

Town of Haysi
Minutes of Regular Town Council Meeting
October 6, 2020 @ 7:00 p.m.

On October 6, 2020, 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
Tim Wallace
Carter Branham
William "Billy" Counts

ABSENT: Susan Tiller

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 Vice Mayor Rocky Wood and the Pledge of Allegiance was recited.

COUNCIL MEMBER SUSAN TILLER ENTERED THE MEETING.

ITEM # IV – APPROVAL OF THE AGENDA

At this time Mayor Yates asked for changes to the agenda as presented. Motion was made by Vice Mayor Rocky Wood seconded by Council Member Billy Counts to approve the agenda as presented. Let the record show the motion on the floor passed unanimously by verbal voting.

ITEM #V – 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:

- September 1, 2020 Regular Town Council Meeting

Motion was made by Vice Mayor Rocky Wood and seconded by Council Member Tim Wallace to approve the minutes of the public hearing and the regular town council meeting on September 1, 2020 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:

- September 1, 2020 through September 30, 2020 Financial Report listing: beginning balance, revenue, expenditures and ending balance.
- August 27, 2020 through September 30, 2020 itemized listing of expenditures including checks # 15530-15585 & deposits
- August 27, 2020 through September 30, 2020 Profit & Loss Report
- Current payables to date for review

Motion was made by Vice Mayor Rocky Wood 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 # IX - NEW BUSINESS

Sandlick District School Board Member Jamie Hackney and Allison O’Quinn

Mayor Yates welcomed Allison O’Quinn to present her request. Mrs. O’Quinn said Mr. Hackney was running behind and she didn’t know if he would be able to make it to the meeting in time. Mrs. O’Quinn gave a brief history of the contracts with the Corp of Engineers and stated that the relocation issues were supposed to be a school board and community issue. Mrs. O’Quinn explained that a committee was formed early on of four individuals from Clintwood and one from Nora, but none from Haysi. Mrs. O’Quinn continued that the committee worked with the Corp of Engineers on the location of the new elementary school, but the Corp hasn’t heard from the community. Mrs. O’Quinn stated that emails had been sent to Rebecca Bennett regarding the Section 202 projects asking her to attend a community meeting. Mrs. O’Quinn said that Ms. Bennett replied that she would be happy to attend, but the request would have to come from a local board. Mrs. O’Quinn added that Rocky Barton had emailed her about his concerns of deals being made behind the scenes. Mrs. O’Quinn informed everyone that the original contract is for a school to hold Pre-K through fifth grade; a five hundred student school. The current plan is to move Sandlick students to the Ridgeview campus for Pre-k through fifth grade. Mrs. O’Quinn said that eventually the new elementary school would only hold Pre-K through third grade once other students were added and the grades shifted. Mrs. O’Quinn said that Mr. Hackney questions how that would honor what needed to be done and that the Corp of Engineers would not look favorably on reshuffling the intended purpose for the project. Mrs. O’Quinn requested that the Haysi Town Council send a request for a community meeting to Rebecca Bennett. Mrs. O’Quinn advised that it was not too late because studies are still being

conducted at Ridgeview and that multiple concerns needed to be raised. Mrs. O’Quinn suggested that a small group be appointed for the meeting and recommended Mayor Yates, Jamie Hackney, Rocky Barton, David Yates, a Town Council Member, Clerk Amanda Perrigan as a parent, and herself. Mayor Yates asked if the contract language specified community and school board. Mrs. O’Quinn answered that it did and advised that Ms. Bennett had mentioned it in her email correspondence. Mrs. O’Quinn mentioned that the school board had purchased one hundred and ten acres on Rose Ridge, which was sixty more acres than the Corp of Engineers said was needed. Mrs. O’Quinn added that Merle Fuller sold her property for eighteen thousand dollars under the pretense of helping the community although she didn’t want to sell the property. Mayor Yates questioned what would happen to the property. Council Member Billy Counts questioned the Ervinton property. Mrs. O’Quinn pointed out that the community has been blocked out of the process. Motion was made by Vice Mayor Rocky Wood seconded by Council Member Carter Branham to write a letter to Rebecca Bennett requesting her to attend a community meeting held by the Mayor. Council Member Susan Tiller said she remembered Rocky Barton giving out Ms. Bennett’s email address and many people from the Haysi community sent her emails, but she never responded. Council Member Tiller stated that she would like to know how many emails Ms. Bennett received, but she didn’t think that Ms. Bennett was involved anymore. Mrs. O’Quinn said one thousand five hundred signatures on a petition were submitted as well. Mayor Yates said he would make sure that the request went to the correct person at the Corp of Engineers. Mrs. O’Quinn stated that the committee of five people she mentioned at the beginning, none of which were from Haysi, negotiated to allow the county to self-administer the project. Mrs. O’Quinn added that the Corp of Engineers had no oversight, but needs to answer the concerns. Mayor Yates asked for a roll call vote:

