

Town of Haysi
Minutes of Regular Town Council Meeting
July 11, 2017 @ 7:00 p.m.

On July 11, 2017, the regular meeting of the Haysi Town Council was held in the Council Chambers of the Haysi Town Hall Municipal Building located at 322 Main Street, Haysi, Virginia.

The following members were present:

PRESENT: Mayor Larry D. Yates

Council Members:

William "Billy" Counts

Susan Tiller

Michael Harris

Tim Wallace

ABSENT: Vice Mayor Rocky Wood
Barry Whitt

ITEMS # I, II, & III

The meeting was called to order by Mayor Larry D. Yates at 7:00 p.m., and the Invocation was held by Willis District Supervisor Jason Compton and the Pledge of Allegiance was recited.

ITEM # IV - APPROVAL OF THE AGENDA

At this time Mayor Yates asked for any additions or corrections to the agenda. Motion was made by Council Member Billy Counts seconded by Council Member Susan Tiller to approve the agenda as presented. Let the record show the motion on the floor passed unanimously by verbal voting.

ITEM # V - 2017-2018 RE-ORGANIZATION

Mayor Yates stated that the purpose of the annual re-organization was to set the meeting date and time and choose the Vice Mayor. Mayor Yates opened the floor for nominations for Vice Mayor. Council Member Tim Wallace asked if the council desired to leave everything the same, would nominations still be needed. Mayor Yates commented that Council Member Rocky Wood didn't tell him that he no longer wanted to be the Vice Mayor. Motion was made by Council Member Tim Wallace and seconded by Council Member Billy Counts to continue to hold the Town Council Meetings on the first Tuesday of the month at seven o'clock in the evening with the alternate meeting on the second Tuesday of the month at seven o'clock in the evening and continue Council Member Rocky Wood's

appointment as Vice Mayor. Let the record show the motion on the floor passed unanimously by verbal voting.

ITEM #VI – PUBLIC COMMENT

None.

ITEM # VII – APPROVAL OF MINUTES

Prior to the meeting council had received for consideration of approval a copy of the following prepared minutes:

- June 6, 2017 Regular Town Council Meeting
- June 19, 2017 Public Hearing
- June 19, 2017 Special Called Meeting
- June 26, 2017 Special Called Meeting

Motion was made by Council Member Susan Tiller and seconded by Council Member Billy Counts to approve the minutes of the meeting on June 6, 2017, June 19, 2017, June 19, 2017, and June 26, 2017 as presented. Let the record show the motion on the floor passed unanimously by verbal voting.

ITEM # VIII – FINANCIAL REPORT

At this time the council was presented for approval the following:

- June 1, 2017 through June 30, 2017 Financial Report listing: beginning balance, revenue, expenditures and ending balance.
- June 1, 2017 through June 30, 2017 itemized listing of expenditures including checks # 13929-13975 & deposits
- June 1, 2017 through June 30, 2017 Profit & Loss Report
- Current payables to date for review

Motion was made by Council Member Billy Counts seconded by Council Member Susan Tiller to approve the financial report. Let the record show the motion on the floor was passed unanimously by verbal voting.

ITEM # IX - NEW BUSINESS

Perspective Business – Ms. Tammy Owens

At this time Mayor Yates acknowledged Tammy Owens. Ms. Owens thanked the Haysi Town Council for the opportunity to speak. Ms. Owens stated that she wanted to open a

