

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, JANUARY 24, 2017 - 7:00 P.M.**

Council Members Present: Mayor Timothy Litz, Vice-Mayor, Dale Yontz; James P. “Sean” Viars; James Lloyd; Geary Jonas; Brian Vaught; Michael Duncan

Council Members Absent: None

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

Administration Absent: None

Others Present: Amy McBride, April Atkins, Donna Bailey, Billy Anderson

DETERMINATION OF A QUORUM

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

INVOCATION

The invocation was given by Councilmember Jonas.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Litz.

APPROVAL OF MINUTES

A motion was made by Vice-Mayor Yontz and seconded by Councilmember Jonas to approve the minutes of the December 13, 2016. There being no discussion, the motion passed by a vote of six (6) for: Lloyd, Yontz, Viars, Vaught, Duncan, Jonas; zero (0) against.

CITIZEN’S TIME

April Atkins addressed the council regarding issues she has with the sidewalk project that is currently underway on East Baumgardner Avenue. Mrs. Atkins stated she and her husband received a letter from the town’s lawyer and they would like to know who initiated sending the letter. Mayor Litz stated that the council recommended the letter be sent. The letter stated that the Atkins’ were unnecessarily and unlawfully preventing the completion of the project. Mrs. Atkins stated she emailed Town Manager Childers, Mayor Litz and council members with her concerns she and her husband have with the contractors and the project. Mrs. Atkins reported the only answer they received was from Town Manager Childers was “wait until it is finished”, and “you will be happy with the end result”. She stated that as the Town Manager and overseer of the project Town Manager Childers could have done much more and should have reached out to get them more answers. The answers they were given were unsatisfactory. They felt at this point their only option was to halt construction on their property until they were given answers pertaining to

their property. Mrs. Atkins stated that they have watched King Contractors work on this project and redo work numerous times and they do not follow basic construction safety procedures, they do not cover manholes or use flagman. The Atkins' have been very concerned with the quality of work from the company. On December 9, 2016, Mrs. Atkins attended a meeting at the Town Hall with Chad King, owner of King Contractors, the foreman on the project. Town Manager Childers and an engineer from Anderson and Associates were present at the meeting. Mrs. Atkins stated Mr. King refused to answer any of her questions and acted as if the meeting was a complete waste of his time. She added the foreman also called her a liar two times during the meeting. Mrs. Atkins stated Town Manager Childers would rephrase her questions to Mr. King and the only response given would be, "whatever is in the plans." The engineer would ask the question a third time stating "referring to the plans" and ask the question again. Mrs. Atkins stated she was very frustrated during the meeting, stating all she wanted to know was what the plans were for her property. Mrs. Atkins stated she read the minutes from the December 13, 2016 town council meeting and the only thing in the minutes regarding the project was reported by Town Manager Childers. He reported to council at the December meeting that the property owners had concerns about some of the answers given by the contractor. Mrs. Atkins added that this was incorrect. Their concerns were the lack of answers and no one receiving these answers for them, mainly Mr. Childers. Mrs. Atkins added that Town Manager Childers stated in the minutes that everything had been worked out and this is not the case, everything has not been worked out as far as she is concerned. Mrs. Atkins stated that at the end of the meeting on December 9, 2016 Mr. King and Mrs. Atkins agreed to put the cost saving efforts of King Contractors and the town in writing. They also agreed to insure everything was satisfactory it would be put into writing and approved by Mr. and Mrs. Atkins before moving forward with the next phase. Mrs. Atkins stated that this was never put into writing as she requested. Mrs. Atkins told Mr. King that she would speak with her husband, who works out of town, and write a letter to the town so they could resume work on the project. Mrs. Atkins stated that Town Manager Childers then suggested that all concerns be put in writing and signed. Mrs. Atkins emailed Town Manager Childers the next week and told him she would have the letter to the town by Thursday or Friday. Mrs. Atkins stated that Town Manager Childers replied that the beginning of the following week would be sufficient. Again, Mrs. Atkins reiterated that their concerns be addressed in writing before they submitted the letter to resume construction. On December 21, 2016, Mrs. Atkins received an email from Town Manager Childers which in her opinion were quite vague responses. Mrs. Atkins stated that for example, concerning the fill dirt in their yard, that the construction company placed trash, broken up pavement from Baumgardner Avenue, sticks, large rocks, and other debris. She then stated that Town Manager Childers' response was that these items would not be present in the final product. Mrs. Atkins added that this response was vague and not acceptable because it could mean that the rocks, and other debris could be buried in their yard, therefore not present to the eye. The Atkins' requested that the response state, "debris will be removed prior to any grade work and homeowners will approve before moving forward with any grade work". Mrs. Atkins stated, in reference to the uncovered manhole that Town Managers Childers did not respond to this concern in the email. Mr. King and Mrs. Atkins agreed that an approved manhole would be placed on the opening on the property. As of December 21, 2016, no cover had been placed on the manhole. Instead, the contractor placed a barrel over the opening. Mrs. Atkins added that her husband was forced to replace the barrel when the wind would blow it off. Mrs. Atkins stated she contacted Town Manager Childers and asked that he contact King Contractors and ask them to place an approved manhole cover on the opening. The cover still was not placed by King Contractors so Town Manager Childers had the town maintenance crew place a cover on the opening. Mrs. Atkins reported that Town Manager Childers also voiced his frustration regarding the construction company. Mrs. Atkins then added that they requested the response in writing state, "an approved

