

Town of Hurt, Virginia  
Council Meeting Minutes  
April 7, 2022 (continued from April 5)

Hurt Town Council continued its monthly business meeting from Tuesday April 5, 2022, to Thursday, April 7th, at Town Hall. The meeting opened at 6:00 PM by Mayor Gary Hodnett with a quorum present.

**Roll Call**

Members present: Mr. Collin Adams, Mr. Gary Poindexter, Mr. Donney Johnson, Mrs. Shirley Barksdale-Hill, Mrs. Kathy Keese, and Mr. Luke Perdieu

**Public Hearing**

Mr. Blackstock stated I went over to Gordon Kent's this afternoon, and he looked over the items. Yesterday I called Joe to come up to 301 Prospect Rd. He and I, after so much was going on the other night and so much was being thrown at all of us, I had a question on the item number 4, under the special use, about the five vehicles. I called Joe up and he came up to the building and the septic tank is located behind the building along with the drain field. Then Joe and I met with VDOT today and on the lower lot it's a 16-inch pipe running perpendicular across the property coming out on Tanyard Road. At the end of that pipe is about a 4-foot section that's separated by about 6 inches so VDOT told us today they would take care of that, so that pipe runs perpendicular across the entire property. The homeowners let me know that the homeowners were required to take care of the pipe. The pipe looking at the popular trees, Jay Craddock said it's probably been there 40 to 50 years. Wyatt, on the side of the old Jacobs property, he's required to take care of his side. Well, I got to thinking yesterday after the town council meeting, if four employees came to the store and parked in the front and I had two trucks and two vans there, then that's eight vehicles parked there, they might not stay there but 30 to 45 minutes in the mornings, sometimes 20, and then when they get back in the evenings, when they park our vehicle, park the vans, then their vehicles are going to be there. I was coming to council tonight asking, with the septic tank and drain field in the back and the drainpipe running perpendicular across the lower lot, can we modify the five parking places to ten? It's already ten parking places marked off from white markings that were there previously, still backed in, all the vehicles will be backed in, even the employees coming and going would have to back the vehicles in, in the mornings and afternoons. That's the only thing on the list that I see of any problem. We did also find that the sidewalks coming off in front of Wyatt's property and across the street on Tanyard, are ADA compliant; they do have the incline with the stone rock, that's all I had.

Mayor Hodnett stated I've got a question before we move forward. Collin, you recused yourself after Michael finished his stuff; do your recusals stay after Michael finished his stuff, and you didn't bring yourself back into the meeting, so since this is a continuation, are you going to remain recused? Mr. Adams responded well I made the request to be recused from the vote. Mayor Hodnett stated well if you recuse yourself, you're recused from the debate as well correct, John? Attorney Eller stated well that's the normal process, but I don't think that the second round when we were talking about the special use permit, I think Collin participated in that. I didn't know whether he wanted to be recused on that issue or not. Mayor Hodnett asked if we could do it either way? Attorney Eller stated yeah. Mr. Adams stated no I did not, just for the vote. Attorney Eller stated it's an appearance thing for you,

because the conflict-of-interest act would only require you to recuse yourself if you were a member of the household with Mr. Blackstock or employed with him or in some kind of a contractual relationship involving money, now being a friend is not going to disqualify you. Mr. Adams asked okay where do we go from here? Attorney Eller stated but I kind of think that's like the Caesar's wife thing, you got to look like you are, or if it looks like you might be biased, because you're really close to somebody it's better not to participate, but you don't have to recuse yourself legally; it's your choice. If you want to not recuse yourself tonight, you can do that. Mr. Adams stated that will be fine. Mr. Poindexter stated it sounds like to me maybe a better way to put it would have been an abstention from the vote. Mayor Hodnett stated well my question is why would you want to participate in conversation, but not in vote, because in conversation you want to get your voice heard, but yet you don't want to vote. Mr. Adams stated in other words what you're saying is, is if I dismiss myself from the vote because I was biased, I would still be biased in the conversation? Mayor Hodnett responded right, I think it will look better if you do either both or none. Mr. Adams stated I agree and understand, so for the whole meeting or just this part? Mayor Hodnett responded no, just this part, you can recuse yourself for everything associated with Michael Blackstock and then come back in for the meeting. Mr. Adams stated okay that will be fine. Mayor Hodnett asked so you do want to recuse yourself? Mr. Adams responded yes. Mayor Hodnett stated alright council, you have heard from Michael Blackstock, this is up to you. You guys can either agree to change the SUP, or you can hold it as is, that you've passed and applied conditions to it. Attorney Eller stated let me just ask one thing of Mr. Blackstock, in number four it says due to traffic safety concerns caused by the limited parking area and the close proximity to Prospect Rd., parking at the entrance on Prospect Rd. shall be limited to five vehicles which will be parked front facing out, now what has changed about the safety concerns that are involved or that council discussed on Tuesday night, what has changed between then and now that would now make it okay to have twice as many vehicles? Mr. Blackstock stated Joe and I looked at it; we went out to the road, and you can bring Joe up to answer this, but if the vehicles are backed in, and you're looking out onto Prospect, you have a good visual of what's coming down both ways on Prospect Rd. It gives you better eyesight, a line from Prospect on both ways coming out onto Prospect Rd. Attorney Eller asked so it's more visual now than it was Tuesday night. Mr. Blackstock responded no sir, I'm not going to say it's more visual today than it was Tuesday night. Attorney Eller stated what I'm asking you is, is the safety concern any different? Mr. Blackstock stated well Jason pulled the report up and it hadn't been an accident at that location in 5 years. Attorney Eller asked has there been 10 trucks parked up there in the last 5 years. Mr. Blackstock responded not to my knowledge. Attorney Eller stated the answer is no, isn't it? Mr. Blackstock stated no, it has not been. Larry Morris stated that in his 45 years on the Fire Department that they have only had one accident from inclement weather at that intersection, and that was on Tanyard going down the hill. The septic tank and drain field, that could create a hazard if it was run over, and the septic tank was busted around back. Attorney Eller stated well let me ask you this, how long have you owned that property? Mr. Blackstock responded; I've owned it since November of 2021. Attorney Eller asked and did you check all the septic before this, check on the pipes and all that before this, this week? Mr. Blackstock responded I knew that the septic tank and drain field was in the rear of the property because of the lay of the property. I found it for the specific location of the septic tank today.

