

Town of Haysi
Minutes of Regular Town Council Meeting
November 6, 2012 @ 6:00 p.m.

On November 6,, 2012, 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 Yates

Council Members:
William "Billy" Counts
Michael Harris
Barry Whitt
Tim Wallace
Susan Tiller

ABSENT: Vice Mayor Rocky Wood

ITEMS # I CALL THE MEETING TO ORDER

The meeting was called to order by Mayor Yates.

ITEM # II & ITEM III INVOCATION & PLEDGE OF ALLEGIANCE

Chief Wallace gave the invocation, and the pledge of allegiance was recited.

ITEM # IV - APPROVAL OF THE AGENDA

At this time Mayor Yates asked Council for any additions or changes to the agenda.

Mayor Yates added under Old Business Item B-Donation Policy. With no further changes to the agenda the motion was made by Council Member Billy Counts, seconded by Council Member Barry Whitt to approve the agenda. Let the record show the motion on the floor passed unanimously by verbal voting.

ITEM # V – APPROVAL OF MINUTES

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

- October 2, 2012 Regular Town Council Meeting

With no further discussion the motion was made by Council Member Barry Whitt seconded by Council Member Susan Tiller. Let the record show the motion on the floor passed unanimously by verbal voting.

ITEM # VI – FINANCIAL REPORT

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

- Current listing of payables due for November 2012
- October 2012 Financial Report listing: beginning balance, revenue, expenditures and ending balance.
- October 2012 itemized listing of expenditures including checks # 11205-11227
- October 2012 Profit & Loss Report

With no further discussion the motion was made by Council Member Barry Whitt seconded by Council Member Billy Counts to approve the financial report. Let the record show the motion on the floor was passed unanimously by verbal voting.

ITEM #VII-NEW BUSINESS

Resolution Transient Occupancy Tax

Mayor Yates said the town received a request from Stephen Mullins, Attorney, Dickenson County Board of Supervisor. In his correspondence he explained Dickenson County adopted a Transient Occupancy Tax Ordinance, which imposes a two percent tax on lodging within the County. Section 8.1 of the Ordinance provides the tax applies within the incorporated towns wherein a similar tax has not been adopted.

Section 58.1-3819 (C) provides that “nothing contained [in § 58.1-3819] shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to §58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.”

Section 58.1-3711 (A) provides:

Any county license tax impose pursuant to this chapter shall not apply within the limits of any town located in such county, where such town now, or hereafter, imposes a town license tax on the same privilege. If the governing body of any town within a county, however, provides that a county license tax shall apply within the limits of such town, then such license tax may be imposed within the limits of such town, then such license tax may be imposed within such towns.

Pursuant to the statutes, Dickenson County’s transient occupancy tax can be applied within the corporation limits of the Town of Haysi if: (i) the Town does not have its own transient occupancy tax; or (ii) if the Town does have its own transient occupancy tax, the Town council passes a resolution agreeing that the County’s transient occupancy tax shall also apply within the Town’s limits. Therefore, if the Town does have a transient occupancy tax, the Board of Supervisors would request the Town Council adopt a resolution whereby the Town agrees the County’s transient occupancy tax will apply within the corporation limits of the Town.

Mayor Yates said he had done some research regarding the transient occupancy tax and if the town ever needs to resend this resolution they can.

With no further discussion the motion was made Council Member Barry Whitt and seconded by Council Member Billy Counts to adopted Resolution 2012-02 Transient Occupancy Tax with correction to Paragraph I to be corrected as follows: WHEREAS, the Town of Haysi, Virginia does not have its own transient occupancy tax; with no further correction let the record show the motion on the floor passed unanimously.

B. Discussion-Yard Sale Ordinance

Mayor Yates said he had been approached by several people who wanted to know if the town had an ordinance referring to yard sales. He said at this time the town does not have an ordinance in place. He asked the council there thoughts on how they feel if town needs a ordinance that deals with yard sales.

Council Member Tim Wallace asked can people now set-up a yard sale in town where ever they want.

Mayor Yates replied “yes if the property owner allows and the town collects no fee.”

Chief Wallace said the Town of Clintwood does have an ordinance, and I think citizens have to purchase a permit.

Mayor Yates reviewed the Town of Clintwood Yard Sale Ordinance with the council (see attachment). He said he though parts of this is was a good ordinance.

Council Member Susan Tiller asked if I have a yard sale at my house will I need to get a permit.

Mayor Yates replied, “Yes unless it specifies otherwise in the ordinance.”

Ramona Duncan asked the property above the high school on the left which is privately owned, would the property owner or the people yard selling have to get a permit.

Mayor Yates replied, according to the ordinance adopted by Clintwood, the property owner would have to obtain a permit.

Mayor Yates said if this is something the town wants to do, then we can get other examples from other towns and from VML and start working on one for the town of Haysi.

With no further discussion the council decided to review other ordinances.

C. Donation-Sandlick Elementary-Fall Folly

Mayor Yates stated Sandlick Elementary is requesting a donation for their annual Fall Folly. All donations will be used for Bingo and door prizes. Cash donates will be used to purchases crowns and trophies for the Princes/Princess candidates, game tickets and some will be used for Bingo/Door prizes. The proceeds raised by this event will be used to purchase classroom supplies and technological equipment for the students to use in their classes.

Mayor Yates asked did the town make a donation last year.

