

Town of Haysi
Minutes of Regular Town Council Meeting
April 1, 2014 @ 7:00 p.m.

On April 1, 2014, 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
Vice Mayor Rocky Wood

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

ABSENT: None

ITEMS # I, II, & III

The meeting was called to order by Mayor Yates at 7:00 p.m., and the Invocation was held by Police Chief George Wallace 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.

With no changes to the agenda the motion was made by Vice Mayor Rocky Wood 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:

- March 4, 2014 Public Hearing ATV Ordinance
- March 4, 2014 Regular Town Council Meeting

Motion was made by Council Member Billy Counts seconded by Vice Mayor Rocky Wood to approve both minutes as presented in writing. 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:

- February 26, 2014 through March 26, 2014 Financial Report listing: beginning balance, revenue, expenditures and ending balance.
- February 26, 2014 through March 26, 2014 itemized listing of expenditures including checks # 12115-12151 & deposits
- February 26, 2014 through March 26, 2014 Profit & Loss Report
- Current payables due from March 26, 2014 to date including checks # 12167-12176 for review

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

ITEM #VII – PUBLIC COMMENT

None.

ITEM # VIII - NEW BUSINESS

Donation Request from Haysi High School Senior Class

Sheena Edwards reported that the Haysi High School Senior Class was leaving for Atlanta on Wednesday, April 9, 2014 and return on Sunday, April 13, 2014. They have a total of 26 students going on the Senior Trip and will require the use of two school buses. The fuel cost is \$10 per student. Ms. Edwards requested \$250 to cover their fuel costs. Mr. David O’Quinn passed out a Tentative Tour Schedule along with a list of the students and chaperones. Ms. Edwards said that they would really appreciate a donation. Motion was made by Vice Mayor Rocky Wood and seconded by Council Member Barry Whitt to approve the \$250.00 donation to Haysi High School Senior Class. Council Member Susan Tiller asked if the Town made a donation last year for this purpose. Mayor Yates said “yes.” Let the record show the motion on the floor was passed 5-1 by verbal voting with Tim Wallace voting Nay. Mayor Yates advised Ms. Edwards and Mr. O’Quinn to make arrange with Clerk, Amanda Perrigan to get the check.

Donation Request from Dickenson County Relay for Life

Vicky O’Quinn and Sydney Lyall with Dickenson County Relay for Life introduced themselves and stated that they were requesting a donation. Ms. O’Quinn said that the use of the Conference Center at the Breaks Interstate Park was donated for the Survivor Dinner. Ms. O’Quinn said that they had used the donation last year to purchase food at E&S Grocery, but the dinner was held at Splashdam Freewill Baptist Church. She said

that the church wouldn't allow use of their Fellowship Hall this year. One stipulation of using the Conference Center at the Breaks Interstate Park is that the food must be purchased from the park. Ms. O'Quinn stated Mr. Bradley, Superintendent of the Breaks Interstate Park will allow them to buy food at cost. Dickenson County Relay for Life will be permitted to provide the desserts. Mayor Yates asked if they were requesting \$1,000. Ms. O'Quinn replied "yes." Mayor Yates asked how much of the money goes to Relay for Life, the national organization and how much is focused on Dickenson County. Ms. O'Quinn said that she did not know a dollar figure. Mayor Yates said that he would like to see the money appropriated to help the Haysi Community. Mayor Yates asked how much was raised last year. Ms. O'Quinn said \$17,000 for the year, but each team has to raise at least \$100. She said that the dinner normally hosts thirty survivors. Council Member Tim Wallace said that he read on the internet that \$2.2 million goes to salary and 9% of donations go to operation expenses of the Relay for Life Organization. Ms. Lyall disagreed and said that Miranda told her that 83% goes to help cancer patients. Ms. O'Quinn said that those statistics don't match the numbers that they are given. Council Member Tim Wallace said he votes against donations because taxpayers should give their own money away. Council Member Susan Tiller said that she knew from her career at the Pharmacy that everyone got help, assistance wasn't based on how much income you had. Ms. O'Quinn handed out some information sheets on how Relay for Life spends the money raised and summarized it aloud. Mayor Yates asked who Miranda was that the ladies were referring to in the conversation. Ms. O'Quinn stated that Miranda Lester is the Community Manager for Dickenson County. Council Member Barry Whitt asked if the Federal Government supported Relay for Life. Ms. O'Quinn said that she didn't know, but she could find out. Council Member Tim Wallace said he read that last year the Federal Government gave \$3.7 billion in grants in the fight against cancer. Ms. O'Quinn stated that the American Cancer Society is a non-profit organization unlike Susan G. Komen and she would rather support a non-profit organization than a company. Council Member Susan Tiller asked if she knew an amount that Relay for Life would need for food for the Survivor's Dinner. Ms. O'Quinn said that she was not sure at this time, but would like to stay around \$300. Council Member Susan Tiller asked if the donation was included in the Town of Haysi's budget for this year. Mayor Yates said that he thought it was included, but did not have a copy of the budget to review. Council Member Rocky Wood said that the donation is included in the budget every year. Mayor Yates said that he did not know a specific amount, but did not believe the amount would have been more than last year. Council Member Susan Tiller asked if the Mayor knew how much the donation was last year. The donation to Relay for Life last year was \$1,000. Motion was made by Council Member Susan Tiller and seconded by Council Member Billy Counts to approve the \$1,000.00 donation to Dickenson County Relay for Life appropriated in the 2013-2014 Budget. Let the record show the motion on the floor was passed 5-1 by verbal voting with Tim Wallace voting Nay.

