

The Rural Retreat Town Council held a public hearing during the regular scheduled meeting on April 14, 2009, at 7:00 p.m. in the Rural Retreat Town Hall Council Chambers.

PRESENT RURAL RETREAT TOWN COUNCIL MEMBERS

Mayor Timothy Litz
Vice-Mayor Keith Crigger
Ed Schaack
Scott Mecimore

Dale Yontz
Jerrell Hall
Kristie Osborne

ABSENT

There were no members absent.

ADMINISTRATION PRESENT

Raymond Matney, Town Manager
Lori Guynn, Clerk/Treasurer
Scott Mitchell, Police Chief

OTHERS PRESENT

James Porter Sage – Rural Retreat Cable T.V., Inc.; James L. Gordon, Sr.; David E. Lee; Chuck Sullins; Brenda Maxey; Ray Cooms; Jason Litz; Mike Lindsey; Lorrie Mitchell; Sandy Litz; Allan West; Jim Hall; Don Brooks; Donna Meredith; Eleanor Sage; Donald Meredith; Anita Widner; Donnie Widner; Ann Rumfelt; Jay Rumfelt; Charles Slagle; Alma Dunford; Helen B. Osborne; Kermit Osborne; Lois Litz; Rose Weaver; Jack Weaver; Hugh C. Hopkins; Elizabeth Lowder; Bob Lewis; Sandra Lewis; Beverly Wynn; Verna Henley; Edna Keys; Brian W. Vaught; Tammy Groseclose; Nate Hubbard – Wytheville Enterprise; Gail Jacobs; Marcel Legare; Harriet Hilton; Rick Hilton; Tommy Seagle; Connie Seagle; Kenneth C. Noble; Butch Quinn; Gerald Musser; John R. O’Quinn; Ellen Schaack; Kevin Buller; Evelyn Lahman; Jim Lloyd; Michelle DeBord; Becky Harrison; Jim A. Hall; Michele Richmond; David Maxey; Randolph Hilton; Jonathan Hamman – Grace Lutheran Church; Lewis McMillion; Wanda Fortuner; Dennis Fortuner; Dennis Wade; Paula Wade; John Nichols; Jerry Coffey; Marilyn Hall; Deanna Vipperman; Charlie Vipperman; Trevor McKenzie; Larry E. Lindsey; James Bowers; Oscar Roark; Wilma Justus; Gabrielle Justus; Libby Phillippi; Linda Mecimore; Curtis Robinette; Alan Everhart; Michael J. Sobey – Rural Retreat Town Attorney and others.

DETERMINATION OF A QUORUM

Mayor Litz called the meeting to order and determined the presence of a quorum.

INVOCATION

The invocation was given by Rev. Jonathan Hamman.

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Litz.

PUBLIC HEARING

RURAL RETREAT TRAIN DEPOT – Mayor Litz read the public notice as published in the *Wytheville Enterprise*. A copy of the notice is attached and hereby made a part of these minutes. Prior to opening the public hearing for comment, Mayor Litz stated due to the large turn out there would be a time limit of three minutes for comments. Police Chief Mitchell was asked to monitor the time for each speaker. He also asked that each individual speaking state their name and that all comments be directed to the Mayor's chair and the council, not to the audience. Mayor Litz asked that all cell phones be turned off and that everyone be civil and show good manners. The public hearing was opened for public comment. The following individuals spoke concerning the Rural Retreat Train Depot:

Prior to beginning public comments, James Bowers asked Mayor Litz if minutes or financial reports would be given. The minutes and financial report will be presented later in the meeting, Mayor Litz responded.

Dennis Wade stated he had received a letter in the mail and asked how much of the information in the letter was true. He stated as taxpayer's most want to know what the property was going to be used for because it is a small parcel of land. He further asked if it was going to be used as a park, parking lot or have another use. Mayor Litz explained the council is interested in preserving the depot where it stands, not necessarily as a museum, because the town must have ownership of the property in order to develop a plan to restore it. Mayor Litz stated it was obvious the depot is slowly decaying however in the owner's defense he could not spend thousands of dollars to restore the depot because he doesn't own the property. He added the town has the opportunity to obtain the property. Mayor Litz further stated there was information in the letter that was guided toward a certain feeling but the council is watched closely. He addressed the claim of secret meetings being conducted and stated anyone was welcome to review the minutes of all meetings held which show the meetings were conducted appropriately.