Michael Harris	Yes	Tim Wallace	Yes
Rocky Wood	Yes	Susan Tiller	Yes
Billy Counts	Yes	Carter Branham	Yes

Let the record show the motion on the floor was passed unanimously by verbal voting. Mayor Yates said he would try to get the request submitted by the first of next week.

Haysi Kiwanis Grant Partnership Request

Mayor Yates said David Yates was supposed to have been in attendance to present the request. Mayor Yates directed everyone to the letter from Mr. David Yates included in the board packs asking to partner with the town on an application to the Appalachian Regional Commission for between two hundred and three hundred thousand dollars. Mayor Yates informed everyone that the town currently has two active grants with the Appalachian Regional Commission, so he suggested that Mr. David Yates meet with Debbie Milton at the Cumberland Plateau Planning District for guidance. Mayor Yates stated that no action was needed at this time. Council Member Billy Counts suggested that signage be included in their grant application. The topic will be tabled until the next meeting.

Dickenson County CARES Act Agreement

Mayor Yates advised that he, Clerk Amanda Perrigan, and Police Chief Bobby Edwards attended the Board of Supervisors CARES Act Workshop. The Board of Supervisors agreed to allow the Town of Haysi to admin their portion of the funding, which was over eighty-one thousand dollars, once the town enters into an agreement to assume liability for the spending and be in compliance if audited. Mayor Yates pointed out that the chance of being audited specifically for those funds is low, but the money will be included in the town’s annual audit anyway. Motion was made by Vice Mayor Rocky Wood seconded by Council Member Billy Counts to authorize the Mayor to execute the agreement with Dickenson County for the CARES Act funds. Mayor Yates asked for a roll call vote:

Michael Harris	Yes	Tim Wallace	Yes
Rocky Wood	Yes	Susan Tiller	Yes
Billy Counts	Yes	Carter Branham	Yes

Let the record show the motion on the floor was passed unanimously by verbal voting.

Small Purchase Procurement Policy

Mayor Yates explained that the small purchase policy needed to be changed and the copy in the Council Packs had changes to the first two paragraphs of Section 2.1 and the second paragraph on the second page. Mayor Yates pointed out that the policy would cover a minimum amount of ten thousand dollars and a maximum amount of fifty thousand dollars. Clerk Amanda Perrigan explained that the eVirginia site would be used to get a quote for a vehicle, which they have a specific section on their website with the lowest prices already sourced or in the event that that four quotes could not be obtained. Motion was made by Vice Mayor Rocky Wood seconded by Susan Tiller to approve the Small Purchase Procurement Resolution as presented. Mayor Yates asked for a roll call vote:

Michael Harris	Yes	Tim Wallace	Yes
Rocky Wood	Yes	Susan Tiller	Yes
Carter Branham	Yes	Billy Counts	Yes

Let the record show the motion on the floor was passed unanimously by verbal voting