dialog on the transition from a coal based economy to a sustainable economy focusing on strategic planning and development implementation. Ms. Owens explained her desire for the town's money to be used in a way in which it would be multiplied. Ms. Owens said for four years she had been working on the development of her own river based business. She explained that while she was preparing her business plan she came across issues that could cause foundational problems and failure. She expressed concern for establishing tourism based businesses which would be ongoing in the new economy, unlike coal, gas, or logging. Ms. Owens noted that the Breaks Interstate Park was a huge advantage to our community and gave some statistics she said she had acquired from Superintendent Austin Bradley. Ms. Owens gave a hypothetical example that involved having ten percent of the visitors to the Breaks Interstate Park spend fifty dollars each in Haysi. Ms. Owens claimed that Haysi was not prepared for the corresponding problems for a crowd that size. She specified problems with parking which could lead to bad advertising. Ms. Owens said that she believed the town had the assets to solve the problems. Ms. Owens recounted Chief George Wallace's comments in her own words regarding funding for the Haysi Volunteer Fire Department last month. Ms. Owens expressed that the finances were not available to the fire department for equipment now and the pressure on the fire department would only magnify with a crowd. She again stated that the town was not prepared and advised that in order to create a strong new economy it was important to develop a strategic plan. Ms. Owens said that she thought about her own business, but concluded that the town couldn't handle one river based business without addressing problems first. She said that she wanted the Haysi Town Council to form a Strategic Planning Committee or hire a person to do the job, but the job needed to extend throughout the county. Ms. Owens stated that she was passionate about Haysi and Dickenson County and asked for the council's interest in her request. Council Member Susan Tiller asked if she was looking for ideas and wanted more clarification on the parking issue she mentioned. Ms. Owens stated that the town had the needed assets. Ms. Owens added that she had identified places that could be used for parking or suggested creating a shuttle service. Ms. Owens advised that her business idea was to rent kayaks and intertubes for use in the river beginning below her mother's home and ending in Splashdam. Council Member Billy Counts questioned the depth of the water since it is shallow in spots. Ms. Owens stated that she could use social media to correspond with the weather. She added that not all visitors ride ATVs, so there was a need to diversify and again mentioned that places to park needed to be developed. Sandlick District Supervisor Ronald Peters said that he liked what Ms. Owens had to say. Mr. Peters sited Pennington Gap as a community that must have done strategic planning. Mr. Peters added that strategic planning needed to be looked into. Mayor Yates said the county's last planning session published was in 2006. Mayor Yates also explained that there had been a meeting of three boards including the Dickenson County Board of Supervisors and Dickenson County Industrial Development Authority, but he had not seen the results even though he had asked the former Director of the Dickenson County IDA and a facilitator from University of Virginia's College at Wise. Mr. Peters mentioned another problem to be failed septic systems. Mayor Yates noted that progress had been made with the Dickenson County Public Service Authority. Mayor Yates also explained that Pennington Gap had also gone through a downtown revitalization, but progress comes to slow to a small town and grant are hard to obtain. Mayor Yates informed Ms. Owens that a study had been completed on parking based on the retail businesses in town and parking was

found to be within the needed amount. Mayor Yates said additional parking would need to be driven by the private sector and changes were slowly coming. Mayor Yates advised that multiple people across different organizations were working hard to change the local economy and specifically mentioned that the town had hired Kirsten Deel as Economic Development and Special Projects Coordinator. Ms. Owens commented that she had been “sitting” on her business for four years. Mayor Yates told Ms. Owens that she had the support of the town, just the same as any other business owner in town. Ms. Owens said she needed to feel confident that her customers would be safe and her business would be profitable, but was still concerned about the added pressure on the town. Ms. Owens stressed that the town must show its worth and value to attract funders, investors, and adventure capitalists. Ms. Owens advised that she attended and is working with the people at the Southwest Virginia Economic Forum. She said she spoke with the Willis and Sandlick District Supervisors about small things that can be implemented right now. Ms. Owens said she didn’t want to wait for someone from UVA-Wise to facilitate it. Council Member Susan Tiller asked Ms. Owens what she wanted the Haysi Town Council to do. Council Member Tiller stated that if Ms. Owens had a problem the police department would help her. Council Member Tiller asked Ms. Owens if she wanted the Haysi Town Council to plan her business for her. Ms. Owens replied “no,” she was concerned about problems her business will create for the town. Mayor Yates stated that the town did need a better strategic plan, but the finances are not available for it especially since the town has more than one project going on right now. Ms. Owens said she wanted the council to create a committee or a person responsible to the council. Then, Ms. Owens stated that the town already has someone, Kirsten Deel. Mayor Yates told Ms. Owens that the town couldn’t guarantee her business’s success, however, the town wanted all businesses in town to be successful. Mayor Yates suggested to Ms. Owens that she could revitalize the downtown revitalization group. Mayor Yates said the Haysi Partners was at its weakest point and even though he was the founder he couldn’t force the group to do anything. Mayor Yates stated that the Haysi Town Council would work with anyone. Council Member Tim Wallace commented that the town would handle problems as they arise. Mayor Yates used the town of Marion as an example of how they were like Haysi, started their progress the same way, and now have a parking garage. Ms. Owens added that the town of Marion has an economic developer on staff as well as the town of St. Paul. Mayor Yates stated that each town is unique and noted some differences. Mayor Yates said he wasn’t sure that the economic development positions were funded from the towns. Ms. Owens stated that Haysi also has assets that she would like to see used to the best of everyone’s ability and finding positives for businesses to move forward. Ms. Owens stated she would like for the item to be on the agendas moving forward. Mayor Yates told Ms. Owens she was welcome to start her own group. Ms. Owens concluded by saying she would like to see the council involved.