Wilma Justus reminded everyone that the war of 1776 was fought for freedom and our fore fathers used eminent domain only when necessary for the common good. She stated that everyone had relatives that died defending those rights. Ms. Justus added the issue comes down to who owns the land. She felt the town should give Mr. Weaver a certain length of time to move the depot and feels that no one has the right to tell him what to do with the depot or to take possession of it. She asked that the town petition Mr. Weaver to fix up the depot but don't steal it from him.

Jimmy Gordon stated he had addressed the council before and brought up several issues that were taken under advisement but he hadn't received any information back. He added he has lived in town all of his life with the exception of while he served in the military. He pointed out the town is always interested in taking over things such as the caboose which is now only

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collecting dust. Mr. Gordon stated Mr. Weaver has a legal right to do what he wants with his property. There were other issues in this town such as ordinances that need to be enforced he added. He further stated there has been a conflict with Mr. Weaver since he ran for Mayor and compared the conflict to two kids arguing over candy. Mr. Gordon stated Mr. Weaver should be allowed time to move or tear down the depot. He added there is talk of a museum which will only increase taxes again.

Vice-Mayor Crigger stated the previous two people have expressed concern with obtaining the depot through eminent domain. He further stated the town must still purchase the depot but the court will decide the amount to be paid.

Wilma Justus responded by saying everyone was aware of that but even if Mr. Weaver was given a million dollars for it he still should not be forced to sell it.

Jack Weaver spoke next and thanked everyone for attending the meeting and being involved in government and stated more is needed. He stated he was the person who wrote and sent the letter and he stands by every fact and word in it. Mr. Weaver added he felt people were being misled and referred to a letter addressed to Town Manager Matney dated February 19 and to a television interview with Mayor Litz that aired earlier in the evening in which the Mayor had stated the town had a contract. This claim is false, there is no contract, only a proposal, Mr. Weaver added. He stated he had previously told the Mayor and Town Manager that the town should have a contract from Norfolk Southern stating if successful in obtaining the depot and the closing of Miller Street and possibly Church Street then Norfolk Southern will consider donating the property. Mr. Weaver stated in the past he has had three letters exactly like the one received but he is still unsure what the word consider means. He added he knows N&W well enough to know that when a contract is drawn up, it is usually twelve pages long and stated what can and can't be done.

Mr. Weaver further stated that Mayor Litz had said in the television interview that the depot will be used for public purposes. Mr. Weaver stated this was not true because the letter from Norfolk Southern states the depot must be used for historical purposes and the land can be taken back at any time Norfolk Southern wishes. He added the main purpose here is eminent domain which was designed for one purpose only and that is for the taking of real estate not personal property. Mr. Weaver further stated the depot became personal property when N&W sold the property to Jones Farm Supply. At this time, Mayor Litz informed Mr. Weaver that he had passed the three minute time limit.

James Bowers inquired as to how Mr. Weaver acquired the building. As far as the building is concerned, he stated, town ordinances should be followed. He added the winter weather was tough and buildings are assessed based on how they look. He was interested in knowing what Mr. Weaver is going to do with the property because it can't be left to be an eyesore. Mr. Bowers stated he would like to see the town be a community where people can come and enjoy the scenery so he felt what is done should be for the good of the community.

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Don Brooks stated the main issue seems to be Jack Weaver therefore he would like to give his time to speak to Mr. Weaver. Mr. Weaver addressed Mr. Bowers' question in reference to how he obtained the depot by stating he acquired the depot when he purchased the Southern States building from Tommy Jones. He added he bought the depot approximately six months prior to the other properties. Mr. Weaver stated he has tried for two decades to work with Raymond Matney, the mayor and Councilmember Ed Schaack, because Mr. Schaack was the chair of the Long-Range Planning Committee, to restore the depot. Since 1991 he has fought the town, not the people because they are wonderful people, to restore the depot and he is tired of fighting, Mr. Weaver added. Mr. Weaver further stated he agrees the depot needs to be restored and is an eyesore but without owning the land, he can not restore it because each January it is the railroad's option to renew the lease on the property. He stated he has previously had the same contract that the town now has but it required closing the railroad depot in which he told Jeff George with the railroad that he was not in charge of closing the railroad depot so he presented the proposal to Raymond Matney and the town council. They told him they were not closing any crossings. Mr. Weaver stated eminent domain applies only to real estate and not to personal property because when the building was sold separately from the land it became personal property. He added this will become a Supreme Court issue and will cost the town a lot of money.