manhole cover needs to be placed immediately and the Atkins' would not be held responsible for any accidents related to the open manhole". Mrs. Atkins stated that now more than ever they saw the need for their concerns to be placed in writing because the issues that were discussed in the meeting on December 9, 2016 were not addressed. Mrs. Atkins stated that she asked Town Manager Childers if he could please update these concerns and get everything in writing. She added in her email to Town Manager Childers that until the issues were agreed upon and in writing they would not submit the letter to allow the contractors back on their property. Mrs. Atkins stated that Town Managers scheduled a meeting with VDOT to meet with them on their property. VDOT addressed several of their concerns with the sidewalk but stated that anything on their side of the sidewalk was left to the town to address and approve. A date was set with Town Manager Childers for the following week to go over and sign the concerns. Mrs. Atkins stated Town Manager Childers suggested signing before Monica Patton to notarize. Mrs. Atkins added, after the meeting she updated the concerns list removing the items related to VDOT. On January 2, 2017, Mr. and Mrs. Atkins requested four (4) inches of topsoil be placed on their lawn. She stated that considering the type of fill dirt that was used on their lawn that four (4) inches of topsoil is not asking too much. Mrs. Atkins stated that Town Manager Childers replied that according to VDOT specifications two (2) inches of topsoil is all that is required. Mrs. Atkins stated that Town Manager Childers did not reply to any of the other concerns. She added that the next correspondence they received was the letter from the town's attorney. Mrs. Atkins stated the only thing they were waiting on before sending the letter to resume construction on their property was the signed list of concerns. Mrs. Atkins stated that they understand that signing an easement is binding however, the easement that was signed only covers document 30454-002 sheet 19 of 20, label MAP-21 Community Sidewalk Improvement Project dated June 13, 2014 and signed April 16, 2015. Mrs. Atkins added that on this date they also signed attached documents to the easement referencing a ten (10) foot permanent easement and only an additional fifteen (15) foot temporary construction easement totaling twenty-five (25) feet and the ditch would no longer convey on their property. Mrs. Atkins stated the only reason they agreed to sign the easement to begin with was due to the attached document. Former Town Manager Michael James was supposed to return copies of the signed document the following week. Mrs. Atkins stated this never happened and they forgot about the document. When the project finally began the Atkins' requested a copy of the easement several times. Town Manager Childers provided a copy of the easement to them however, the additional documents that former Town Manager James had them sign are not on file at the town office or the Wythe County Courthouse. Mrs. Atkins stated the plan states a maximum of twenty-four feet on their property. Mrs. Atkins stated that she and her husband measured and the dirt has been filled and construction is fifty (50) feet on their property. Mrs. Atkins added the ditch on the side of their property adjacent to Greever Street is seventy (70) feet on their property. She stated when she asked Town Manager Childers why the construction was so far onto their property. Town Manager Childers replied, it was due to a change order he implemented dated May 16, 2016. Mrs. Atkins stated this change was never discussed with herself or her husband before it was implemented. Mrs. Atkins stated the change order does not allow any further grade work on the property, therefore the town or the contractor does not have any legal right to be so far on their property. Mrs. Atkins added they do not feel that their interests have been considered and they have been lied to over and over. She invited the council members to come out to the property and see for themselves the concerns they have with the project. Mrs. Atkins added that before any further work is done on their property they request a meeting with Town Manager Childers and the entire town council to discuss the final product.