ROCKY WOOD ENTERED THE MEETING.

ITEM # X – OLD BUSINESS

Noise Ordinance

Mayor Yates said he had received several complaints from town citizens and would like the council's blessing to put together an updated noise ordinance. Mayor Yates passed out copies of Virginia Code Section 15.2-980 prior to the meeting. Council Member Billy Counts commented that the current noise ordinance is outdated. Assistant Chief Bobby Edwards stated that the current noise ordinance was not applicable or enforceable. It was suggested that Mayor Yates asked for guidance and said he could review noise ordinances from other localities. Mr. Jason Compton asked about the application for which a noise ordinance would be used. Assistant Chief Edwards said most of the complaints are related to barking dogs, jake brakes, loud music at night, and fireworks. Mayor Yates read Virginia Code Section 15.2-980 as follows:

Any locality may, by ordinance, adopt a uniform schedule of civil penalties for violations of that locality's noise ordinance. This provision shall not apply to noise generated in connection with the business being performed on industrial property. Civil fines will not exceed \$250 for the first offense and \$500 for each subsequent offense. The locality may authorize the chief law-enforcement officer to enforce any civil penalties adopted pursuant to the provisions of this section. The provisions of this section shall not apply to railroads. No ordinance of any locality shall apply to sound emanating from any area permitted by the Virginia Department of Mines, Minerals, and Energy or any division thereof.

Mayor Yates gave a few scenarios for use of a noise ordinance. Mayor Yates said that he would take guidance from the council and public comments. Mr. Compton asked about noise from ATV usage. Mayor Yates said that ATV noise is covered in the ATV ordinance. Mr. Peters asked about complaints from ATV noise. Assistant Chief Edwards said there were some complaints at first due to speeding, but not most are related to dirt bikes. Mr. Peters commented that it was a "touchy" issue because "you don't want to bite the hand that feeds you." Mayor Yates added that Dickenson County Board of Supervisors recently passed their own ATV ordinance. Mr. Peters stated that he was not happy with the ordinance that was passed because it only applied to twenty-five mile an hour zones. Mayor Yates reassured Mr. Peters that the Virginia Department of Transportation would work with them on it. Mr. Peters said he couldn't approve an ordinance that was not enforced, even though the ordinance was developed at his request. Mayor Yates explained that the county would get more direction from VDOT with their Land Use Permit. Mayor Yates stated that he lobbied for the ATV route to extend to JDM, but studies proved that there was an issue with the speed limit not being properly observed in that area. Mayor Yates said he would present a draft noise ordinance to the council next month. Mayor Yates said he would contact Virginia Municipal League for input on the noise ordinance as well. Vice Mayor Rocky Wood recommended getting Attorney Stephen Mullins involved to review it as well.

ITEM # XI – UNFINISHED BUSINESS

Police Department Monthly Report-Assistant Chief Bobby Edwards (See Attachment)

Assistant Chief Bobby Edwards reported no bad calls for the month of June. Assistant Chief Edwards commented that most common calls for June were domestic violence calls. Assistant Chief Edwards said there was vandalism at Sandlick Elementary School, which was caught on video and has been fixed. He also mentioned a call reporting the solicitation of a minor, but there was not enough information available to pursue it. Assistant Chief Edwards read the hours worked for each officer from the report and also advised that the Ford Explorer was not in operation. The Explorer has already had the rear end replaced and there are problems with it again. Mayor Yates stated that he didn't have an update on the grant application status from Dwight Pierson at the United States Department of Agriculture's Rural Development. Assistant Chief Edwards informed everyone that during the grant application for the AED units last year, he compared local emergency response times. The Haysi Police Department's average response time was within three minutes, Assistant Chief Edwards added within three minutes was a good response time, even for city areas. Mayor Yates asked if that information was documented. Assistant Chief Edwards replied that it was. The Haysi Rescue Squad's average response time was twenty-five minutes. Assistant Chief Edwards explained that it was data from last year, but the time began when they were dispatched and ended when they arrived on scene. Council Member Billy Counts asked if all the domestic violence calls on Fearl's Branch were from the same address. Assistant Chief Edwards replied that they were all from one household that was renting a place there.