Ramona Duncan replied, no.

Mayor Yates asked for discussion.

After a general discussion the motion was made by Council Member Susan Tiller and seconded by Council Member Mike Harris to donate \$100.00. Let the record show the motion on the floor passed, also, let the record show Council Member Tim Wallace voted Nay.

ITEM # VIII – OLD BUSINESS

A. Police Report-Chief Wallace (See Attachment)

Chief Wallace reported the month of October was a busy month. The department answered about 33 calls. He asked are there any questions.

Council Member Barry Whitt asked about the weapon assault at school.

Chief Wallace replied this was an assault with a stun gun on another student. The stun gun actually looked like a cell phone. He said assault charges were filed.

Chief Wallace reported Patrolman Edwards and himself picked up the new police car for the department on October 26, in Richmond, Virginia at the Capital Building.

Mayor Yates asked about the call to WC Trailer Park.

Chief Wallace reported the resident which most of the calls were coming in about has moved from the trailer park and calls to this area should be less in the future.

Chief Wallace explained about the PayPal report with the police report. He said the department had some old items in storage such as radios, camera, etc..., so we decided to sell them on eBay and the department sold \$1173.00 worth of unused items. This allowed the department to purchase two laptop computers for police vehicles, two vehicle chargers for the laptops, and a push bar light for the Dodge Charger; with all these purchases the town invested \$6.00 over the 1173.00 made it Ebay Sales.

Mayor Yates asked does anyone have any further questions for Chief Wallace.

No further questions.

B. Donation Policy

Mayor Yates asked about the statues of the donation policy.

Ramona Duncan reported recently the committee received additional information from VML to review a donation policy used in another area in Virginia. The committee needs to meet one more time to see if there is any information they would like to add to the policy, and to make sure all items from their previous meeting are covered in the policy and if so, the policy should be ready to come before the council for a vote.

Council Member Barry Whitt said once the policy is voted on if it needs some changes the adjustments can be made later.

ITEM # IX MAYOR COMMENTS

Mayor Yates reviewed parts of a report regarding the Haysi Theatre Building from Hill Studio, and said Patrick Hughes with Hill Studio would be present at next month's meeting to give a more detailed presentation on the report. He said he would email the full report to each council member for review. He also reported in your packet is a correspondence from The Crooked Road: Virginia's Heritage Music Trail. He said there has been some controversy over the proposed National Heritage Area Designation, at the most recent board meeting of the Crooked Road some in attendance were very outspoken and determined not to let this happen, so please read, and be informed about the designation.

Mayor Yates mentioned the Town of Clinchco is still very interested in locating an elementary school in their locality, so if you have an opportunity to speak to a school board member and show an interest in keeping it in the Haysi area, please do so.

Mayor Yates said it was time to schedule the annual Christmas dinner.

After a general discussion the council agreed to have the dinner on December 14 at 6:00 PM

Mayor Yates reminded everyone the Tree Lighting Ceremony is Friday, November 30, 6:00 PM, and the Christmas Parade is December 1, at 1:00 PM

ITEM # X- COUNCIL COMMENTS

Council Member Susan Tiller asked what if there is something in the donation policy a council member doesn't agree with.

Mayor Yates replied once the policy is put together, the council strives to develop a policy everyone agrees with, but not everyone is always pleased. The committee, which is made up of volunteers developed the policy, but the full council will vote on the policy. He said any council member is welcome to attend the donation committee policy meetings.

Council Member Susan Tiller said she would like to attend the next meeting.

No further council comments.

ITEM # XI - PUBLIC COMMENTS

Ms. Kay Owens mentioned due to weather in the last few years maybe the town should consider change the Autumn Festival date to a week-end before or after the date they currently have. She said this is just something to think about.

Mayor Yates said this is something that is up to the Festival Committee although really there is no way of knowing the weather from year to year and this date had been used for years and his suggestion is to leave it as is.

ITEM XII - EXECUTIVE SESSION

At this time Mayor Yates entertained a motion to convene into Executive Session. At 7:45 p.m., a motion was made by Council Member Susan Tiller and seconded by Council Member Barry Whitt to convene in Executive Session pursuant to code section 2.2-37.11 A1 and A3 the Code of Virginia, let the record show the motion on the floor was passed unanimously by verbal voting.

ITEM XII CERTIFICATION OF EXECUTIVE SESSION

We certify that:

Only public business matters lawfully exempted from open meeting requirements under this chapter, and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

Mayor Yates asked for a roll call vote to certify the statement:

Susan Tiller Yes

Wm. "Billy" Counts Yes
Barry Whitt Yes
Tim Wallace Yes
Mike Harris Yes
Rocky Wood ABSENT

XV. Open Session

Upon motion made by Council Member Susan Tiller and seconded by Council Member Wm. "Billy" Counts the council was now convened in Open Session at 8:45 PM
Let the recorded show the motion on the floor passed unanimously by verbal vote.

Upon motion made by Council Member Tim Wallace and seconded by Council Member Billy Counts the motion was made to increase salaries of employees and administration as discussed in closed session. Let the recorded show the motion on the floor passed unanimously by verbal vote.

ITEM # XVI – ADJOURNMENT

With no further discussion the motion was made by Council Member Billy Counts and seconded by Council Member Mike Harris to adjourn. Meeting adjourned at 8:50 PM.

Larry D. Yates, Mayor

Attest:
_____, Clerk