Mayor Litz asked Mrs. Atkins what exactly will it take to satisfy you? Mrs. Atkins stated she would like her concerns addressed in writing and signed. Town Manager Childers addressed Mrs.

Atkins and stated that he never lied to her. Mr. Childers stated that he met with Mr. & Mrs. Atkins and presented the plans to them. He added that he later learned that Anderson and Associates had the plans in digital form, he then forwarded a copy to the Atkins. Mayor Litz asked again, “what is it going to take to satisfy you?” Mayor Litz explained that he told Town Manager Childers to have the attorney send the letter. Mayor Litz added that we must have a reasonable solution to this problem. He added that the project is not complete and they must give the contractors the time to finish. Town Manager Childers added that VDOT is the funding agency for this project and the town must follow their specifications. Councilmember Viars stated that if the tone in the meeting from King Contractors was dismissive then we have a problem. Town Manager Childers stated that he and Dennis Amos with Anderson and Associates were trying to accomplish something and resolve the issues, but King Contractor’s demeanor was not the same. Mrs. Atkins agreed that Town Manager Childers and Mr. Amos were trying to very hard to get her concerns addressed. Councilmember Vaught stated that he has had some of the same safety concerns with King Contractors. Mrs. Atkins added, she has photos of everything regarding their concerns, she just wants all of the concerns printed out and signed by all parties. She would like for council to visit the property and see what she is talking about. Mrs. Atkins added that if someone is walking down the road and falls into the manhole then she and her husband will be responsible. Councilmember Lloyd explained that they would not be responsible because of the easement. Councilmember Jonas added that anything on the property that the construction company has disturbed on their property either on the easement or off needs to be fixed right. Mayor Litz said again that she needs to let the company finish without threats from her and her husband. He added to please give them time to do their jobs without hindering them from doing so. Mrs. Atkins stated that the only reason they had construction halted to begin with was to get the concerns in writing and addressed. Town Manager Childers stated he believes there were things said from the former town manager that he did not know because there is no documentation. Councilmember Viars asked if Anderson and Associates has any documentation. Town Manager Childers said no, there is no documentation of the additional forms Mr. James had the homeowners sign. Councilmember Viars added that the town is paying Anderson and Associates to manage the project as engineers, and an inspector from Anderson and Associates should be addressing these issues. Town Manager Childers added that he asked the contractors to let him know when they were going to close the driveway entrance on the Atkins property and they did not notify him. Mayor Litz asked Mrs. Atkins again to please give the town the opportunity to fix the problem. He stated that she did the right thing by addressing Council tonight. Mrs. Atkins stated that all she has been waiting on since the beginning of December to have their concerns addressed. Mrs. Atkins stated the letter she has with her tonight just states that the town understands that other documents were signed, if the gravel washes, how much gravel they will put down, what was discussed about the concrete slab, all the large rocks, torn up concrete, and trash will be removed, they need notification of when the driveway will be blocked. Councilmember Jonas added that Mr. and Mrs. Atkins are the citizens of the town not King Contractors and the town will have their back in the matter. Mayor Litz reminded Mrs. Atkins that the contractors should be allowed to come back onto the property to do their job. Mrs. Atkins stated she gave Town Manager Childers the letter allowing them back on the property. Town Manager Childers stated he notified the contractors. Town Manager Childers stated that VDOT advised him that they will take care of drainage on the property where there is no ponding in the yard, they will fix the entrance, there will be no debris over $\frac{3}{4}$ of an inch left in the yard before the two (2) inches of topsoil is put down, and there will be grass growing before they sign off. Mayor Litz stated that if this is not done and they are not satisfied then she can come back before council. Mrs. Atkins asked if she could expect a signed copy of the concerns? Mayor Litz explained that she is in a public meeting where minutes are recorded and will be approved and signed. Councilmember Jonas added a copy of the minutes will be available to Mrs. Atkins once