Surplus Property

Police Chief Bobby Edwards said he had received a request for all of the old parking meters to be sold. Chief Edwards said he thought there were five doubles and six singles in storage and wanted to know if the town would consider getting rid of them instead of moving them to the new location when the time comes. Chief Edwards also presented a request to sell the Camo Truck since the Maintenance Department got a new truck today. Chief Edwards advised that the town had spent over twenty thousand dollars on vehicle maintenance in the past two years. Mayor Yates added that the truck they picked up today was a F350 Dually Truck. Mayor Yates commented that the Camo Truck could be sold by sealed bid and advised that the town doesn’t have a surplus property policy. A general discussion was held about the surplus property mentioned. Motion was made by Council Member Billy

Counts seconded by Vice Mayor Rocky Wood to liquidate the surplus property. Let the record show the motion on the floor was passed unanimously by verbal voting.

Adoption of the Emergency Temporary Standard

Clerk Amanda Perrigan explained that the Emergency Temporary Standard was COVID-19 training and policy that is required by law. Clerk Perrigan added that the policy was written by Virginia Risk Sharing Association and adapted for the town's specifications. Clerk Perrigan advised that all employees had been trained by the end of August 2020. Motion was made by Vice Mayor Rocky Wood seconded by Council Member Billy Counts to adopt the Emergency Temporary Standard effective August 31, 2020. Let the record show the motion on the floor was passed unanimously by verbal voting.

New Contactless Measures

Clerk Amanda Perrigan stated that as part of the Emergency Temporary Standard for COVID-19 the town would try to implement new processes for limiting contact, so each Haysi Town Council Member needed to fill out the Council Member Information Sheet at their seats and return them to her at the end of the meeting. Clerk Perrigan said she would email the Council Packs in the future to the email address on the forms to avoid additional contact and that checks would be available at the meetings. Clerk Perrigan added that the forms will be updated annually in the future. Agendas will still be printed for the meetings and anything that the Council Members need to have printed can be made available for the meetings by advance request.

ITEM # X – OLD BUSINESS

Transient Occupancy Tax Ordinance

Mayor Yates advised that the copy at each Council Member's seat this meeting was an updated version from the one included in the Council Packs, with the changes in red ink. Mayor Yates pointed out the amount in section two. Attorney Taylor Hay said she would fix that and the fee was authorized by the Virginia Code. Mayor Yates asked about the parameters. Attorney Hay answered that she didn't look into that. Mayor Yates stated that the tax could be greater than five percent, but the amount would be combined with the county tax on the customer. Attorney Hay answered yes. Mayor Yates asked if the town could choose its own due date because having the same due date for monthly taxes would simplify things. Attorney Hay answered yes the town could choose the due date. Vice Mayor Rocky Wood questioned the definition of travel campground. Attorney Hay read the following definition:

Travel campground means any area or tract of land used to accommodate transient persons in recreational vehicles, campers, tents, and other motorized vehicles adapted to accommodate transient persons.

She explained that she meant to change it in the document. Vice Mayor Wood wanted clarification that the tax would be in addition to the county and that the county would not

receive part of the town tax. Mayor Yates answered that he was correct. A general discussion was held about applicability. Mayor Yates asked for thoughts on the tax. Vice Mayor Wood answered that the town should not go under five percent. Council Member Billy Counts commented that as more people are seen the rate could be raised to six percent. Mayor Yates asked for thoughts on the fee. Vice Mayor Wood replied two dollars and said that he would rather have it set up now. Mayor Yates explained that he had discussed the matter with Dean Hill, who encouraged the tax. Mayor Yates asked about strengthening the violation clause from Class 1 Misdemeanor. Attorney Hay answered that the violation was governed by Virginia Code, but it didn't mean that the town couldn't use other options without violating the ordinance. A general discussion was held about criminal charges and penalties. Police Chief Bobby Edwards mentioned that the town could hire its own Commonwealth Attorney. Attorney Hay explained that the town could use a Commonwealth Attorney from another locality if reason could be proved for needing a different one. Police Chief Edwards said Martha Short prosecuted cases on behalf of the Town of Clintwood as Commonwealth Attorney. Mayor Yates said that he would work toward getting a public hearing. Motion was made by Vice Mayor Rocky Wood seconded by Susan Tiller to allow Mayor Yates to proceed toward implementing the Transient Occupancy Tax Ordinance with the changed travel campground definition, date, and two dollar fee. Mayor Yates asked for a roll call vote:

Michael Harris	Yes	Tim Wallace	Yes
Rocky Wood	Yes	Susan Tiller	Yes
Carter Branham	Yes	Billy Counts	Yes

Let the record show the motion on the floor was passed unanimously by verbal voting.