Beth Lowder asked if there was anyway, in order to achieve the same goal, the town and Mr. Weaver could go to the table once more to discuss the options and possibilities and present a united front to the railroad in an effort to obtain the property. By working together and letting the railroad know that this building is a piece of our history and is the last of the American Gothic depot buildings still standing, this makes it priceless to us, not in value because it is an old run down building. If both sides continue to pick at each other and do not come together then nothing will be done, Ms. Lowder added. She asked that this be done the fair and equitable way so that the depot is restored to its glory days because it is the history that is owed to our children and grandchildren. Ms. Lowder stated she was not taking sides but she would like to see the depot restored.

David Maxey stated he doesn't live in town but asked for those interested in seeing the old Crockett Depot and old the Kings Grove Church come to his farm because the barn is built out of the depot and the tractor sheds are built out of the church. He added he hates to see the depot go because he thinks it is a beautiful building. He further stated he was not speaking against Mr. Weaver or the town but commented that once the building is gone, it's gone.

Jay Rumfelt commented that he couldn't believe there was anyone in the room that cares anything about Rural Retreat and would want to see the depot gone. He added he asked Mr. Weaver, ten years ago, if he was going to paint the depot and was told that he was going to move it. He stated he had nothing against Mr. Weaver but he wants to keep the depot and restore it to the way it was.

Alan Everhart stated he has lived in Rural Retreat for a few years and he wasn't at the meeting for himself but for his six year old son. His son was listening as he and his wife were talking

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about the letter received and he doesn't want the depot torn down. Mr. Everhart further stated the depot was an eyesore and he didn't think the town council had a right to the property but his six year old son has a right to it.

Kevin Buller stated he too has only lived here for a few years and he was also here for his children because his three and half year old daughter loves everything there is about trains. Every time the train comes through she thinks it's the Polar Express or Thomas, he added. He stated he grew up in a small town similar to Rural Retreat. In his hometown each year they had a fair that would last for three days which was the biggest event in the general area. He further stated in the short time he has been living in Rural Retreat he has learned that the depot and the drug store that is now gone is an important part of our town. He stated he would like to see the depot saved because he would like for his children to grow up in a town where they can learn about the heritage. He added he would like to see the depot saved though he doesn't like the conflict.

Becky Harrison addressed the council and explained her grandmother was raised in a small town in Ohio and her grandfather was a train engineer so trains have always been an important part of her life. She referred to the pictures on the walls of the meeting room that include the depot and commented that it has always been an important part of the town in years past and it can be again. Ms. Harrison recalled that when she first came to Rural Retreat in 1994 she had asked the realtor why something wasn't done to restore the depot. She explained the realtor told her that the owner would rather burn it than to give it to the town. Over the years she has seen the depot go down, she added. Ms. Harrison stated she agreed with the comments made by Beth Lowder and asked that both parties attempt to work together again for the sake of our future so that the depot can be kept.

Randolph Hilton stated he thought the issues could be resolved by helping Mr. Weaver acquire the land and help him to get grants to fix it up. Mr. Weaver would own the property and would be paying the taxes and utilities. He said he didn't know if that would suit Mr. Weaver but then the town's taxpayers wouldn't have to do it. He added he felt this would be better than trying to take the property away from him. Mayor Litz replied that he had a good thought but the proposal states the property must be held in public hands. Mr. Hilton stated the railroad may come around if asked. Mayor Litz stated he wasn't trying to be obtuse but based on previous battles it isn't possible. Mr. Hilton told Mayor Litz that the town didn't try. Mayor Litz responded there have been numerous attempts before. Mr. Hilton stated there hadn't been because the town was asked to close crossings. Town Manager Matney interjected that the Church Street crossing was asked to be closed. Mayor Litz added with this proposal the town was asked to close two crossings, Church Street and Millet Street however the town wouldn't allow the Church Street crossing to be closed.

Donna Meredith commented that O. Winston Link took pictures of the Rural Retreat Depot that went around the world. She asked if anyone would like to see this building leave. Ms. Meredith added at the O. Winston Link museum the picture of the Rural Retreat Depot is the first one that is seen.

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David Lee stated everyone has failed to realize that the council wants to save a floppy little building that is a railroad depot. A government body wants to take someone's personal property. Tomorrow it will be your personal property, he added. Mr. Lee asked if they are going to be allowed to take Mr. Weaver's property. He further stated the government needs to be limited and held down.