approved by council. Mayor Litz ended the conversation by asking Mrs. Atkins to give the contractors time to finish the project. He added that Clerk Patton would provide a copy of the minutes to her upon approval the second week in February.

CORRESPONDENCE

None

POLICE REPORT

Chief Breedlove provided a handout for the activity in January. He stated he attended the lockdown drills at the middle school and high schools and was very impressed. Chief Breedlove also attended a meeting at the New River Criminal Justice Training academy where he is on the boards of directors. Chief Breedlove reported that he wrote two speeding tickets on Main Street and has been running radar on Parsonage as well. Councilmember Jonas stated there is a parking issue in front of Ya-Hill that presents a problem with people pulling out in front of others on Main Street.

Chief Breedlove added that he working different hours. He worked a couple nights until 2 a.m. and after 11 p.m. the traffic slows down considerably. Chief Breedlove added that he has been patrolling later due to a thief breaking into vending machines in Wythe and Smyth Counties. He added that he assisted the county on a call in the Crockett area of a break in. Mayor Litz stated it is good to have cooperation between the county and the town. Councilmember Vaught requested that we update the mutual aid agreement with the county. Mayor Litz asked Town Manager Childers if he would check on the agreement. Councilmember Viars requested mileage added to the monthly report.

UNFINISHED BUSINESS

DR. PEPPER LOT PROJECT – Councilmember Lloyd stated he would have information next week and would get in touch with everyone. Mayor Litz reported correspondence that he received via email from Clifford Hancock of Chesterfield, VA. Mr. Hancock stated in his letter that he is a Dr. Pepper collector and has items in his collections that the town might be interested in.

CROSSWALKS – None

DOWNTOWN REVITALIZATION – Town Manager Childers reported he will meet with Anderson and Associates and Brian Reed with Mount Rogers Planning District Commission tomorrow. Town Manager Childers would like to get the committee together and make detailed plans. He will have a report at the February meeting.

NEW BUSINESS

NATIONAL DAY OF PRAYER – Vice- Mayor Yontz stated that we need to verify that we still want to hold the National Day of Prayer ceremony. Reverend Jonas and Reverend Johnson have agreed to help again this year. Vice-Mayor Yontz requested we plan the event at the Dr. Pepper stage and secure the community center in case of inclement weather. The event will take place

May 4, 2017 at 6:00 p.m. The theme this year is, “For your great name sake, hear us forgive us, heal us”.

COMMITTEE REPORTS

HERITAGE DAYS – Vice-Mayor Yontz reported the committee is currently working on acts and sponsorship letters will be mailed shortly. A press release will be made in February announcing the big act.

FINANCE & APPROPRIATIONS – Treasurer Patton addressed council and explained that after the audit was complete the auditor suggested the town use some of the fund balance to pay off the higher interest bearing Rural Development loans. The town has two loans with Rural Development with 4.5% interest rates. Treasurer Patton stated one is a water and sewer bond with an approximate payoff of \$10,671. Councilmember Vaught asked if this is the loan that matures in 2038? Treasurer Patton stated the maturity date is 2038. The second bond is a water & sewer bond and has a payoff of approximately \$44,432 this bond matures in 2041. Treasurer Patton added the loan for the trash truck has a payoff of \$49,029 and an interest rate of 4%. She added if all three loans are paid off the total would be approximately \$104,132. A motion was made by Vice-Mayor Yontz and seconded by Councilmember Jonas to take funds from the fund balance to pay off the Rural Development loans. Motion passed by a vote of six (6) for: Yontz, Jonas, Lloyd, Viars, Vaught, Duncan; zero (0) against.