Attorney Eller asked so couldn't you have raised these issues to the council when they made this decision? Mr. Blackstock stated so much was going on Tuesday night I didn't have time, I didn't know what the restrictions, I was not aware of any restrictions. I knew that they could be put on the property, but I didn't know they would be, so I didn't know that it would be restricted to parking. At first it come up that no vehicles were to be parked up front, and then the issue was brought up about the sidewalk. Attorney Eller stated okay, that's all, I just wanted to bring out those. Mr. Blackstock stated and if it helps, I mean we could put a weight limit; I don't want to park, I think a lot of the Town of Hurt and the appearance. I don't want to park trailers up there or heavy equipment, I think we could put a load limit on the vehicle, I think 8,000 pounds, nothing over 8,000 pounds can be stored or parked up front. That way it takes care of the heavy equipment because it was some concerns about heavy equipment. Mayor Hodnett stated alright council it's up to you guys and I think you should debate this between yourselves and move forward; you got all the information you need to make a decision. Mr. Perdieu asked can we ask Joe a question? Mayor Hodnett responded sure. Mr. Perdieu stated Joe, you've been out at the site, I used Google Maps just to refresh my memory on how much room is there, how many vehicles do you think can reasonably park in that parking lot? You've been there more than I have. Joe responded I would have to say the spaces do allow for 10 across the line. Mr. Perdieu asked do you think I am doing a good service at leaving it at 5, knowing what you know? Joe responded what I know and not just what Michael was saying, but the guy from VDOT mentioned today, he mentioned it to Mr. Blackstock, that he didn't see what a problem would be with 10, but he also did tell him it's up to the council and what the town wanted, that's all I know about that. Mayor Hodnett asked Mike if he wanted to add anything. Mike Jones stated well for one nothing has changed in terms of highway safety. Let me make a comment on that, that building has been essentially unoccupied for several years, that's one of the contributing factors to no accidents. When you add five or ten vehicles with even the minimum trips, you are increasing the potential for an accident, so comparing a building with no traffic to a building with traffic just makes no sense. Number 2, the intersection hasn't changed, number three, we know that traffic will increase somehow in time just due to the prosperity of the town. The lack of due diligence is not the town's issue. It's the purchaser's issue, these things should have been done before, however we're left to deal with it, and in attempt to work with the property owner. The question we have to ask is this, it is a traffic hazard, it's not going to change, in fact it's going to increase by a quotient, which we don't know yet. All trips, according to Mr. Blackstock, will now be made from the front. There are perhaps ways to mitigate that, but they're certainly not ways to eliminate that. There are also ways to use the back, it's not the most advantageous to the property owner, but the back could be rearranged to accommodate vehicles, so that's the choices. You can't pull back an accident once it's happened, and I would suggest you not put much credence in the traffic issues on a building that has not had traffic. A building will now have traffic, but that's the purpose of the low in and out, so that is an increased risk for potential accidents. That's what you have to weigh as council. Mayor Hodnett stated thank you. Mr. Poindexter asked Jason what are your thoughts, you patrol the street? Chief Lovelace stated I mean I patrol the streets, so the parking lot up there has been vacant for a while. I'm not sure when the last time, I guess it would be the hair and tanning, I mean in essence it's up to you all on what you want, I do agree with Michael on there is more danger in pulling out on the Tanyard side road then it is on Prospect, because