Marcel Legare stated that money is the bottom line. He added if there is money to fix it up to do it, if not then pass the hat.

Kermit Osborne stated he has listened to everyone's comments and he agrees with some of them. He explained he has lived here for about forty years and during that time he has only seen the depot go down and the other downtown buildings burn or be torn down. He added the depot is almost all that is left of the downtown. Mr. Osborne stated he would like to see the depot restored so that it will be a benefit to the community and not an eyesore. He further stated he has heard the appraised value of the building is \$6,000 and the town offered \$30,000. Having been through many court cases over the years, from what he has seen, he isn't sure the court would allow \$30,000 to purchase the depot. If it takes going to court to obtain the depot then that is what will have to happen, Mr. Osborne commented.

Rick Hilton commented that he has watched the depot and other buildings go down over the years. Everyone keeps saying the town is trying to take the depot but there has been a for sale sign on the building for approximately the past ten years so apparently it is for sale. His opinion was the town isn't trying to take it but just trying to buy it to save it.

Verna Henley explained she has lived in Rural Retreat for 81 years and she remembers a lot of the buildings in town that are no longer here and the depot is one of the last remaining. Ms. Henley stated the depot must be saved but asked that it be done in a friendly way.

James Hall explained that his daughter runs the Historical Society and for many years she has talked to Mr. Weaver about purchasing the depot from him but he never gave her an amount. Mr. Hall said it has been his understanding that in order to obtain the property the building must be owned by a non-profit such as the Historical Society or a government entity such as the town. Mr. Hall commented that Mr. Weaver has had ample time over the past ten years to work on the depot in which he has refused to do and has yet to give a price.

Allan West recalled traveling to Rural Retreat as a child and watching people get on and off of the train. He stated he would like to see the depot stay however he had two questions. The first he directed to Mr. Weaver and asked him if he would work with the town to preserve the depot where it is at and restore it. Mr. Weaver replied he has tried for twenty years. Mr. West stated he was aware of what had happened in the past but he wanted to know if he would make a decision tonight to work with a Town of Rural Retreat committee. Mr. Weaver replied he would be willing to listen. Mr. West then asked Mayor Litz and the town council if they would work with Mr. Weaver to preserve the depot. Mayor Litz responded the town had attempted to do so without clean negotiations. Mr. Weaver stated what Mayor Litz was saying was incorrect. Vice-

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Mayor Crigger added at the last council meeting, Mr. Weaver was present and after the meeting was over he had followed Mr. Weaver out and he personally asked Mr. Weaver to negotiate the sale of the depot for the good of Rural Retreat and its citizen. Mr. Weaver's response was no. Mr. Weaver interjected that Vice-Mayor Crigger's comment was incorrect also.

Larry Lindsey stated he was a lifetime resident of Rural Retreat. He expressed his concerns for Mr. Weaver's property and the stipulation that Norfolk Southern can take back the property then what will happen to the depot, Mr. Lindsey asked. He added there wasn't a person in the room that wants to see the depot torn down including Jack Weaver. Mr. Lindsey stated if a deal could be reached it would be wonderful because the depot is the only building left in the downtown area. Mayor Litz addressed Mr. Lindsey's concern that Norfolk Southern can take the property back if they so choose by stating Norfolk Southern will convey the property to the town but if they decide they want it back, the town will be reimbursed for the money spent on the restoration and will be paid the current value of the property.

Chuck Sullins stated everything is hinging on the railroad but he would like to know if there is any other town owned property. Mayor Litz responded other town property had been considered but there is no property available. He added the depot probably wouldn't tolerate much movement if moved. Mayor Litz stated this wasn't done lightly because it has been a heart breaking decision for all of the council members even though it appears it is heartless and callous.

Alma Dunford recalled being a child and her dad bringing her family to Rural Retreat and they would see the drug store and depot. She stated she really hates to see the depot go and feels that it should be restored.

