

The Rural Retreat Town Council continued the June 9, 2009 meeting on July 14, 2009, at 7:00 p.m. in the Rural Retreat Town Hall Council Chambers.

### **PRESENT RURAL RETREAT TOWN COUNCIL MEMBERS**

Mayor Timothy Litz  
Scott Mecimore

Dale Yontz  
Jerrell Hall

### **ABSENT**

Vice-Mayor Keith Crigger  
Ed Schaack

Kristie Osborne

### **ADMINISTRATION PRESENT**

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

### **OTHERS PRESENT**

Rev. Jonathan Hamman – Grace Lutheran Church  
Jack Weaver, Bob Lewis, James Bowers, Tony Callahan, Wilma Justus and Mike Clark

### **DETERMINATION OF A QUORUM**

Mayor Litz called the meeting to order and determined a quorum was not present.

### **INVOCATION**

The invocation was given by Rev. Jonathan Hamman.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Litz.

### **APPROVAL OF MINUTES**

Due to the lack of a quorum the minutes from the June 9, 2009 meeting could not be approved.

### **CITIZEN'S TIME**

James Bowers, who resides at 146 Indian Circle, addressed the Council concerning a summons he was served for firing a BB gun from his porch. Mr. Bowers explained he is an avid birdwatcher and uses the BB gun to shoot at unwanted birds at his bird feeder. He stated he had previously been contacted by Officer Mike Edmonds who informed him a complaint had been

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received that he was shooting at houses. Mr. Bowers said he told Officer Edmonds he was shooting at bird houses.

Mr. Bowers explained to the Council he had been accused of shooting a cat by Chief Mitchell which he said he had not shot the cat. Chief Mitchell informed him that it was against town ordinance to fire a BB gun within the corporate limits. He offered to give the BB gun to Chief Mitchell in which he was told by Chief Mitchell that he didn't want the gun and he would kick it out into the street. Mr. Bowers stated Chief Mitchell then told him he had received four previous complaints against him. He added he felt he has the right to know about the complaints against him. He continued by asking Mayor Litz to ask Chief Mitchell if he coached the two residents of Indian Circle to obtain a summons against him.

Mayor Litz told Mr. Bowers there are two sides to every story. He added that Chief Mitchell did not ask him to turn in the BB gun. Mayor Litz explained to Mr. Bowers there is no law that states an individual can't have a firearm but town ordinance states one can't be fired within the corporate limits. Mr. Bowers responded he was not aware of the Town's ordinances and he felt that this has escalated because his neighbors discovered he had a BB gun. Mayor Litz told Mr. Bowers he was sorry this was happening to him but it was a civil matter and the town council does not deal with these situations. Mr. Bowers stated the town is involved because Chief Mitchell is involved. Mayor Litz asked Chief Mitchell if his name was on the warrant issued to Mr. Bowers. Chief Mitchell responded, no.

At this time, Mayor Litz asked Mr. Bowers to finish what he had to say because he was talking in circles and the council had listened to his complaints but it does not involve the council. He added his situation can not be resolved tonight. Mr. Bowers said it did involve the council because they are responsible for Chief Mitchell. Mayor Litz told Mr. Bowers that Chief Mitchell has a supervisor that oversees him. He thanked Mr. Bowers for coming to address the council. Mr. Bowers asked when the next scheduled meeting would be held. Mayor Litz responded July 28.

Tony Callahan addressed the council and stated he resides at 163 Indian Circle and he felt he could help answer some of Mr. Bowers' concerns. He explained he is at the meeting because of his neighbors and himself. He stated he moved to Rural Retreat because he liked the name and the people. Mr. Callahan stated the area was a rural retreat for the first year he lived here but for the past year and a half after Mr. Bowers moved to the neighborhood it hasn't been. Until this time, police was seen on routine patrol in the area but now they are frequenting the neighborhood because Mr. Bowers is calling the police due to too much noise at a neighbor's house.

Mr. Callahan address the summons Mr. Bowers received in reference to shooting a BB gun. He explained his sister-in-law had been visiting with her small dog and when she returned home she had to take the dog to a veterinarian because it had been shot. He stated his cat, which is declawed, has been shot in the back and required care by a veterinarian. The veterinarian's opinion was the cat had been shot by a high-powered air rifle with the strength of a .22 rifle. Mr. Callahan continued by stating they contacted the police about the animals being shot. Chief

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Mitchell responded to the call and informed them that nothing could be done unless there is a witness to the animal being shot, Mr. Callahan commented. He asked Chief Mitchell if anything could be done to keep it from happening again. Chief Mitchell told him there were laws against weapons. Mr. Callahan asked Chief Mitchell for clarification. Chief Mitchell responded by stating any type of gun can not be fired in the Town of Rural Retreat. Mr. Callahan added the neighbors in the area are afraid to go outside because of Mr. Bowers.

Mayor Litz thanked Mr. Callahan for his time.

### **CORRESPONDENCE**

Mayor Litz read a letter of resignation from Councilmember Osborne. Ms. Osborne's letter stated she has purchased and moved to a home in Wytheville. Councilmember Mecimore asked Mr. Matney if the Council had 45 days to fill the vacated seat. Mr. Matney responded yes.

### **POLICE REPORT**

A police report was not given.

### **UNFINISHED BUSINESS**

There was no unfinished business to be discussed.

### **NEW BUSINESS**

Due to the lack of a quorum, no new business could be acted upon.

### **COMMITTEE REPORTS**

There were no committee reports to be given.

### **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:

WYVE MORNING SHOW FOR HERITAGE DAY – Danny Gordon has reserved his live show on Thursday, July 23 at 7:00 a.m. for the Rural Retreat Heritage Day Festival. Mayor Litz suggested Chairman Yontz attend this show. Mr. Matney told Chairman Yontz if he was unable to attend he would.

Mr. Matney thanked Councilmember Hall and his business TopClad for the work and donation of labor on the Dr. Pepper stage. He added the stage will be complete and will be in use at Heritage Day.

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Mr. Matney stated he had received a request from Amazing Strides to use the stage on August 14. Amazing Strides is a non-profit group that works with handicapped and disadvantaged children and adults by using horses. He added they are renting the community center and will be having a live band at the stage if they are allowed to use it. Mayor Litz commented the stage was built with public money for the public to use. Councilmember Mecimore asked about the liability in allowing another group to use the stage and if each request will be considered individually. Mr. Matney responded the event will need to be town sanctioned in order to cover the liability and each event needs to be reviewed prior to allowing a group to use it.

Troy Harris, Regional Marketing Director with the Dr. Pepper Corporation will be the keynote speaker during the opening ceremonies. Mr. Matney explained Mr. Harris is excited about participating in the festival, the construction of the stage and the future involvement of the Dr. Pepper Corporation and Rural Retreat.

Bob Lewis asked if the stage was going to be named after Dr. Pepper. Mr. Matney stated yes, the Dr. Pepper Corporation contributed \$5,000 toward the construction of the stage. Mr. Lewis suggested using Dr. Pepper signs that came out of the Rural Retreat Drug Store when it burned.

Mayor Litz explained the Amateur Radio Operators will be operating a special events station during Heritage Day that will broadcast the festival around the world. He added for each response received a QSL card will be sent to that individual.

**TREASURER’S REPORT**

The bills for June 23, 2009 and July 14, 2009 could not be approved.

**TALK OF THE TOWN**

The live radio show scheduled for Thursday, July 23 will take the place of the Talk of the Town radio program at the WYVE/WXBX radio station on Wednesday morning.

**ADJOURNMENT**

There being no additional business for discussion, the meeting was continued to July 28, 2009.

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Mayor

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Clerk