Haysi Volunteer Fire Department Monthly Report-Chief Rocky Wood

Vice Mayor Rocky Wood reported personnel changes, as he is now the Fire Chief. Vice Mayor Wood stated that former Fire Chief George Wallace gave his retirement notice from the Haysi Volunteer Fire Department. Mr. Wallace served on the fire department for thirty years. Vice Mayor Wood explained that the truck recently purchased by the fire department was broke down with transmission problems. A general discussion was held about the truck and transmission work. Vice Mayor Wood also advised that J. F. Barton is the Assistant Fire Chief. Vice Mayor Wood reported the fire department to have four calls since July 1, 2017. Mayor Yates welcomed Vice Mayor Wood back to the Haysi Volunteer Fire Department. Mr. Jason Compton advised that the appropriation from the Dickenson County Board of Supervisors to all fire departments in the county, including the Haysi Volunteer Fire Department would increase this fiscal year from \$13,500.00 to \$25,000.00. Mr. Compton also advised that the fire department would receive new fire suits, which were needed a long time ago. Mr. Compton said that the amount of increase, however, could not be guaranteed moving forward. Vice Mayor Wood said the assistance from the county was appreciated.

ITEM # XII - MAYOR COMMENTS

Mayor Yates reported the following:

- Mayor Yates met yesterday with Jim Baldwin of the Cumberland Plateau Planning District, Todd Christensen of the Appalachian Spring Project, and Chris Sturgill of Spearhead Trails to discuss the Power Grant. The route for the hiking, biking, and

equestrian trail will run from the Ridgeview Trailhead to the Rhododendron Lodge. The documentation for NEPA is almost complete and there is little environmental work to be done. The Riverwalk will be put out to bid soon. Mayor Yates explained that the route was changed some and will bypass the Garden Hole. Mayor Yates said he thinks it is a good route and won't take a long time to construct. Mr. Jason Compton mentioned asking the Corp of Engineers about work on flood proofing. Mayor Yates said the work they are doing to flood proof of the schools is always the Corp of Engineers response, but both him and Mayor Norman Mullins had tried to get the Corp of Engineers involved. Mayor Yates said that Lemman Kendrick told him there was a Phase II, which would address businesses and residents in the flood plain. Mr. Compton said the community needed to "push" the old Haysi High School property as the location for the new elementary school. Mayor Yates said that location was his favored site. Mr. Compton also mentioned that he was "pushing" for the new hydro plant to be located in Dickenson County. Mr. Compton invited Mayor Yates to attend a meeting on Thursday at six o'clock in the evening in Lebanon to discuss it. Mr. Compton pointed out the upper reservoir at the John Flanagan Dam would be a great place and save millions of dollars in construction. Mayor Yates stated that he had discussed it with Delegate Todd Pillion and asked if the meeting was open to the public. Mr. Compton said the meeting was invitation only, but Mayor Yates could come with him. Mayor Yates respectfully declined due to prior obligations. Mayor Yates advised that the Cumberland Plateau Planning District will help with the new trail, which will save time and money.

- Mayor Yates said Chris Sturgill told him the Ridgeview ATV Trail will plan to connect to the Coal Canyon ATV Trail within thirty days taking the mileage up to one hundred and sixty-five. Assistant Chief Edwards advised that Spearhead Trails needs to address improved ranger communication. Mayor Yates said he will discuss it at the Southwest Regional Recreation Authority Board will meet on July 25, 2017. Mr. Compton said he wanted to get a UTV stationed at Clinchco for county-wide use, but will wait until September to see if funds are available. Mayor Yates explained that the Haysi Police Department had looked into purchasing one, but more importantly needed a police cruiser right now.
- Mayor Yates stated that he was dedicated to a school in Haysi. Mayor Yates explained that consolidating the elementary schools was not in anyone's best interest. He recommended supporters to attend the Dickenson County School Board meetings and inviting citizens from Clintwood, who could lose their elementary school too. Mayor Yates said he favored the old Haysi High School location of the four sites currently being considered.

ITEM # XIII - COUNCIL COMMENTS

None.

ITEM # XIV – ADJOURNMENT

There being no other business to be brought before the Council, a motion was made by Vice Mayor Rocky Wood seconded by Council Member Billy Counts to adjourn the

meeting. Let the record show the motion was passed unanimously by verbal voting and the meeting was adjourned.

Larry D. Yates, Mayor

Attest:

Clerk