Ken Noble stated the situation is the property will either be condemned or Mr. Weaver will get to keep the property. He explained he felt these weren't all of the options. Mr. Noble stated until tonight he had not heard another price for the depot other than the offer the town made to Mr. Weaver. He stated Mr. Weaver should establish a price for the depot so that there are more than the two options to restore the depot. Mr. Noble asked Mr. Weaver for a price. Mr. Weaver then stated he would answer the request only if he was allowed to respond. Mayor Litz asked Mr. Weaver for a response. Mr. Weaver explained to Mr. Noble that he has tried for two decades to attempt to restore the depot because he also loves the depot and until the town gets the money for depot then it will look as it does. Mayor Litz asked Mr. Weaver if he would give the town a figure that the town could work with. Mr. Weaver responded he would be glad too because the Mayor and he had talked about this so they should discuss it again. As Mr. Weaver began to explain the proposal from Norfolk Southern, those present asked Mr. Weaver to give a price. Mr. Weaver stated \$300,000 to bulldoze the Southern States building so that the depot could be moved there and not be bothered again by the railroad.

James Bowers asked Mayor Litz what would happen next if they property is condemned. Mayor Litz responded the council would have to adopt a resolution which will be filed in court at which time the depot will become town property and the court will then have to decide how much is

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paid for the depot.

Sandra Lewis stated she grew up in Rural Retreat and said she remembers the buildings and the trains in the town flat as it is called. She stated she doesn't want to lose the depot and she hates the feeling that it creates. Ms. Lewis added she wants to keep the depot but she doesn't agree with the way the town is going about it. She further stated that Mr. Weaver wants to do something with the depot as the town does also. Ms. Lewis stated she felt Mr. Weaver wanted to go down in history for saving the depot and that it doesn't have to be given to the town council or to the town manager but to give it to the people of Rural Retreat for restoration.

Porter Sage commented he remembered going into the depot as a child and there is a lot of history in the building.

Bob Lewis stated he moved to Rural Retreat when he got married. He said everyone agrees that the depot needs something done but there has been no discussion about the money that will be involved. He further stated in these economic times, what will this cost the Town of Rural Retreat. Mr. Lewis questioned if grants will be available but who knows if they will be he added. He stated chemical tests need to be completed on the inside of the building due to the chemicals that were stored in the depot for many years. Mr. Lewis stated if the town had this kind of money then they need to purchase a warning system and secure our water system by building a fence around them. He said he agrees something needs to be done to the depot but in these economic times the town needs to be spending money wisely.

Sandy Litz addressed the council and stated she teaches children ancient history at Rural Retreat Elementary School. She stated the children can locate ancient China and Egypt on a map but they can't locate Rural Retreat and she doesn't want the children to loose their history if the depot is lost. Mrs. Litz stated she is married to the Mayor and has seen first hand how much the council has agonized over this issue over the past few weeks. She added they are not trying to take anyone's property because a fair price has been offered and the council is not doing this for themselves but for their children, grandchildren and future generations.

Tommy Seagle addressed the council and stated that history comes at a high price and asked if the town was willing to pay for history. He stated as building maintenance supervisor for the Town of Wytheville he oversees the maintenance of three museums and he knows what the annual cost is to maintain those buildings and it isn't cheap. Mr. Seagle said he would like to preserve history but asked that the Mayor and council save face and not proceed because if they want to save the depot and preserve history, then give Mr. Weaver his asking price. He said he felt the way the situation was being handled was wrong.

Rose Weaver expressed appreciation to those who were in attendance. She asked those present to forget about Jack and Rose Weaver owning the depot and to think about what they would do if they owned the depot.

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Jim Lloyd addressed the council and gave a brief history of the stories he has been told about the depots in Rural Retreat and explained what Rural Retreat means to him. Mr. Lloyd added he had previously served on the council for over sixteen years and he knows the council is facing a difficult decision but he feels the depot should be preserved at all cost.

Brian Vaught explained he was one of the first fire fighters on the scene when the Rural Retreat Drug Store burned. He stated he remembered looking across the street later in the afternoon, to where the Gammons building was and seeing Mr. Matney consoling people crying because another landmark had been lost. Mr. Vaught recalled the day the Williams Superette closed and the day the traffic light was installed because he considers these landmark events. With the loss of each one of these things that Mr. Vaught considers a landmark, he stated it breaks his heart. Mr. Vaught stated he felt that the council and Mr. Weaver have the best interest of the town at heart.