Donation Request from Haysi Track and Field

Mayor Yates said that Mr. Mike Owens was not able to attend the meeting because he is ill. The information that he has about the donation request is limited to what was given on the Donation Request Form. Mayor Yates said that the Town of Haysi donates to other

athletic groups at the school and he didn't feel that the children participating in the Track and Field Program should be treated differently. Council Member Barry Whitt asked for the amount of the donation request. Mayor Yates said the request was for \$250. Motion was made by Council Member Barry Whitt to approve the \$250 donation to the Haysi Track and Field Team. Council Member Billy Counts asked if the donation request specified how the money would be used. Mayor Yates passed around the Haysi Track and Field Donation Request Form for review. Council Member Susan Tiller seconded the motion on the floor. Vice Mayor Rocky Wood, Council Member Billy Counts, and Council Member Tim Wallace voted nay. Council Member Barry Whitt, Council Member Susan Tiller, and Council Member Michael Harris voted aye. Mayor Yates exercised his right to break the tie and voted aye. Let the record show that the motion passed.

ITEM # IX – OLD BUSINESS

Police Department Monthly Report-Chief George Wallace (See Attachment)

Chief Wallace said that it had been a busy month and reported 55 calls. Chief Wallace summarized some of the calls listed on the report such as an identity theft where a gentleman claimed that someone made charges to his account without his approval. The gentleman's ATM card was used at E&S Grocery's machine for \$500. Chief Wallace said that there was no surveillance footage to review. This same gentleman also had a charge of \$100 at BB&T, but that situation had been cleared up. Some other calls Chief Wallace described were that another truck that had gotten stuck at the intersection above the Haysi Funeral Home, destruction of school cameras, shoplifting at the Pawn Shop, and road check that resulted in a pursuit. Chief Wallace reported traffic problems associated with trucks unloading steel beams for the bridge construction. Mayor Yates and Chief Wallace will arrange a meeting with Patrick Construction and the Fire Department in an attempt to resolve the issue. Chief Wallace continued to describe other calls such as the water leak on Bartley Street, signing off on drug charges at the Southwest Regional Jail, and arrest at the Haysi Drug Center. Mayor Yates asked about the ATV Trespass and Disturbance on March 22, 2014. Chief Wallace said that he was not familiar with that call. Mayor Yates said that he would ask Patrolman Bobby Edwards. Council Member Susan Tiller requested to be notified in advance of a road check that will take place near her house. Council Member Susan Tiller said that she could block her driveway with her car if needed. She said that she had already talked to Patrolman Bobby Edwards about the problem. Chief Wallace said that they would work out a solution.

