

Town of Haysi
Minutes of Regular Town Council Meeting
November 5, 2013 @ 7:00 p.m.

On November 5, 2013, 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
Vice Mayor Rocky Wood

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

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 Chief of Police, 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.

Mayor Yates said he would like to add under New Business –Mr. Jack Flannery owner of North 40 Airsoft. With no further changes to the agenda the motion was made by Council Member Rocky Woods seconded by Council Member Billy Counts 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 1, 2013 Regular Town Council Meeting
- October 22, 2013 Special Town Council Meeting
- October 22, 2013 Public Hearing

With no further discussion the motion was made by Council Member Rocky Wood seconded by Council Member Tim Wallace to approve the all three sets of minutes.

ITEM # VI – FINANCIAL REPORT

Mayor Yates commented to the Council that the Financial Report was incomplete due to the vacancy in office staff. Motion was made by Council Member Rocky Wood seconded by Council Member Barry Whitt to approve the financial report. Let the record show the motion on the floor was passed unanimously by verbal voting.

ITEM #VII - NEW BUSINESS

Discussion/Adoption of Policy, Public Comments During Council Meetings and Public Hearings

Mayor Yates read the following proposed Public Comment Policy:

A Public Comment Period not to exceed 30 minutes will be held during regular Town Council monthly meetings, and during Public Hearings not to exceed 15 minutes. The Town Council will only accept comments related to town business or functions. During any Public Hearing comments will only be accepted relating to the specific subject hearing was called for. All comments made during the Public Comment period shall be subject to the following procedures:

- 1.) Anyone who wishes to make a statement during the Public Comment period or at a Public Hearing will register on a sign-up sheet available 15 minutes before the start of the meeting or hearing.
- 2.) Persons who have signed the register to speak shall be taken in the order in which they are listed.
- 3.) Persons addressing the Town Council are asked to limit their comments to 3 minutes.
- 4.) Speakers will be acknowledged by the Mayor or presiding town official in the order in which their names appear on the sign-up sheet. Speakers shall stand at their seat to address the Council and not approach the Mayor or Town Council members unless invited to do so. Speakers will start their comment by stating their name and address.
- 5.) Speakers will direct comments at the Mayor and Town Council as a whole and not to individuals. Public Comment is not intended to require the Town Council to provide any answer to the speaker right away. Discussions between speakers and members of the audience will not be allowed. The Town Council will not be required to take any action on matters presented during Public Comments.
- 6.) Speakers will be courteous in their language, tone, and presentation.
- 7.) Only one speaker will be acknowledged at a time. If a large number of people are present to register concerns about the same subject, it is suggested that they might be acknowledged as a unified group and a designated speaker will cover the various points.

- 8.) In the event that there are more people who wish to speak than can be accommodated in the time set aside for public comment, the Town Council may extend the period, delay it until the rest of the agenda has been completed, or continue it to the next regular council meeting.

With no further discussion the motion was made by Council Member Susan Tiller seconded by Council Member Billy Counts to approve the Public Comment Policy. Let the record show the motion on the floor was passed unanimously by verbal voting.

Mayor Yates stated even though the Policy is effective immediately the sign up requirement for public comment would be waived for the meeting since it was already in progress.

Mr. Jack Flannery owner of North 40 Airsoft

Mr. Jack Flannery, owner of North 40 Airsoft addressed the Council regarding his business. He explained that already has a business location in Norton and is interested in expanding his business to the Haysi area. He stated that he is participating in the Entrepreneurship Challenge with the Department of Housing and Community Development. He is currently looking for property to set up a course/playing field. Mr. Flannery is interested in the possibility of leasing the Splashdam property for use every other week. He noted that area would be securely sectioned off from the public and nearby land owners. Mr. Flannery is not in partnership with Appalachian Auto Parts, but does not consider his business to be in competition with Appalachian Auto Parts. Mr. Flannery's sales would take place inside a tent or trailer on the property during the time of play and removed at the end of play. North 40 Airsoft will be in operation for two years in January 2014. Mr. Flannery has worked in association with Mind Game Productions in Florida.

North 40 Airsoft can provide training opportunities for police departments, military, and can hold team building exercises for businesses, so at least 20 acres would be needed for lease. Mayor Yates described the property owned by the Town of Haysi in Splashdam. Mr. Flannery stated that he would be interested in a short term lease at first. Mr. Flannery stated that his business is insured, so Mayor Yates requested for him to supply a copy of the insurance policy. Mayor Yates stated that the lease would have to indemnify the Town of Haysi. Mr. Flannery said that he would not be ready until March.

Matthew Owens told the Council that he had a relative in the same business industry with great success.

Mr. Flannery told the Council that North 40 Airsoft set up a booth during Haysi's Russell Fork Autumn Fest and was happy with the amount of interest in their business. He described the types of Airsoft guns and how they work.