Connie Seagle, a previous council member, was the next person to address the council and she asked how the council arrived at the offer of \$30,000 for the depot and asked if an appraisal had been done by an individual qualified to assess historical properties. Mayor Litz responded the problem is the building is historical and there is nothing that allows a building to be fixed if it is on someone else's property. Vice-Mayor Crigger added the amount was arrived at by multiplying five times the tax assessed value of the structure. Ms. Seagle asked what was magical about five times the value. Vice-Mayor Crigger responded nothing but asked Ms. Seagle if she would sell her property for five times the assessed value. Ms. Seagle said she agrees with Mr. Lloyd in the fact that it is a piece of property that needs to be preserved because it is priceless but she also disagrees with eminent domain. She asked without a doubt, does the town know this is a fair price without having the building adequately and properly appraised. Vice-Mayor Crigger responded if the situation would have worked the way it was supposed to and Mr. Weaver would have been willing to work with the Town of Rural Retreat then he would have given a reasonable offer back.

Jim Hall asked Mayor Litz who will decide the value of the property. Mayor Litz responded a jury of real estate minded people will decide the value. Vice-Mayor Crigger added the value will be decided based on structure only, not its historical significance. Mayor Litz explained everyone is saying the town is trying to take the property when the town is only trying to buy a piece of property that has been for sale with a sign on it. Ms. Seagle asked what the price was on the property when it was for sale. The price given was on the three properties.

Dennis Wade addressed the council a second time and explained that he had worked in construction for almost 40 years and had worked around buildings similar to the depot. Mr. Wade stated everyone is concerned about the expense involved and he addressed the possibility the building may contain lead based paint. He added work will need to be done to the foundation and to the windows. Mr. Wade estimated the cost to refurbish the depot would be hundreds of thousands of dollars where it is sitting.

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Deanna Vipperman asked if the town got the depot and received grants would the grants help pay for the upkeep or will tax money be used. She also asked if tax rates will be raised higher than they already are. Ms. Vipperman stated she would like to see the depot refurbished but she does not want to pay higher taxes to help fund the refurbish. Mayor Litz responded he could not guarantee that tax money will not be used to fund this project but nothing comes without a risk. He stated that due to the timing, there is some grant money that will be unavailable because the application deadline is past.

Bob Lewis asked Mayor Litz if the grants would be matching or 100% grants. Mayor Litz said he felt there would be some of both. Tommy Seagle commented on Mr. Lewis' question and stated that most grants received by museums are through the Department of Transportation which are usually 80/20 grants but the 20% could be money from the Town of Rural Retreat or through in kind donations. Mr. Seagle added there is no such thing as free money. Mr. Lewis stated all funding was still taxpayer money.

Don Meredith stated 25-30 years ago the same issue came before the Council and Arthur West, a local builder, was asked to look at the depot. Mr. West looked at the building and reported it wasn't worth buying.

Connie Seagle asked what does happen if the town goes through the whole process, Mr. Weaver has to sell the depot to the town for \$20,000 to \$30,000 and then no grant money is received. Vice-Mayor Crigger responded that this building will not be restored overnight. Mayor Litz stated it will not be easy.

Charles Slagle stated the depot is something the town doesn't have to have and the town could live without it. He added he hates to see it torn down but due to the economy everyone has to use every penny they have to live on.

Evelyn Lahman addressed the council and stated she has lived in Rural Retreat for 32 years and she loves the town and its people. She further stated she hated to see the town flat area burn, the Gammons building torn down, the drug store is now gone and there is only one building left. Ms. Lahman stated she is willing to help preserve it, work for it and buy it. Ms. Lahman then presented \$5 to Mayor Litz as her contribution toward purchasing the depot.

Porter Sage asked if there had been any indication from the railroad if the building was obtained that they would help restore the depot. Mayor Litz said he didn't think they would offer assistance. He added that during a meeting held with Norfolk Southern, Mr. Matney and he, they were treated famously this time. Mayor Litz said this is why Mr. Weaver is concerned with the contract offered but after Congressman Rick Boucher's letter, it would be very damaging if they turned face now. Vice-Mayor Crigger corrected Mayor Litz and said this is an agreement not a contract.

Bob Lewis asked what Congressman Boucher's involved was in this. Mayor Litz responded Congressman Boucher went to bat for the town and asked the railroad to donate the property to

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the town. Mr. Lewis asked if the Congressman had told the town about grants that he will help the town get. Mayor Litz said yes, he will be instrumental in grants being received. Don Brooks asked if the grants will be from stimulus money which will cost everyone in the long run.