of the traffic and the way they cut the corner. I actually took somebody to jail one night because of that, it was other things like DUI and reckless driving, but that is a problem on that corner. It's entirely up to the council and what they decide and what you all want to do about it. We are in close proximity to the school, where the intersection things are happening, more cars on the road, all of that y'all have to take into consideration. I have not seen an accident, like Michael said, he asked for that information. I have not seen an accident in five years. The time that I've been on the Fire Department, not saying that I've run every call, because I have not, but I cannot remember running a call at that intersection for a fire call. It's not to say that it's not going to happen in 5 minutes from now, I don't know that, and y'all don't either. I would just recommend that you all sit and discuss it and it's y'all's decision to make. Mayor Hodnett stated I want to ask a question, Joe today I think you told me that VDOT had recommended moving the driveway on the lower part down to the edge of the property? Joe responded yeah to the back edge of the first lot, they said it might be a little better entering in and out of the property for the visual because it's further down from the corner, isn't that what he told us? Mr. Blackstock stated yeah, but also the bank gets steeper coming in and out, the further down you go. Joe stated and he just mentioned that could be possibility, that's what he said. Mr. Perdieu stated we didn't write that possibility out in our restrictions, right? That's still in play, where he could move it, if he decided to move the entrance on Tanyard he could do that without us having to change anything? Mayor Hodnett responded yeah. Mr. Perdieu stated currently my position is, I came into this wanting compromise, our original restrictions had no parking on the upper level. After hearing Mr. Blackstock's experience pulling out on Tanyard and being more dangerous than Prospect, I think that's when we considered adding some parking there. I put Mr. Blackstock's position that he wanted 10 parking spaces, we wanted zero, we met in the middle at five; that's a compromise. I felt like that was a win for everybody because no one wanted, I hate that his septic tank is back there, I know that those things are a pain in the butt, but that is just the nature of living in the country. Mr. Blackstock asked could we go from 10 to 8, that way 4 pulled in and 4 pulling out, it's not going to be 10 vehicles there or eight vehicles there if you gave me an even number. It's not going to be 8 to 10 vehicles there all day. If 4 employees pull in or 3 employees pull in, and 3 pulled out, then you are still left with three there, you might have six or eight or four, it at least needs to be even number. Mayor Hodnett asked, Shirley what's your thoughts? Mrs. Barksdale-Hill stated I'm thinking that we have compromised, and halfway was a good, I think it was very good progress. As far as the accidents, and it's a good thing that's all we've had, but in this situation, I feel like it's totally irrelevant, because there wasn't anything there, and there is something there, so the potential has gone way up. I am not so sold on increasing the number of parking. I know that septic can be a pain. I'm thinking it needs to be some other compromise because we didn't come into the discussion with that information and I know you didn't either, but that's another diligence for property that you buy and the potential for that property, so I'm not sold on giving up any more parking. Mr. Johnson stated I agree with her, you know we compromised, I think 5 is enough. Mayor Hodnett stated so where the SUP is at now? Mr. Johnson stated yea. Mr. Poindexter stated well, what I see here is a convergence of very unfortunate circumstances for everybody involved in a situation that doesn't have an easy answer, I haven't felt good the last couple of days, but I think Mike and Shirley both had some

good points here, and I think we did compromise. My thoughts are, Michael says he needs an even number, if any at all, I believe I would do 4-6 but not 8-10. If there's a thing about even versus odd numbers, the most I would want to go would be 6. Mr. Blackstock stated that would help. Mr. Perdieu stated one good thing about this SUP is we can modify it later. I just thought if he runs this for six months and there's no detriment to the traffic, this can be revisited and amended with further council debate, and I hate to drag this out even farther and I know everybody does, but that is a pro to the way we have this SUP laid out, is that it's not carved in stone so deep that it can't be changed, so if we go forward with the 5 and there's no traffic issues, no wrecks, nothing, and Mr. Blackstock still needs more parking and can't get his back part of the lot to work for him, he can come back to us and we can revisit that and then readjust that. I feel like that's a good option as well. Mayor Hodnett asked anymore discussion? Do I have motion? Mrs. Barksdale-Hill asked how would I word it? Mayor Hodnett stated you would just say leave it as is, I mean really if you guys don't vote to change it, it stays as it is, right John? Attorney Eller stated right, it would have to be a motion and a second to change it and if there's not a motion at all then it stays just like it is. Mayor Hodnett stated no motion? No comment. Mayor Hodnett stated okay it stays the same. Mr. Blackstock stated thank you for the time you all have spent on this. Attorney Eller stated well it was a lot.

#### **Report from Legal Counsel – Attorney Eller**

Attorney Eller stated I don't have a report because the only thing I do now is work on this case. Maybe I'll work on something else. Mrs. Barksdale-Hill stated the Town Ordinances. Attorney Eller responded yea, the Town Ordinances. Attorney Eller stated so today will be the day that the C1 zoning is effective and the 30-day time period for anybody to challenge it would run 30 days from today. Ellen Brumfield asked if that is business days or weekends. Mr. Poindexter asked if it is calendar days or business days? Attorney Eller stated yeah. Mr. Poindexter stated so May 7. John, while were on that, if someone did want to challenge this or any other situation similar to it, how would that course of events typically play out, what would that look like? Attorney Eller stated you file what we call a writ of certiorari in the Circuit Court of Pittsylvania County, and it would move forward like any other case. The client would have to file their complaint, which would be a writ and state what they say is wrong about the council's decision and then council has to defend it, or the town would file an answer and go through what they call discovery where each side can ask the other questions about their case and who the witnesses are going to be and what their exhibits would be and all of that, that kind of thing. You can also take depositions, which would be where you come to the lawyer's office, and the lawyer would question your witnesses and find out what they are going to say and the court reporters would take down what would be available to use by the parties, and it kind of nails down the position that the witness is going to take in the trial. That helps to get it settled, a lot of times because you already know what everybody is going to say, but that's very expensive, the court reporters charge \$3-\$4 a page for the deposition plus their appearance time, and then the lawyers and their time. I don't know if that would be done, but that is an option, that you go through that. That stuff is called discovery, and after the discovery is done then you would have a trial, and the evidence is put on and the judge would decide. In a case like this, where the Council made a decision, its decision is presumed to be correct. It would be up to the one challenging to

