

**MINUTES OF THE REGULAR MEETING OF THE RURAL RETREAT TOWN
COUNCIL HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, May 9, 2017 - 7:00 P.M.**

Mayor and Council Members Present: Mayor Timothy Litz; Vice-Mayor, Dale Yontz, James Lloyd; James P. “Sean” Viars; 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: Jerry Hurt, Donnie Buck

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 April 25, 2017. There being no discussion, the motion passed by a vote of six (6) for: Jonas, Duncan, Viars, Vaught, Yontz, Lloyd; zero (0) against.

CITIZEN’S TIME

Jerry Hurt of the Rural Retreat Depot Foundation addressed council. Mr. Hurt announced the Depot Foundation will hold Appalachian Culture Day At the Depot on June 14, 2017 from 1:30 p.m. to 8:00 p.m. Mr. Hurt explained the festivities will include a demonstration by Master Gardener, Lesley Boykin; a flag ceremony and performance by John Wesley Carpenter; clogging lesson by the Southwest Virginia Cloggers; Performances by The Junior Appalachian Musicians (JAM Kids), Elizabeth LaPrelle, Jim Lloyd and Wayne Henderson. In addition to musical performances the Hokie Bird will be on site for pictures, carriage rides, exhibition by the Smithsonian, and food vendor. Mr. Hurt stated the foundation will need help from the town to clean up the following morning. Mr. Hurt reported the Depot Foundation will hold the annual auction to raise funds for the Depot on July 29, 2017 during Heritage Days. Mr. Hurt stated that

the auction has outgrown the space inside the Depot and would like to see if it is possible to utilize the area behind the Randy's building. Mr. Hurt stated if the cinder block building and the Farm Bureau building are demolished it would be possible to set up an auction tent for the auction. Donnie Buck added the concrete slabs would need to be removed as well.

Mr. Hurt presented a letter from The Depot Foundation that explained the progress made over the last few years to restore the historical venue in downtown Rural Retreat. The Depot Foundation requests \$7,500 to be included in the 2017-18 budget. Mr. Hurt added that he and his wife Phyllis would personally match the donation 100 percent.

Mayor Litz stated the Depot looks great and Rural Retreat is on the edge of many changes. Councilmember Lloyd stated he believes the Depot is working as an incubator to bring things to the town.

Donnie Buck addressed council and requested closure of the street earlier than usual, around 8 o'clock a.m., during the Farmer's Market on June 14, 2017 due to the event that will take place that day. Mr. Buck stated the items donated from the town out of the Randy's building have been removed and will be sold at the auction. Mr. Buck explained a sign from a Philadelphia Newspaper advertising the newspaper cost was found and was in excellent shape. The sign will be sold privately to a collector. A larger 3 x 5 Vance Company sign was also found and will be restored to use for historical purposes. Mr. Buck added there are a few larger items in the building that could not be removed due to their size. The larger items cannot be removed without the assistance of equipment. Underneath the old section of the building are hand hued logs that need to be salvaged and saved because they date back to the 1800's.

CORRESPONDENCE

Councilmember Viars reported he was approached by a citizen regarding potholes. The citizen specifically mentioned a pothole where the town flat meets Main Street at the Depot and another one on Church Street. Town Manager Childers stated the pothole at the Depot would be addressed when Virginia Department of Transportation (VDOT) paves Route 90 this year. Councilmember Viars mentioned the pothole in question is not on Route 90 but in the transition to the area in front of the Depot. Town Manager Childers added we will wait to see what VDOT repairs when the paving is complete.

POLICE REPORT

Chief Breedlove reported he has written one summons since the last council meeting.

UNFINISHED BUSINESS

DR. PEPPER LOT PROJECT – Town Manager Childers reported we would not need to involve an engineering firm in order to make plans for the building on the Dr. Pepper Lot because there was a building on the property before. Town Manager Childers stated we will need to hire an architect to prepare a plan for the structure to be built. Quotes will be obtained in order to follow procurement guidelines.

CROSSWALKS - None

DOWNTOWN REVITALIZATION – Report included in Town Manager’s report.

THE CROOKED ROAD - None

MYRTLE LANE WATER CUSTOMERS – Report included in Town Manager’s report.

NEW BUSINESS

ADOPT NEW ZONING MAP – Town Manager Childers presented a new zoning map for council to consider. The new map is basically the same as before with the addition of the flood zone that runs through the town. A motion was made by Councilmember Viars and seconded by Vice-Mayor Yontz to adopt the new zoning map which includes the flood zone. Councilmember Duncan asked what the flood zone was based on. Councilmember Viars stated Federal Emergency Management Agency (FEMA) is responsible for the flood zone. There being no further discussion the motion passed by a vote of six (6) for: Yontz, Lloyd, Jonas, Viars, Duncan, Vaught; zero (0) against.

COMMITTEE REPORTS

HERITAGE DAYS – Vice-Mayor Yontz reported all acts have been finalized.

FINANCE & APPROPRIATIONS – Treasurer Patton reported a draft of the fiscal year 2017-2018 budget will be presented at May 23, 2017 meeting.

PERSONNEL, ORDINANCES & LEGAL MATTERS – Report included in Town Manager’s report.