ATV Ordinance

Mayor Yates read the following Ordinance:

WHEREAS the Town of Haysi desires to promote tourism and recreational activities for its citizens within the Town due to the community benefit it provides and the positive economic impact it has on the community; and

WHEREAS the Town Council of the Town of Haysi desires to enact its own laws governing the use of recreational vehicles and off-road vehicles in order to provide a safe, suitable, and appropriate venue for the enjoyment of such activities within the town limits only, the enactment and enforcement thereof meeting or exceeding applicable State and Federal laws and which shall be compatible with any statutes, regulations, rules, or other applicable laws governing a trail system at such time as any official local trails are established; and

WHEREAS, Virginia Code Section 46.2-800.2 allows for the operation of off-road recreational vehicles in localities embraced by the Southwest Regional Recreation Authority.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Haysi, Virginia at its regular meeting on April 1, 2014 that the Town does hereby adopt the following provisions as an ordinance of the Town:

- A. For the purposes of this Ordinance, “off-road vehicle” shall be defined as
 1. Any vehicle having three or more wheels that is powered by a motor and manufactured for off-highway use; or
 2. Utility vehicles as defined in Virginia Code §46.2-100; or
 3. Any motor vehicle designed to travel with no more than two wheels in contact with the ground and is capable of exceeding 35 miles per hour and is of a type manufactured for off-highway use, commonly referred to as “dirt bikes.”
- B. The Town does hereby authorize the operation of any off-road vehicle within its boundaries on highways designated by appropriate signs as described in Provision C, below.
- C. Signs whose design, number, and location are approved by the Virginia Department of Transportation (“VDOT”) shall be posted warning motorists that off-road vehicles may be operating on the highway.

- D. All persons operating or riding any off-road vehicle within the limits of the Town shall be subject to the following rules in addition to any restrictions or limitations imposed by any other governing body having jurisdiction to impose such rules, regulations, ordinances, or statutes:
1. All operators shall limit the operation of any off-road vehicle to only those highways designated for such use and marked by those signs described in Provision C, above.
 2. No person shall drive an off-road vehicle for a distance of more than 5 miles on any highway with a posted speed limit of more than 25 miles per hour.
 3. All persons operating any off-road vehicle shall obey any posted speed limit.
 4. Regardless of any posted speed limit, no person shall operate an off-road vehicle at a speed greater than 25 miles per hour.
 5. Any person operating any off-road vehicle on the highways of the Town shall obey all rules of the road applicable to other motor vehicles.
 6. All persons operating or riding any off-road vehicle shall wear a helmet of a type approved by the Superintendent of the Virginia State Police.
 7. All persons operating or riding any off-road vehicle shall wear eye protection of a type approved by the Superintendent of the Virginia State Police for use by motorcycle operators.
 8. All persons operating any off-road vehicle shall limit such operation to daylight hours only.
 9. All persons operating any off-road vehicle shall be a licensed driver or shall be otherwise accompanied by a licensed driver who is either accompanying the same vehicle or occupying another vehicle within a prudent distance.
 10. No person shall operate any off-road vehicle if his driver's license, whether issued by the Commonwealth or another jurisdiction, has been suspended or revoked.
 11. All persons operating any off-road vehicle shall acquire a permit from the Southwest Regional Recreational Authority ("SRRA") and shall pay all attendant fees required by the SRRA.

12. Any person operating an off-road vehicle shall carry ATV liability insurance coverage or, in the alternative, sign a waiver of liability on the permit application form.
13. No person shall be allowed to operate any off-road vehicle with a passenger on board unless such vehicle is equipped and designated by the manufacturer to be operated with more than one rider.
14. Any off-road vehicle shall be in a safe running condition and shall have all factory safety equipment, including spark arrestors, installed and in visible working condition. Any person in violation of this section shall be fined as defined in Virginia Code §46.2-1003.
15. Any person operating an off-road vehicle shall operate such vehicle in a safe manner.
16. The Police Department for the Town of Haysi or any other valid policing authority shall be hereby authorized to issue citations to any person violating the foregoing provisions of this ordinance. In addition, such policing authority shall be hereby authorized to revoke and remove SRRA permits when multiple violations of this ordinance or of the traffic laws of the Town or of the Commonwealth of Virginia have occurred.
17. Any violation of the foregoing provisions of this ordinance which are also a violation of Chapter 18.2 or Chapter 46.2 of the Code of Virginia shall be punishable by a civil penalty of not more than \$500.00.

THIS ORDINANCE shall be effective May 1, 2014

Mayor Yates said that the Town Council could adopt the ordinance when they were ready, however the provisions of item “C” would have to be met before the streets would be open for use. Mayor Yates said that a draft of the Land Use Permit had been submitted for review and signs were in the development stage. Mayor Yates said that he thought it was a good ordinance and it was the Town Council’s choice to approve it or wait. With no further discussion the motion was made by Vice Mayor Rocky Wood seconded by Council Member Barry Whitt to approve the ATV Ordinance. Let the record show the

motion on the floor was passed unanimously by verbal voting. Mayor Yates said that the mapping was completed, but the engineering was not done and no funding requests had been made at this time. Chief Wallace stated that the Southwest Regional Recreation Authority was excited about the mapping that was done. Mayor Yates said that he has heard good things from the business community about private investments.