overcome that presumption and show that what the council did was what they call arbitrary and capricious, that they had no basis in fact and was not considered carefully, that kind of thing. Mr. Poindexter stated the full burden of proof would be on the challenger. Attorney Eller stated right, if there was a lot of discussion going on and there were points on either side, then that is considered to be a fairly debatable issue and that the Council's decision would not be upset, if it's fairly debatable. It's a big burden for the one challenging. Mr. Poindexter stated so based on the length and depth of our discussion, we're probably in a pretty good position. Attorney Eller stated it was certainly debated. Mr. Perdieu stated I am not going to sue you. Mayor Hodnett stated I have a question, if somebody requests our recording from that, we can give that without a FOIA, correct? We could make a duplicate and give it to them? Attorney Eller stated well they need to file a FOIA request to get anything, to keep everything normal. I mean you can't have people coming up and just asking, here give me a copy, no, there has to be a record of who asks and what they ask for. Mayor Hodnett stated so if we get a FOIA request, since this is a 30-day period, we can act on it immediately. Attorney Eller stated you have to act within five days, have to act. Mayor Hodnett stated ok, obviously we can give out the comprehensive plan, that's not a problem. Attorney Eller stated oh yeah that is public and could put it online. Mayor Hodnett stated they are. Attorney Eller stated okay, well they can get it already. Mayor Hodnett stated okay so you have nothing. Attorney Eller responded I have nothing.

#### **Reports from Staff**

**Administrative – Ellen Brumfield (Treasurer's Report):** Brumfield reported that in our general fund at first national bank we have \$371,647.11 and of that, \$226,057 is the ARPA, and \$12.02 is the children's Christmas fund. The total operating budget for the month is \$145,478.09. Brumfield stated I do want to thank the Town Council for the opportunity to attend the Southern Software Conference. This is the manual we were given when we went in. It was a huge conference room that was basically packed. We covered this information in two days, those classes started early in the morning and ended about 5 o'clock, so I attended all classes even if it was not in my ramp. I wanted to make sure that everything that was in this and discussed, I had an opportunity to see and be a part of because it could be something we could learn and use here at the town. It was a lot of information; I do think that it will enable us here at the town to be able to use this Southern Software even more to our advantage. I know myself, I've already started pulling some reports and doing some things, I did one today for census, for the Federal Treasury. It's just things that you can go in behind the scenes and do. It's still a whole lot that we need to learn and tweak to be able to set up templates and things like that, but I do think that Kelsie, Joe, and myself can benefit. I was fortunate enough that on the last day they had some extra ones, that I got a second manual for us, so we do have two here at the town so thank you all for that opportunity. I do think it was a well worthwhile trip to go down and I do think the town will benefit from the knowledge as well as these manuals that we got. We're working on the audit report, and we continue to work on the budget; we have not done much with that, but we will be. We are working on

the ARPA, any new reporting has to be done by the end of this month, but the Federal Government/Treasury just continues to change things, for the NEU's, so that reporting is due at the end of this month and staying on top of that trying to get it filed.

**Administrative - Kelsie Sligh (Clerk Report)** - Mayor Hodnett stated Kelsie and before you start, I want to thank Kathy Keesee who is not here and Gary Poindexter for responding to the email about the attributes of Kelsie, because she is being nominated for clerk of the year with the Virginia Municipal Clerks Association. She will be attending that conference at the end of this month, and she is up for nomination for clerk of the year. Sligh stated thank you. The website, I've updated the slide shows. I've got the trash pickup photos up there and they probably won't stay up too long so check them out while you can. Kathy wanted me to report that she's got some photos for spring that will be coming up, I think within the next week or so. If you haven't seen down there at the pavilion, we've ordered the new picnic tables and Joe has actually gotten three of them put together, we still have one left to go and that's going to be an ADA picnic table, so anybody that's handicapped or in a wheelchair will have access to a picnic table. Sligh stated I need a motion from council to approve the budget for the Memorial Day event, I'm thinking \$2,000 but I do not think it's going to go over that. The band that we've got is \$600 and it's hard to say with food right now and groceries. I know groceries are getting kind of expensive, so if we're doing a bulk grocery list it might get around \$1,000. I put two but I don't think we will go anywhere near \$2,000, so just think on that. Also, for the Memorial Day event the Staunton River Baptist Association is letting us use the cotton candy machine, a popcorn machine, and I think they said two blow-up houses, and they're letting us use that for free. I think it's a good idea if we maybe do a donation to them for letting us use that stuff for free, so that's just a thought. I think that would be a good idea, I mean it doesn't have to be a huge donation, but I think it's a good idea to do that. That's all I had. Mayor Hodnett stated so guys and girls you need to come up with a budget. Mr. Perdieu asked what the number was again? Sligh responded \$2,000 but I don't think it's going to touch that; I don't think we'll go near that. Mr. Poindexter asked do you feel if we were to appropriate \$2,000 that would leave enough margin for contingencies and the unforeseeable? I think so. Mrs. Barksdale-Hill asked how many events are we planning for this year. Sligh stated the Memorial event; I'm sure Jason will do the stew, and then Christmas. Mrs. Barksdale-Hill stated the stew is for the children at Christmas? Chief Lovelace stated yea. Mr. Poindexter stated let's keep in mind, anything we do right now tonight needs to be in the current fiscal year, anything that we pay for after July 1st would be in the new FY, and if we can it would probably be better to act on that after July 1st, but if we need to do something, we can. Memorial Day is coming up, we need to act on that. Sligh stated we do have a lot of stuff left over from last year and we've got a couple things of drinks leftover that are down there. Mrs. Barksdale-Hill asked what did we have in the past. I mean would \$5,000 a year be unreasonable, that'll cover all of it? Mr. Poindexter stated we are already working on increasing that line item in the budget because we're having more and better events, so the new budget that will kick in July 1, assuming that the full council is agreeable to it, we'll have a few thousand more than it has had in the past, to allow us room for anything from July 1st to this year till June 30th of next year. We should have a considerable amount to work with like the things in the fall, Christmas, Memorial Day, you know that type of thing. We realize we need to improve that significantly because people are wanting more and better events. We're going to step that up in the budget several thousand. Sligh stated I just suggested \$2,000 because it gives some wiggle room in case, we need it. Mr. Poindexter stated you need a couple thousand for the Memorial Day event this year, does that sound good, is that what we need? Sligh responded I think