Don Meredith stated the depot is sitting on railroad property but there is a provision that Norfolk Southern can come in the future and take the property back by repaying the town any expenses involved. He asked if the depot was restored through grants then where will the grant money go and will grants be available to fix up a building on property owned by someone else. Mayor Litz responded the property would belong to the town. Mr. Meredith stated it wouldn't, according to the proposal. Mayor Litz informed Mr. Meredith he was reading a different proposal than he was.

Wilma Justus commented that she believed Mr. Weaver had offered his position and he is willing to move and restore the depot. Ms. Justus added the depot will be nearby and won't cost the taxpayers because even with grant money it will still be costing the taxpayers.

Bob Lewis explained that Mr. Weaver says he has a contract to move the depot and he asked Mr. Weaver when the contract will go into effect. Mr. Weaver stated the depot will start being moved tomorrow morning.

Mayor Litz closed the public hearing at 8:35 p.m. and commented that if anyone present could walk in his shoes to hear some of the comments that he had, he believed some of the comments made tonight would not have been made. He asked the council to act on the issue as they think should be done in this situation. Mayor Litz asked for a motion to adopt the proposed resolution to obtain the Rural Retreat Train Depot by condemnation or other means for public use.

Vice-Mayor Crigger stated he was not in favor of eminent domain as he had stated in front of the council before. He added he would love to see the depot restored but there was no way to say that it won't require tax payer money. He stated he could not vote to adopt the resolution because he doesn't believe in taking a person's property. Vice-Mayor Crigger commented that if Mr. Weaver would open up negotiations with the town on the depot and give them a legitimate price for the property.

Councilmember Schaack stated he would be in favor of condemning the property so the town could restore it. He added he felt the majority of the people in Rural Retreat want to see the depot restored where it is located. Mayor Litz asked Councilmember Schaack if this was a motion in which Councilmember Schaack responded yes, he is in favor of condemning the depot to restore it.

Councilmember Osborne informed Mayor Litz she would like to ask Mr. Weaver one more time to reconsider separating the property from the other properties and giving a price on the depot only. Mr. Weaver responded based on the advice of where we are with eminent domain and in all fairness to Councilmember Osborne he would not give a price at this time.

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Councilmember Yontz commented that he felt the whole issue is eminent domain. As most know from the letter this has become a personal matter but he is not in favor of eminent domain, he added. Councilmember Yontz stated this is one of the hardest decisions any councilmember has had to think about because they don't want to take anything from Mr. Weaver but he isn't willing to work with them. He further stated that the people are asking Mr. Weaver to work with them. Mr. Weaver responded he has been trying for over 20 years. Councilmember Yontz responded for 20 years he has been working with a different group of people not the group that is sitting here tonight and is willing to work with him.

Mayor Litz asked for a second on the motion made by Councilmember Schaack. Councilmember Osborne seconded the motion. Mayor Litz read the proposed resolution for the condemnation of the Rural Retreat Depot for public use. A copy of this resolution is attached and hereby made a part of these minutes.

Vice-Mayor Crigger asked those present if they wanted to save the Rural Retreat Depot. Some responded yes. He asked how to do it. Others responded to condemn it. One commented that it already had been. Vice-Mayor Crigger stated no, it hadn't been voted on yet. A lady asked if there were any ordinances that provide for run down buildings, for example if she lets her house go would she get fined for letting it fall apart. Mayor Litz said the Town has never wanted to tell people how they should live.

Vice-Mayor Crigger stated his question is whether the people want to save the depot. He asked the audience if they were in agreement that Mr. Weaver is not willing to work with the Town of Rural Retreat to save the depot. Several people said yes. He then stated Mr. Weaver is holding the citizens up, not the town council and then he asked if it was the right thing to take a person's property. Vice-Mayor Crigger answered the question he presented by stating he didn't think it was but it was a double edged sword.

A citizen stated the council needed to think about what this will cost in the long run because he would like to see it restored but it will cost everyone because everything is being taxed more.

Mayor Litz stated he appreciated everyone's comments. He then asked for a roll call vote. The motion was approved by a vote of three (3) for, two (2) against and one (1) abstention with the following vote being cast - Ayes: Dale Yontz, Ed Schaack and Kristie Osborne. Nays: Keith Crigger and Jerrell Hall. Abstention: Scott Mecimore. Councilmember Mecimore stated he abstained because this will be viewed as financial gain since the depot is located near property he owns.

Mayor Litz thanked everyone for their time and comments. He stated a brief break will be taken before continuing with the meeting.