ITEM # X - MAYOR COMMENTS

Mayor Yates reported the following:

- Mayor Yates said that Patrick Hughes of Hill Studios had accepted another position, so Hunter Green is now the project manager. During Hunter's visit to the town he reviewed the roof on the Trail Center. Mayor Yates said that the good news is that a new roof is not needed. Vice Mayor Rocky Wood said he thought it was a bad idea and there was damage from the current leaks. Mayor Yates said that the chimney would be taken down and the rest could be addressed without redoing the entire roof. Vice Mayor Rocky Wood said that he disagreed with that statement and said that he would like to review the Trail Center roof with Mr. Greene.
- Mayor Yates said that a certified building inspector had performed a mold test that came back clean on the Trail Center. The inspector suggested ventilation for the bottom part of the building. Vice Mayor Rocky Wood said that he didn't know if it was blocked up or if it had ever existed. Vice Mayor Rocky Wood said that the back needed some vents, but the ground height would have to be checked on the front of the building.
- Mayor Yates said that Council Member Tim Wallace will do the plumbing work. Mr. Greene with Hill Studios is writing up a scope of work for the HVAC and plumbing.
- The Department of Housing and Community Development conducted a compliance review of the Downtown Revitalization Grant. There are no major concerns. The town is not spending money as fast as they would like, but there has been trouble getting reliable contractors. The Mayor said he would pass along the letter about the review once it was received.
- The town has not had any complaints regarding the façade work by Hamilton Construction. The contract is scheduled to end around the middle of June. Hamilton Construction will be working on the façade for the Trail Center. No reservations on the Trail Center will be accepted after April 15th due to construction work.
- The Three Rivers Video is being filmed. The ten minute video will be property of the Town of Haysi. The town has around \$1,000 match invested in the film.
- Buchanan County PSA is hoping to hear from funders soon. The anticipated schedule will be to open for bids in August, start construction in October, and

complete the project December 2015. The water line work in town needs to be done so that the streetscape project can begin.

- Department of Conservation and Recreation should make the grant award decisions soon.
- Mayor Yates said that he would like to have a draft budget to present in May so final adjustments can be made and get a final approval in June. Mayor Yates asked the Town Council if they would like to conduct a budget workshop or come by the Town Hall for unscheduled reviews. Vice Mayor Rocky Wood asked what the council members did last year. Council Member Barry Whitt said that a committee oversaw the budget. Vice Mayor Rocky Wood said that he would rather attend a budget workshop. Mayor Yates said that he would rather have the council conduct a budget workshop this year. Council Member Tim Wallace asked how long the workshop would last. Mayor Yates said that it would probably last a couple of hours and recommended holding a workshop on the 28th, 29th, or 30th of this month. Vice Mayor Rocky Wood asked if any of those dates were a Tuesday. Mayor Yates said that the 29th was a Tuesday. Vice Mayor Rocky Wood asked if 6:00pm would be good for everyone. Council Member Billy Counts said that he needed the time to be after 5:00pm to be able to attend. Motion was made by Vice Mayor Rocky Wood seconded by Council Member Barry Whitt to hold a Special Called Meeting for the purpose of a Budget Workshop on April 29, 2014 at 6:00pm. Let the record show the motion on the floor was passed unanimously by verbal voting.
- A copy of the letter from Virginia Department of Transportation regarding the public hearing was included in the board packets for council members' information.

ITEM # XI - COUNCIL COMMENTS

Vice Mayor Rocky Wood said that he was serving on the Prom Coalition Board and officers were needed to work the After Prom Party. He said that the After Prom Party is scheduled to be held at the Clinchco Ball Field unless it rains. In case of inclement weather it will be held at Sandlick Elementary School. Vice Mayor Rocky Wood would like for Officer Bobby Edwards to work the After Prom Party.

Vice Mayor Rocky Wood said the Dickenson County Fair Committee would like to present a donation request at the next regular Town Council Meeting.

ITEM # XV – ADJOURNMENT

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