\$2,000 should be good for this year's Memorial Day event. Mr. Perdieu asked would that include and be enough for the donation to the Staunton River Baptist Association? Sligh stated yeah, because if you figure the band is \$600 and the food to feed everybody is roughly \$1,100. Mr. Perdieu stated it still leaves a little gap. Sligh stated yeah.

A motion was made to approve or appropriate \$2,000 out of Public Relations/ Town Promotion funds for the upcoming Memorial event in May 2022. 2022.

Motion: Mr. Poindexter

Second: Mr. Perdieu

Passage: Unanimous

### **Public Works**

Joseph Smith stated we recently completed the painting of the water tower, done the first of the month and taking about a week per our utility service contract, it's supposed to be done every 3 years. I let the health department know. We ordered three sample stations as we talked about in the last council meeting, they came in and I got the contract. If you did the test holes to the mains, figured out what type of mains they were and we measured the diameter, then we could order the saddles, line, and hook up, so we will have sample stations for the health department. The parts list, I ordered the parts list that I passed out and everybody approved, that should be here within the next week. Mr. Poindexter asked how about the container, the storage unit? Joe replied we haven't gone out there to look. Me and Donney and the Mayor were talking about it, we were going to go out, I think it was a week and half ago, but Donney had something he had to complete, and I had some business with the sample stations and digging holes, so we're good to go as soon as we can set a date. Mr. Johnson stated I can speak to that on some degree, I've already talked to them at Merryman, and they have them in stock and just give them a days' notice and he can set them down and we can go through them and pick out what we need. Mr. Poindexter stated that sounds good. Mr. Johnson stated just to a point where just give them a call and get together whenever. Joe stated we just want to make sure we get one that doesn't leak and it's in a decent condition, we have to visually go out and see that, and they have to bring them down, so that's another thing we have to wait on. Joe stated I have 3 residents that are asking for water relief, Mr. McCormick as you know, in the meeting the other day. His total amount on his bill is \$314. Mr. Crews who lives at 410 Prospect Rd. had a problem with his line, he's on a fixed income and has a disability; I finally met with him a while ago, maybe two months ago, to discuss his leak, he contacted I don't know, that insurance program that we have through Dominion, where they send it out all the time. He contacted them when we got done two months ago, they just completed the repair maybe two weeks ago. They have to wait until they get hold of a contractor and reschedule, so they're asking for forgiveness for \$297. Mr. Perdieu asked when did he find out that he had a leak? Joe responded I don't have the exact date, but I'm going to say halfway through not this cycle, but the cycle before, which would be November. Joe stated then, Denise Grasty, she's asking for forgiveness. Denise has been on the leak list since I started. My job is, if they ask, I have to report to you, you decide whether or not they get the forgiveness. Mayor Hodnett stated she has been notified, since she's been here. Joe stated she has received multiple notices and letters and she is at \$392. Mr. Poindexter stated, but after those multiple notifications, there was no initiative? Joe responded not since the meter was installed, and Southern came in and said I got my leak fixed. Mr. Perdieu asked do we know she was getting her notifications? Joe responded yes. Mr. Poindexter asked and that went on for a year? Joe stated well I've