PERSONNEL, ORDINANCES & LEGAL MATTERS – None

PUBLIC UTILITIES – Mayor Litz asked if the joint meeting on January 30, 2016 would be a good time to enter into a committee with the County, Town of Wytheville, and Town of Rural Retreat to discuss the services areas for water. We should have an agreement with the two towns and the county where it is more plausible for the county to pick up the customer or the town to pick up the customer. Mayor Litz stated grant money might be available for the project. Mayor Litz stated this would be a good item to add to the agenda for the joint meeting. Town Manager Childers suggested a meeting with County Administrator Bear. Vice-Mayor Yontz suggested adding the item to the agenda as to be announced.

TOWN MANAGER’S REPORT

RETAIL STRATAGIES – Town Manager Childers stated he will be meeting with the Joint Industrial Development Authority (JIDA) on Thursday. Town Manager Childers reported he would have more information on this at the next meeting.

CAD (COMPUTER AIDED DISPATCH) SYSTEM- Town Manager Childers stated the Board of Supervisors voted to purchase the CAD system from Spillman. He added that the timeframe for implementing the system is not known.

BOARD OF ZONING APPEALS - Town Manager Childers reported he has five (5) individuals that have agreed to serve on the board of appeals. They are: Foy Patton, Bud Pollard, Raymond Matney, Billy Anderson, and Sherry Long. These individuals will need to be sworn in at Circuit Court.

FUNDING FOR THE CROOKED ROAD - Town Manager Childers reported the town office received a request from Southwest Virginia Cultural Heritage Foundation (SWVA Marketing) for funding in the amount of \$2500 in the FY 2017-2018 budget. The letter explained the funds provided by local government partners is used to sustain the work of The Crooked Road, 'Round the Mountain, and the Southwest Virginia marketing efforts at a national and international level. Mayor Litz added that council does not need to decide tonight because it is for FY 2017-2018. Mayor Litz asked Councilmember Lloyd to take lead on the decision. Councilmember Lloyd stated that Town of Rural Retreat paid the \$2,500 in the past however the town did not have a venue therefore, there was not a stopping point in town. Councilmember Lloyd stated that the barber shop has recently been made a venue. Councilmember Lloyd stated The Crooked Road was established as an economic development plan for Southwest Virginia. Town Manager Childers stated he has a meeting with some folks from Virginia Tourism and they are pushing hard for the town to fund The Crooked Road. Amy McBride asked permission to address council. Mrs. McBride stated the Rural Retreat Depot is an excellent venue for The Crooked Road. Mayor Litz added that the town would love to participate. Councilmember Viars stated that the town has changed in the past ten years and he is open to the idea.

Councilmember Viars reported he received a complaint from a citizen about the lot across from McDonalds. Councilmember Viars stated the parking lot looks like a dump. Town Manager Childers stated the town maintenance crew went to move the large clump of asphalt and place it in the potholes. He plans to send the maintenance crew back over to break up the large clump and fill the potholes. Councilmember Viars suggested contacting Virginia Department of Transportation (VDOT) to get the area cleaned up. Mayor Litz stated the property is not owned entirely by VDOT. Town Manager Childers stated a doctor in Abingdon owns the adjacent land and probably owns the parking area as well. Councilmember Viars suggested we revisit the issue and try to get it cleaned up because it is an eyesore. Councilmember Vaught suggested the land owner, McDonalds and VDOT go together with the town to pay to have it cleaned up. Mayor Litz suggested talking to McDonalds since their patrons use the area to park. Town Manager Childers stated he would get in touch with VDOT and see if how much of the property is theirs. Councilmember Jonas added that we could go to McDonalds and explain that if the town does not get help from VDOT or McDonalds then the town will put up a barrier to stop parking.

TREASURER'S REPORT

The invoices for January 24, 2017 were read and approved.

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.

Mayor

Clerk