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APPROVAL OF MINUTES

A motion was made by Councilmember Osborne, seconded by Councilmember Mecimore to approve the minutes of the March 24, 2009 regular meeting as written. The motion passed by a vote of six (6) for and zero (0) against.

CITIZEN'S TIME

Those who remained in attendance did not wish to address the council.

CORRESPONDENCE

There was no correspondence to be reported.

POLICE REPORT

Chief Mitchell explained his monthly activity report for March 2009. He added he had arrested a subject on March 31 that was intoxicated and had passed out in their vehicle at Joey's Country Kitchen.

UNFINISHED BUSINESS

REQUEST TO RENAME EAST RAILROAD AVENUE – Mr. Matney stated he had not spoken to the Wythe County 911 Coordinator concerning this request. He further stated he had informed the American Legion Post #229 that the town was considering a change to the sign ordinance. This possible change would allow the American Legion to place a sign on a designated sign post directing traffic toward the Veterans Monument. Mr. Matney added the American Legion was supportive of this proposed change.

NEW BUSINESS

RESOLUTION FOR VDH APPLICATION – The preliminary engineering report for the Phillippi Spring #2 Water Project has been completed. Based on the report, approximately 400 gallons of water per minute can be captured. This resolution will allow the town to apply for a loan/grant through the Virginia Department of Health for funding of this project. Vice-Mayor Crigger made a motion to adopt the Virginia Department of Health Loan/Grant Funding Resolution for Phillippi Spring #2. The motion was seconded by Councilmember Yontz and it passed by a vote of six (6) for and zero (0) against.

COMMITTEE REPORTS

HERITAGE DAY COMMITTEE – Chairman Yontz stated the next meeting will be held on Tuesday, April 28, 2009 at 6:00 p.m. in the Town Hall Council Chambers. He also stated he had received a call from an individual interested in giving camel and llama rides at the festival.

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PERSONNEL COMMITTEE – Chairman Schaack explained he had revised the town manager job description by combining the descriptions for the town manager and assistant town manager positions. A copy of this draft will be distributed at the next council meeting.

TOWN MANAGER’S REPORT

The Town Manager’s report is attached and is hereby made a part of these minutes. The following items were discussed and/or acted upon:

REGIONAL WATER SUPPLY PLAN – A meeting was held with the Mount Rogers Planning District Commission on the Regional Water Supply Plan. The town will need to adopt a Drought Management Plan and a Drought Management Ordinance.

TEA-21 SIDEWALK PROJECT – All deeds have been prepared for the necessary easements and right-of-ways. The easements for Embarq and AEP are being prepared by legal council and should be ready next week. If so, meetings will be scheduled with the property owners to certify the right-of-ways.

WETLAND / BRUSH TRUCK – This truck was ordered on April 10, 2009.

WATER PROJECT – OUT OF TOWN – After reviewing the project plans, Mr. Matney, Rodney Hurt and Mike Jones met with the engineers to discuss changes made to the project. The proposed changes should be completed and submitted to the Virginia Department of Health this week.

WATER PROJECT – IN TOWN – We are still waiting for Rural Development to finalize the application for this project. Upon the approval by Rural Development and the Council, this project will be ready to begin.

VDH PLANNING GRANT – GIENOW TO RRES – The proposals received were evaluated and ranked. The top two ranked firms of Anderson & Associates, Inc. and the Lane Group were interviewed. The firm Anderson & Associates, Inc. was chosen because this water line extension could become a change order into the current out-of-town water project.

WATER / WASTEWATER OPERATOR POSITION – Interviews were conducted on four applicants which were narrowed down to two and second round interviews will be conducted this week.

CONGRESSMAN BOUCHER’S CONFERENCE – Congressman Boucher will be conducting a conference in Wytheville on April 20, 2009 at the Wytheville Meeting Center. Mayor Litz and Mr. Matney will be attending.

MONTHLY STATUS REPORT – The monthly status report from Anderson & Associates, Inc. has been received and is available for review.

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TREASURER’S REPORT

The bills for April 14, 2009 were read and approved by a vote of six (6) for and zero (0) against.

TALK OF THE TOWN

Mayor Litz will be attending the Talk of the Town radio program at the WYVE/WXBX radio station on Wednesday morning.

ADJOURNMENT

There being no additional business, the meeting was adjourned upon a motion by Councilmember Mecimore.

Mayor

Clerk_____