only been here for 7 months, and I don't know how long it's been going on before that. Mayor Hodnett stated I can say one thing - she was on the first list I ever saw, before I was on Council and that goes back to 2019. Mr. Poindexter stated that is a much more longstanding issue there. Joe stated she is on the payment list that we have, the agreements, she's trying to play catch up. Mr. Perdieu stated I'm sure it is tough. Mrs. Barksdale-Hill asked if she was only asking for relief on this one bill, but all of her other bills have probably been, as Joe stated, carried over. Joe states she has always been playing catch up. Mr. Johnson asked what was the total? Joe responded \$392. Sligh asked like total now, or total like what she owes on this past one bill? Joe stated what she owes on this past one bill. Sligh stated her total is probably a lot more now than what she owes on this one past bill. Joe stated I'm giving you their total number. Mayor Hodnett stated the total number is probably close to \$800. Mrs. Barksdale-Hill asked how long has it been fixed? Joe responded 3 weeks. Mr. Perdieu stated well her bill should go down now that she doesn't have a leak, so she should be able to catch up. I feel bad, but she's known about it, it's hard to make a decision. Mayor Hodnett stated yeah, she's got a \$800 to \$1,000 water bill, it's going to take a while for her to catch up, and part of the catch up is that they're required to pay their current bill in full to maintain the catch up. Now we allow them to pay what they feel like they can afford, they can pay as little as \$50 a month, if that's what they can afford, but they have to maintain the current bill to stay qualified. We are trying not to put any additional hardship on anybody. Mr. Perdieu asked is there any other circumstances, as far as like the other guy, like fixed income, elderly, is this lady in the same boat? Joe stated yea pretty much. Brumfield stated she is not elderly and disabled though, if that is what you are asking. Mr. Perdieu stated yea, I'm asking for extenuated circumstances. Mr. Perdieu stated not that it qualifies you, I'm just asking. Joe states I'm just telling you everything I know, they asked me to bring it to you guys, and whether it's granted or not, like I told them, I would bring it up to you, you just tell me the answer and I would tell them. Mr. Poindexter stated now it was my impression from Tuesday night with Winston McCormick, now his issue is that he did not receive the statements, because they were not in our system correctly, did not have the right address and so he never got to them. Joe stated yeah. Mr. Perdieu stated and his are normally \$50 a month? Joe stated yeah. Mr. Poindexter stated now that incorrect billing address isn't all there is, but that's one thing. Joe stated that one was also an address issue. Mr. Perdieu stated yeah, he had some other things going on, he had the address issues as well. Joe stated there was a PO, and didn't they change the address a couple times from West Hurt to Church Street? Mr. McCormick stated we moved it to Church Street and there was no box there, and since we had to put it in, we asked for the bills to be sent to us, where my office was at, we never got a bill. We picked up some that had been mailed, but they went to other boxes, but by the time we found them, the leak had been going on for a while. We fixed the leak within 24 hours after we found it. Joe stated yes, they did. Mr. Perdieu asked do we have an average water bill for Mr. McCormick. Mrs. Barksdale-Hill asked has anyone looked it up and applied the formula from the last several months? Joe stated yes, but what happened to Mr. McCormick was he was in the second round of radio reads put in that started around the end of January, and we picked up on his leak from there, he had the old meter that reads numbers when he was notified, when they sent that out, so I have to go back in the old books and find out what his original water bill was. Mayor Hodnett stated but it's been a long time since anybody was living in that house before he started getting any bills, it's been vacant for years.

Mr. McCormick stated some of these bills went to the tenants before we changed over to my name, I don't know if it was 1, 2, or 3, but they have paid some and I'm assuming the bill came to my office on that and we just transferred it to them, but now we are paying it, and we collect it from them. That's when the problems come, we got involved, we got the first bill out of the box, we had a post office box and that was in Lynchburg. They asked me if I would put a box up, and I bought one, the guy works for me, so we put his own box up when I got the box for him. Y'all haven't had time to send bills to that one, because it hasn't been up long, but the bills are supposed to come to me because I'm paying them. Mr. Perdieu stated that was the main part of the problem; we were sending the bills to the wrong place, potentially, and there was no box. Mayor Hodnett stated so going back and getting an average bill is going to be virtually impossible. Joe stated the problem here is, these figures here, we need to come up with a formula and new way of doing this. The formula we use does not work on these smaller amounts. Mr. Perdieu stated it doesn't work if it's been a leak for several months either. Mayor Hodnett stated, I think when you talk about a formula, one of the things that you're going to have to look at is the volume of water and what that raw water cost is to the town. We're buying water from Altavista, we're hemorrhaging it on the ground, we're paying for that water. Mrs. Barksdale-Hill stated we need a percentage in there for us, that's what I was trying to say last time, and it didn't come out right. Mayor Hodnett stated at least you want to get the cost of your water. Mrs. Barksdale-Hill stated yes, make it an overall percentage that we get on every one of these that have a problem. Mr. Perdieu stated we need to have something set in stone as far as what happened that way, he doesn't need to even bring it to us almost, we can just approve it, and we don't have to decide exactly what to do. Mayor Hodnett stated well you don't have to make a decision tonight, because if you want to come up with a formula, public works that would kind of fall under you guys. That one Steve did just isn't working, so maybe you and Joe can work together and Collin and come up with a recommendation at the next council meeting. Mr. Perdieu stated so we can make a motion to work on a new formula and once that is in, we can apply it to these incises that want relief. Mr. McCormick's, his is probably a little bit different. Mayor Hodnett stated his is unique because we can't go back and get that average, because of how it sat vacant for so long, so you get the formula for the other two, you can work on his separate. Tom Fore stated I just want to say, incidents like that where it's a failure, in Altavista we absorb that cost and we bill based on what we know, from one person or two person we average that for that many across, we just average that and send that bill to the customer, and we eat it when it's our fault. Similar to having leaks in this system, we get leaks in the system, we eat all the leaks until we get them fixed. That is just gallons of water on the ground, but when it's our fault we look at the average for a 2-person, 3 person, we want to know how many people are in the home, and for a 3-month period and we bill that amount. Mr. Perdieu stated that is a great idea. Mr. Perdieu asked how many people is in that house? Mr. McCormick responded 2. Joe stated the last council meeting, Luke asked to see a copy of the fire hydrant and value report for 2019, I gave him both copies, would any of the other Council members like to see that? All council stated yes. Mr. Perdieu stated it is very good information, it's almost concerning, we have got to get on this, and I know Joe is already on it, but we have to continue to follow up and get this fixed. Joe stated the other thing was, he completed his application for getting his license, he mailed it in, and he has a test on May 9th, 2022.