PUBLIC UTILITIES – None

TOWN MANAGER’S REPORT

The Town Manager’s report is attached and is hereby made part of these minutes. The following items were reported and discussed:

- Spoke with VDOT, their traffic division did a ride through town and are going to adjust some of our speed limit signs. In some areas of town one lane is under a 35-mph speed limit while the other lane is 45 mph speed limit. I asked about getting signs at every town limit sign, but VDOT said they would have to do a speed limit test on every street in town, and they would not do that. I also asked for speed limit test be done on Mt. View because there is no speed limit sign on this street. They will also be looking to replace damaged signs and ones that are leaning.
- I sent in a request to AEP to have lights put on three poles on Buck Ave. These poles are located in front of the high school entrances. It is also heavily travelled during Halloween.

- We found that the drainage lines running from behind the car wash were not tied into the drainage during Phase 8 of the sidewalk project. I will be contacting VDOT, Hurt and Proffitt, and King about the issue.
- Spoke to Jessica Littlejohn with Hurt and Proffitt. She advised that the town do an asbestos study before demoing any buildings within the BLOCK grant. Other localities have been fined for not doing this. She said it is not very expensive.

Councilmember Viars asked if the asbestos study on the Randy's property would cover all the buildings on the property. Town Manager Childers stated yes and he does not expect any problems. Hurt and Proffitt will conduct the study. Councilmember Duncan asked if depending on the results of the study will this affect how the building is demolished. Town Manager Childers answered it depends on if asbestos is found and where it is located.

- Council needs to take action on an amendment to the town's Code of Ordinances. In section 38-27, which refers to the Composition; appointment and term of members. In paragraph b in the first sentence you will see "One member of the planning commission shall be a member of the town council, and one member shall be a member of the administrative branch of the town government." The word "shall" should be changed to the word "may" to reflect Ordinance 6 that was established in 1975. By doing this, the Planning Commission will reflect the current seats on the Commission. There also needs to be an amendment to Code section 38-29 which is Oath of office. No members in the recent past have been sworn in. The Planning Commission members and myself, feel that being sworn in is not needed.

A motion was made by Councilmember Lloyd and seconded by Vice-Mayor Yontz to remove the word "shall" from the code of ordinance (Section 38-27 paragraph B) to "may". There being no further discussion the motion passed by a vote of six (6) for: Yontz, Jonas, Lloyd, Viars, Duncan, Vaught; zero (0) against.

Town Manager Childers referred to Ordinance 6 and asked council to consider removing the section that requires planning commission members to take an oath of office. Councilmember Vaught stated the Code of Virginia 15.1-437 is referenced and it may be required since it is part of the code. Councilmember Duncan stated maybe members should take an oath. Town Manager Childers added the commission members make recommendations not decisions. Councilmember Vaught read the Code of Virginia 12.2-2212 which replaced 15.1-437. The ordinance reads, "the local governing body may require every member of the commission to take an oath of office." Councilmember Vaught added the code also reads, "one member may be a member of the administrative branch of government of the locality." Town Manager Childers stated it is the discretion of council to require planning commission members to take the oath of office. Councilmember Viars stated the entire section of the ordinance requiring members to

take an oath of office should be removed. A motion was made by Councilmember Jonas and seconded by Councilmember Lloyd to strike section 38.29 from the ordinance that requires members to take an oath of office. Councilmember Viars stated the section should be removed to keep having things misconstrued down the road. The motion passed by a vote of six (6) for: Lloyd, Jonas, Yontz, Viars, Vaught, Duncan; zero (0) against.

Councilmember Vaught stated the reimbursement of planning commission should be addressed as well. Town Manager Childers stated the reimbursement will be approved in the budget. A motion was made by Councilmember Vaught and seconded by Councilmember Viars to update Ordinance no. 6 to read, “The local governing body may provide for compensation to commission members for their services, reimbursement for actual expenses incurred, or both.” Councilmember Vaught stated this is how the updated Code of Virginia section 12.2-2212 is worded. The motion passed by a vote of six (6): Lloyd, Jonas, Yontz, Viars, Vaught, Duncan; zero (0) against.

- I will be attending a meeting on Thursday May 11th with retail coach and the JIDA to finalize our contract with retail coach. The chosen representatives from the two Town council’s and the BOS will also be in attendance.

- Spoke with Robert Hilt, with Rural Development, he feels that we can stop billing the property owner’s that refused the mandatory hookup in the out of town water project from 2010. He stated that the town must have a mandatory hookup ordinance of our own to hold citizen’s accountable. He does not feel that we will be in violation of the Grant funded project and be required to pay back any money. They hard copy file for this grant is in the Wytheville Rural Development, and he won’t be there until Thursday. He will review the file then and let me know exactly what needs to be done.

Councilmember Vaught asked if the public utilities committee should meet to draw up a mandatory hookup ordinance. Mayor Litz added when the ordinance is written the committee should address the issue of citizens that have wells on their property as well. Town Manager Childers stated he would contact Virginia Municipal League (VML) regarding the issue.

TREASURER’S REPORT

The invoices for May 9, 2017 were read and approved.

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