Mayor Yates explained the Department of Housing and Community Development Entrepreneurship Challenge to those in attendance.

ITEM # VIII - OLD BUSINESS

Ordinance, Selling of Town Property–Splashdam

Mayor Yates read the following Ordinance:

AN ORDINANCE approving and authorizing the sale of property owned by the Town of Haysi, Virginia, located at Splashdam Road, Haysi, Virginia 24256 in the Town of Haysi, Virginia to Electric Hardwood Inc.

The proposed ordinance authorizes the sale of the referenced real property and authorizes the Town Mayor to enter into all appropriate agreements to complete the sale.

WHEREAS, the Town of Haysi owns the real property located at Splashdam Road in Haysi, Virginia, having acquired it as open space in 2006; and

WHEREAS, the Town Council has decided that certain portions of property at Splashdam Road to be surplus property and authorized the Mayor to negotiate for the potential sale of the property; and,

WHEREAS, the Town Council is of the opinion that the sale of this property is in the best public interest and will otherwise advance, preserve and improve economic growth now and in the future and,

WHEREAS, the Town has received an offer from Electric Hardwoods Inc. to purchase a part of the Splashdam Road Property and,

WHEREAS, the Town Council has recommended the sale of this property to Electric Hardwood Inc. for the sum of \$10,000.00 per acre and other terms and conditions as set forth more specifically in the Deed.

BE IT ORDAINED BY THE TOWN COUNCIL OF HAYSI, Va.:

That the sale of the real property described below to Electric Hardwoods Inc. for the sum of \$10,000.00 per acre is as follows:

5.803 Acres

Being a boundary survey of a 5.803 acre parcel being part of the Town of Haysi Parcel (Deed Book 442, Page 433 & Deed Instrument Number 070001668) situated on the waters of the Russell Fork River in the Sandlick Magisterial District of Dickenson County, Virginia and further described with the Virginia State Plane Coordinate System South Zone (1983 NAD) bearings as follows: Beginning at an iron pin found in the boundary line of the Town of Haysi Parcel (Deed Book 442, Page 433 & Deed Instrument Number 070001668) at a point of curve in the southern right-of-way line of the CSX railroad; thence with the southern right-of way line of the CSX railroad using the Virginia State Plane Coordinate System South Zone (1983 NAD) bearings with a curve with a delta angle of 45°38'58", with a radius of 673.70', with an arc length of 536.76', with a chord bearing of S 38°57'41"E, with a chord length of 522.67' to an iron pin (set); thence with

eight lines creating a division line through the Town of Haysi Parcel (Deed Book 442, Page 433 & Deed Instrument Number 070001668) with a curve with a delta angle of 07°35'58", with a radius of 177.81', with an arc length of 23.58', with a chord bearing of S 74°04'54" W, with a chord length of 23.57' to an iron pin (set); thence S 77°52'52" W 286.02' to an iron pin (set); thence S 82°34'29" W 109.93' to an iron pin (set); thence N 63°34'08" W 80.95' to an iron pin (set); thence N 39°27'56" W 134.51' to an iron pin (set); thence N 19°47'08" W 228.56' to an iron pin (set); thence N 14°38'41" E 522.15' to an iron pin (set); thence N 73°51'48" E 75.00' to an iron pin set in the southern right-of-way line of the CSX Railroad; thence with the southern right-of-way line of the CSX Railroad S 16°08'12" E 410.00' to the beginning containing 5.803 acres more or less as shown on a "Plat Prepared For: David Dean Hill" by Roy K. Balthis, Virginia Land Surveyor Number 1449 on 22 October, 2013.

That the above described is a part of the same property as set forth in Deed Book 442, page 433, among the land records of the County of Dickenson, Va. and being a part of a tract conveyed to the Town of Haysi by The Forestland Group LLC.

That the Mayor is hereby authorized to carry out on behalf of the Town of Haysi, Va. all things necessary and desirable to carry out the sale of the real property described including, but not limited to, the execution and delivery of deed and other appropriate documents to Electric Hardwood Inc.

That the Town Clerk be and is hereby authorized to attest to the execution of the deed and other necessary documents executed by the Mayor.

That this ordinance shall become effective upon the date and at the time of its final passage.

Mayor Yates read a letter from Mark Warner (See Attachment)

Mayor Yates stated that the only special condition was the addition of the Right of First Refusal.

Mayor Yates asked for a roll call vote to pass the Ordinance approving and authorizing the sale of property owned by the Town of Haysi, Virginia, located at Splashdam Road, Haysi, Virginia 24256 in the Town of Haysi, to Electric Hardwood Inc. . Votes are as follows:

Billy Counts	Yes	Mike Harris	Yes
Tim Wallace	Yes	Susan Tiller	Yes
Barry Whitt	Yes	Rock Wood	Yes

Let the record show the Ordinance was passed unanimously by verbal voting.

