with Mrs. Ellison and agrees the dogs are intimidating due to their size. He built a three part partition for the dogs. He stated he has six letters from people that have been on his property and around the dogs. He has been dealing with complaints from neighbors and law enforcement himself. Councilmember Hash asked Mr. Rose what breed of dogs he raised. Mr. Rose stated they are a rare breed of Italian Mastif. He is trying to get a loan approved and will be moving out of the town limits as soon as he can get funding to move. He stated if there is anything he can do in the meantime to help with the situation that he is willing to work with his neighbors and the town to resolve the issue. Councilmember Hash asked what about the fence he built joining Mrs. Ellison's fence on the property line. Mr. Rose stated that there was an existing fence and he added poles to it and constructed a new fence. He is willing to alter the existing fence and make it the same height all the way around. He stated he could take the fence down but he would need 30 days to comply. Mr. Rose said his four year old niece visits and plays with the dogs regularly along with

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his two year old daughter, and the dogs have never been aggressive toward anyone. Councilmember Lloyd asked if there is any way he could move the kennel to another location on the property. Mr. Rose stated that it would be costly for him. There is a large tree with exposed roots and he is concerned about killing the tree if he placed the dogs and kennel around the tree. Mr. Rose asked Council to be patient with him while he is trying to make arrangements to move out of the town limits. Councilmember Hall recited the town zoning code which defines a kennel as a place prepared to house, breed, board, handle or otherwise keep or care for dogs, cats, or other small animals for sale in return for compensation. Councilmember Hall expressed to Mr. Rose that in his residential district a kennel is prohibited according to the ordinance. Mayor Litz stated that it does not matter the breed of dog in the definition. The ordinance states that in a R2 zone (Restricted, Medium Density) a person cannot have a kennel. These are existing laws and the only way to have it changed is to have a public hearing and go before the planning commission. Mayor Litz stated the ordinance is clear that in an R2 zone kennels are prohibited and the ordinance stands. Mayor Litz stated the only other option is to have a judge make a decision. Mr. Rose collected his letters and left the meeting. Chief Mitchell added that Mr. Rose was issued a summons by Wythe County for not having licenses for all of the dogs. Town Manager Childers stated that he told Mr. Rose on more than one occasion that he could not have a kennel on his property and if he wanted the ordinance changed he would be required to go before the planning commission. Councilmember Lloyd stated he was approached by Mr. Rose earlier and he told him the same thing the town manager told him. Councilmember Jonas stated that Mr. Rose said that he bought the dogs to breed and sell puppies. Town Manager Childers stated he looked at some previous complaints and citizens were given thirty days to comply with the ordinance. Chief Mitchell requested to have Town Attorney Sobey draft a letter. Town Manager Childers stated he would speak to Mr. Sobey tomorrow regarding the letter. Councilmember Viars asked Chief Mitchell if he would please show extra presence in that neighborhood over the next few weeks until the matter is resolved.

NEW BUSINESS - NONE

COMMITTEE REPORTS

HERITAGE DAYS – Mayor Litz reported all the acts were lined up and a schedule has been made. Mayor Litz told Treasurer Patton she would get a list of the acts and amounts to write the checks. Treasurer Patton asked when we would have posters and schedules to distribute. Mayor Litz said he would take care of getting the posters. Town Manager Childers stated he would like to have the posters soon in order to get them distributed to surrounding areas. Treasurer Patton mentioned the Town of Marion would distribute flyers at their Farmers Market on Saturdays.

FINANCE & APPROPRIATIONS – NONE

PERSONNEL, ORDINANCES & LEGAL MATTERS – NONE

PUBLIC UTILITIES –NONE

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TOWN MANAGER’S REPORT

SHENTEL – Town Manager Childers reported that according to Jason Durance Shentel was scheduled to move their utilities on Saturday or Monday. Town Manager Childers stated he is sure they are behind schedule due to recent storms. He will give them a little more time due to the weather.

FIRE DEPARTMENT – Town Manager Childers stated Aid to Localities (ATL) monies have been applied for in the amount of \$23,000 for reimbursement from Wythe County. This money is for expenditures for the fire department in 2015-16. Town Manager Childers spoke with a representative from the county and the amount will be approved on Thursday and the check sent to the town on Monday of the following week. Town Manager Childers added with the help of Treasurer Patton we would be receiving an additional \$10,000 from the state in ATL funds.

Mayor Litz asked Town Manager Childers if the issue with the fire department providing services at Wythe Raceway has been resolved. Town Manager Childers stated that Rural Retreat’s Fire Department would not be going back to Wythe Raceway to provide services. Councilmember Hall asked if the fire department is compensated. Town Manager Childers answered, the fire department received \$200 per night. Sugar Grove Fire Department has agreed to be present at the raceway.

Councilmember Hash stated The Board of Directors for the Rescue Squad met and voted to let the fire department continue to use and house the crash truck. However, the board wants the rescue squad’s name left on the vehicle. The Rescue Squad raised the funds to purchase the vehicle and they want their name left on it. Town Manager Childers advised Councilmember Hash to put the request in writing and get an answer from the fire department in writing as well.

599 FUNDS – Town Manager Childers reported these funds are for the police department and a request has been sent from the town office requesting the town’s part of these funds.

WEST BAUMGARDNER AVENUE – Paving is complete on West Baumgardner Avenue. Pavement on East Baumgardner Avenue will take place next year when the sidewalk project is complete.

WATER AND WASTEWATER PROJECT – Town Manager Childers reported he spoke with Brian Reed with Mount Rogers Planning District regarding a request for grant money for manhole rehabilitation. The request will be for \$100,000 with a 10% match from the town. The 2016-17 fiscal year budget included \$30,000 for the project. Mr. Reed feels pretty certain the town can get the grant for the project. There are 60, 70 and 80 year old manholes in the town and these funds will assist the town to secure the old manholes and in turn keep the town in compliance.

Councilmember Viars asked if Town Manager Childers has looked into the crosswalks in town to see if any are not ADA compliant. Town Manager Childers responded that all the crosswalk in town seem to be compliant. They all include a ramp for the disabled. The paint crew has been busy painting lines and the representative from VDOT stated it may be a while before the crosswalks can be updated.

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Councilmember Viars also asked if Town Manager Childers looked into having VDOT place gravel in the parking area across from McDonalds. Town Manager Childers does not feel like VDOT is willing to place gravel in the parking area.

Councilmember Viars asked if anything has been done to adopt a committee for the downtown revitalization project. Town Manager Childers stated this is something that is being discussed. The time is here to make decisions regarding a committee for this purpose.

TREASURER’S REPORT

The invoices for June 28, 2016 were read and approved.

TALK OF THE TOWN

No one was available for the *Talk of the Town* radio program at the WYVE/WXBX radio station on Wednesday morning. Treasurer Patton and Town Manager Childers plan to attend the next time.

ADJOURNMENT

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

Mayor

Clerk