ITEM # XI – UNFINISHED BUSINESS

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

Chief Bobby Edwards advised that the numbers were incorrect for hours and miles on the September Monthly Report included in the Council Packs. Chief Edwards asked if anyone had questions about the report. Mayor Yates commented that there were a lot of welfare checks. Chief Edwards replied that most of those took place on Bartley Street. Mayor Yates asked Chief Edwards to give his thoughts on use of the CARES Act funds. Chief Edwards answered that he had documentation of vehicle purchases from other localities with CARES Act funding for the purpose of less vehicle sharing among officers. Chief Edwards said that he would like to get a new vehicle in addition to the new Tahoe on order through the United States Department of Agriculture grant. Chief Edwards explained that he did not know when the new Tahoe would arrive, but the grant doesn't have a deadline. He added that all the officers were using the Silverado last week, so another vehicle would be useful. Chief Edwards said that new office furniture and new council furniture were other ways the CARES Act funds could be spent. Chief Edwards also added that the town spent over six thousand dollars in maintenance costs on the Charger alone since 2018. Mayor Yates advised that the funds would have to be spent by December and a Tahoe has been found in Texas that would be available. Chief Edwards replied that the price was good, the vehicle was "turnkey", and the cost for delivery was around six hundred dollars.

Haysi Volunteer Fire Department Monthly Report

Chief Rocky Wood reported two car wrecks and one car fire. Chief Wood thanked Police Chief Bobby Edwards for his work on the CARES Act funding. Chief Wood stated that the fire department could get furniture too, but options were limited on other purchases. Chief Wood advised that the fire department was buying a new 2021 3500 Silverado for a First Responder vehicle. Chief Wood added that he would like to get it ordered this week, but isn't sure when it will arrive.

ITEM # XII - MAYOR COMMENTS

Mayor Yates reported the following:

- Mayor Yates reported that Dickenson County adopted a new Flood Plain Ordinance, which is more lenient than the one Haysi currently has and suggested that the town's be amended by the first of the year.
- Mayor Yates advised that he is working on the Riverwalk Trail Agreement with the Department of Conservation and Recreation.
- Mayor Yates also reported that the non-metered light poles had been fixed.
- Mayor Yates said that he continues to have phone meetings with the Corp of Engineers each month regarding the Section 202 Project. The Corp expects to present an updated design soon, but nothing has changed on the proposed location to his knowledge.

Vice Mayor Rocky Wood asked if the county had changed the freeboard amount in their Flood Plain Ordinance. Mayor Yates answered that the county's freeboard amount is now one foot and the town is at two feet. Mayor Yates said he would like to reduce the town's amount to one foot as well. One foot is the lowest freeboard amount allowed. A general discussion was held about the freeboard, the Flood Plain/Way, and the Section 202 Project. Vice Mayor Wood requested to be included in the monthly phone calls with the Corp of Engineers to make sure the Haysi Volunteer Fire Department building is included in their consideration.

ITEM # XIII - COUNCIL COMMENTS

Council Member Billy Counts asked about repairing the road at the railroad crossing. Mayor Yates answered that the Virginia Department of Transportation won't work on the road there because of CSX and CSX claims they repaired it too recently to work on it again. Vice Mayor Wood commented that the pothole at Kermit's needs attention, but it isn't in the town limits. Council Member Billy Counts mentioned the hole at Johnnie Branham's location needs addressed as well.

ITEM # XIV – ADJOURNMENT

There being no other business to be brought before the Council, a motion was made by Council Member Billy Counts seconded by Council Member Susan Tiller 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