## **Police Department Report**

March 2022 Police Report/Calls for Service

Civil Complaints - 2

Suspicious Person - 2

Public Service - 3

Vandalism/Destruction of Property - 1

Non-Reportable - 1

Disorderly Subject - 2

DOA - 1

Sex Offenses - 2

All other offenses - 6

Automobile Accident - 1

Alarm - 1

Weapons violation - 1

Traffic Stops - 7

Other: Miles Driven - Data unavailable; one vehicle in shop for maintenance

Assist Other Town Departments - 0

Use of Force - 0

Department/Officer Complaints - 0

Department Updates: Officer Sawyer and myself attending Advanced Threat Assessment Training; Officer Sawyer and myself attending Motorcycle Gang Training; Chief Lovelace stated, just to follow up on what Kelsie was talking about with the Memorial Day event, I've contacted a bunch of people for touch the truck, bringing down dump trucks and equipment and stuff like so the kids can have something to go over and look at. I know it's been some discussion about the camera system, I have contacted the courts, and the judge should be coming in; I'll set up an appointment with him and we will go in and discuss how he would like to see things; after that we should be moving forward with that. Lynchburg Sheriff's office reached out asking all different agencies if we had any old vest that we could give to the efforts in Ukraine. We did have some that were trash, but to them it was gold, we did get them to the Lynchburg Sheriff's office, and they did have a good turnout. A good way for us to participate in a bad time for someone else. Mrs. Barksdale-Hill stated I saw that on the news and didn't know we participated in that, that's awesome. Mr. Johnson asked when you're talking about the camera, what are you speaking of? Chief Lovelace responded the camera system in the school zones.

Attorney Eller stated I have one thing that I didn't know if Jason was going to mention or not, but the regional mutual aid agreement that we are a part of, about 14 different jurisdictions in it, expires on April 30 and there is a new one to renew it coming out. I talked to Paul McAndrews, Campbell County Commonwealth Attorney; he is going to send us one, and hope we have time to present it and adopt it at our short meeting next Tuesday night which is caused by me. Chief Lovelace stated one more thing, and Joe hit on this, we had a concern about the culvert at the railroad tracks being backed up. I put in a work order, got Tom to put in a work order for VDOT and he also met with them today, so that should be addressed as far as a safety concern. Joe stated they are going to dig out the culvert right there at the tracks at West Spencer; they are also going to repair and put a whole new pipe in, maybe 15 feet up, that goes across the property, put a whole new pipe in and extend it out.

**Public Safety/ Assistant Town Manager - Mike Jones**

Mike Jones states just a few things, an update, 25 nuisance violation notices have been issued and 30 more are ready to go; we received two responses that were positive, and one person was deceased. This is for Councilman Perdieu, just a reminder, welcome to council, you have two months to complete your Virginia Municipal League newly elected officials FOIA training; it's free and it's online, and anyone else who hasn't completed it, just sign up and give a copy of your certificate Treasurer Brumfield. We are now eligible for all council members to take the conflict-of-interest training online, which is a new requirement. It's another online course, it's very short, and you give the certificate to Treasurer Brumfield. One correction if someone asks you for information from the town and its releasable, they do not have to use the words FOIA nor do they have to put it in writing, a verbal request is considered a FOIA request and respecting whether or not they use the acronym, and that's one thing people get tripped up by saying you have to put it in writing; you do not, but to follow up with John we still have to make a record of who we send it to just for our own business operations. Mayor Hodnett stated you kind of know whether or not they call you and tell you that they would like a recording of the last meeting. Attorney Eller stated and you can give them a copy and make them sign a receipt. Attorney Eller stated we've got to have something to show what was given out.

**Reports from Membership, Boards, and Commissions**

**Administrative:** Kathy Keese stated hello guys from the beautiful city of Danville, I wanted to let you know that there are two things I'm going to talk about very quickly. The town sign that is passed at Wayside, we ran out of time to actually work on that sign during the fall, so we have gotten together, Jason and I, and talked about it. With new industry coming into town, we all want to make a good impression, rather than having a new sign completely made, I think it would be more cost effective to use the existing sign, but to cover over the old logo with the new logo made by Creative Edge Design in color. We would pull up the landscape timbers that are currently there, the juniper bushes, clear the logs and the debris from around the sign, replace with stacked stone in the shape of a C, mulching, some rock, seasonal flowers, and do resisting ornamental grass back behind the sign, is what I understand we would like to do. We have the stacked stone - most of it left over from the other sign, the newer sign, as well as \$470 to go forward in this, however with the prices going up Mr. Poindexter I am coming to you, asking you if you could suggest some place where in the budget, we could find 500 more dollars to be able to complete this project all at one time. Mr. Poindexter stated I can look at that and get back with you; it may take a few minutes, but we are 3/4 the way through the FY, so you know I'm sure we can find a line item somewhere where we've got some room. Kathy stated ok, thank you very much. Mr. Poindexter stated I'll email you on that if that suits you. Mrs. Keese stated and like I said you know we want to always present that good impression and beautification in the town, it is very important. The other thing is, I don't know if any of the rest of you got the pleasant surprise by looking over at the Arco trailer where the new Staunton River Plastics Company is going to be, but Arco took it upon themselves to surprise us, they actually put our logo in color on a nice beautiful white flag and hung it underneath the American flag. It's just such a shock and it's so pretty, uh I really feel like we need to start making some of these, have them made, give them to the two schools, the Town Hall of course, the Post Office, the Fire Department and have one made as well out at where the newer sign is situated, but I think all of you, if you haven't already seen it, you'll really be impressed that they took it upon themselves to do that and surprise us with it. I'd really like for anybody else that has seen it to let me know what you think. Mrs. Barksdale-Hill stated I saw it, it's very nice, they had it up during our lunch, and I'm really