Police Report-Chief of Police George Wallace (See Attachment)

Chief Wallace reviewed the Haysi Police Department October 2013 Monthly Report with the Council. He specifically discussed a shoplifting incident at Jones & Counts

Pharmacy, student removals from school, and the visit from CSX regarding the train derailment.

Part Time Police Officer Rates of Pay

Mayor Yates requested that the Council review the data sheet provided in their board packets for Part Time Police Officer Rates of Pay from surrounding areas to be discussed further in closed session.

Chief Wallace said that he submitted a request for the Part Time Police Officer Rates of Pay to get the information provided on the data sheet. He stated that the average of the rates provided was \$13.45 per hour and the median rate was \$16.00 an hour.

Mayor Yates asked Chief Wallace for his recommendation on the rate of pay for Part Time Police Officers. Chief Wallace said he would recommend \$13.00 an hour to acknowledge that they are professionals and to show their work is respected and appreciated.

Discussion/Adoption of Town of Haysi Building Use Policy

Mayor Yates read the draft of the Building Use Policy.

Mayor Yates opened the floor for discussion. Council Member Susan Tiller asked if this policy would apply all of the Town's property. Mayor Yates said it would. Matthew Owens questioned the condition stating that the use of alcohol would not be permitted. Mayor Yates said that he would need to find out if alcohol was permitted within a certain distance of a church, since Water of Life International Church is next door to the Russell Fork Trail Center. Mayor Yates introduced Amanda Perrigan as the person working on the development of the Building Use Policy. Amanda Perrigan stated the draft had been updated based on feedback from a member of the Building Use Policy Committee. Mayor Yates expressed his concern about the fee structure. Mrs. Perrigan said the rental fees would be separate page attached to the Building Use Policy and the amounts used in the draft of the policy were not changed from origination. Chief Wallace questioned the use of the theater building for cyclist to stay during travel. Mayor Yates recommended that Amanda Perrigan arrange a meeting for the Building Use Policy Committee to address the items mentioned and submit a more finished draft to the Council for approval. Mayor Yates also told the Council if they had any questions or comments in the meantime to email them to Amanda Perrigan so they could be addressed as well.

ITEM # IX - PUBLIC COMMENTS

None.

ITEM # X - MAYOR COMMENTS

Mayor Yates reported the following:

- Working on the application process for \$200,00 Recreation Trails Program Grant through Department of Conservation and Recreation with Cumberland Plateau Planning District and Hill Studios with around \$30,000 in matching funds from the Community Development Block Grant
- Met with the Buchanan County PSA, Department of Housing and Community Development, and Cumberland Plateau Planning District to discuss the upcoming water line placement coming through town and it is recommended that the street scape project be placed on hold
- Department of Housing and Community Development approved access to use the \$100,750 from phase two for the theater building, hope to use those funds for the new roof, HVAC, and mold remediation
- Board packets included an email from Austin Bradley, Breaks Interstate Park about the information on items offered in the gift shop

ITEM # XI - COUNCIL COMMENTS

Council Member Rocky Wood asked if a request could be sent to VDOT to move the location of the red light.

Mayor Yates advised that the Christmas Parade would be December 7th and the Tree Lighting would be December 6th.

ITEM # XII – ADJOURN TO EXECUTIVE SESSION

At this time Mayor Yates entertained a motion to convene into Executive Session. A motion was made by Council Member Susan Tiller and seconded by Rocky Wood to adjourn into Executive Session pursuant to the following Virginia Code Section 2.2-3711(A) 1-Personnel. Let the record show the motion on the floor passed unanimously by verbal voting.

ITEM # XIII – CERTIFICATION OF EXECUTIVE SESSION

We certify that:

Only public business matter 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:

Billy Counts	Yes	Mike Harris	Yes
Tim Wallace	Yes	Susan Tiller	Yes
Barry Whitt	Yes	Rock Wood	Yes

ITEM # XIV – OPEN SESSION

Upon motion made by Council Member Susan Tiller and seconded by Council Member Rocky Wood the council was now convened in Open Session. Let the record show the motion on the floor passed unanimously by verbal voting.

Motion was made by Council Member Rocky Wood and seconded by Council Member Barry Whitt to hire Amanda Perrigan as the Town Clerk

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

Billy Counts	Yes	Mike Harris	Yes
Tim Wallace	Yes	Susan Tiller	Yes
Barry Whitt	Yes	Rock Wood	Yes

ITEM # XV – ADJOURNMENT

There being no other business to be brought before the Council, a motion was made by Council Member 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