picky; it's beautiful and it's the first thing that caught my eye. Kathy stated it's very colorful; you can't help but notice it, and like I said I think the schools and the post office and the fire department, would definitely like to be able to display something like this. I don't know if we have it in the budget to do it now. We haven't gotten the figures yet about how expensive it's going to be or the size, but going forward into next month I would hope that we would be able to come up with an idea of how to do that, even if we don't have them all made up at the same time, some within maybe this budget and some within maybe the next budget for July, but I just want to go forward with you guys thinking about that, and if you come up with any other places you think a town flag would be suitable, just let me know about it. Mr. Poindexter stated I like all of those ideas and where to put them. Kathy stated and the reason I didn't say that we need to put another one out at the older sign, where Wayside is, since we are already putting the logo on there, I think it might be redundant and maybe not look right and besides that, in all of that wooded area back behind the sign at Wayside I'm afraid it wouldn't stay well-kept for very long. The other places I think will work out fine.

**Community Development and Public Relations:** Mr. Johnson stated we've touched base on this before, but the cleanup was incredible. Bob, I want to thank you guys for the signs coming up and down the hill, there is some trash out there, but it has not accumulated like it has in the past. I appreciate it and everybody who participated. Bobs stated I did misspeak last time, that it was Collin and Regina's idea to put out those signs other than on my property, so I just want to make sure it wasn't just us, we did have Regina and Collin help us. Mr. Johnson stated thank you. If anyone hasn't been to the south end to see the walls put up, you need to make that trip because that is a big building and it's great to see.

**Finance:** Mr. Poindexter stated basically just an update on the progress with the budget. Development of the FY 2022-2023 operating budget is well underway, but as is often the case, several line items are pending information that we have to get from the county and the state, and we don't have all of that yet. We are anticipating real estate tax revenue to be practically the same as it was last year, and that's because Pittsylvania County decided to invalidate the reassessment and do a redo of that for 2023. Since they will be using 2021 valuation data, then there shouldn't be any substantial difference for that particular line item. A little different story when it comes to personal property tax and decal fee, those projections are pending the valuation and vehicular data from the county. I've already reached out to the commissioner's office for that but did not receive a response as of close of business today. Once we have that data then we can do the forecasting on those revenue line items for the upcoming FY. Preliminary projections for HR in each department provide for meaningful increases in compensation and sustaining benefits at or near our current levels. Health insurance is going up this fiscal cycle, that will be reflected in the corresponding line items. So far in this process there has been no serious discussion of any tax, fee, or utility rate increases other than to revise the wastewater rate structure to make it parallel to the one for drinking water. There will be some new line items this year, including not the least of which is bond counsel for the capital improvement projects and the water system. Speaking of new line items, there's one in particular that it was a pleasure to sit there and build this into the new spreadsheet and that was revenue from our solar farm lease option contract at Key Industrial Complex. For years, many of you know, that's been a vision of mine to see such a facility on that site and others as well, and our mayor and I have that in common. Obviously, that's due to the very positive implications that green energy can have for our town and region. At long last, it looks like we're on the brink of seeing something come to fruition with that. Lastly, I do plan to meet with our mayor and our treasurer,

and others on various occasions, especially during the second half of this month to resolve the details further. We've got some work to do on the enterprise fund, might even have to pull Joe into that one. Once we've completed a preliminary draft, the finance committee – ladies, we will need to meet to review the draft and then decide on a recommendation to the full Council for May, so it's getting ready to get busy in the later part of this month, and that's all I have on finance.

**Public Works & Planning/Zoning Commission:** Mr. Adams stated first thing I had, has to do with the budget, which I know that is not my public works/planning and zoning, but you know we need to start really looking, and we talked about it Tuesday night, about trying to get another police officer, because I know, we all know we need another one. I'll tell this to Luke because he hasn't been here, but I don't know how long ago, we started talking about some crash protection at the pumphouse 6-8 months ago probably, and I got in touch with the guy at the company that does the guardrails for VDOT around here. I met with him one time and we were going back and forth on what we thought. I never could get him to call me back. I contacted him two weeks ago and couldn't get him to call me back. Since then, I have gone down to looking at these concrete blocks. They are 4,800 pounds, three by two by six, and maybe sit those behind the chain-linked fence for like a crash barrier. It might not stop a car completely, but it might stop my truck. I guess my question with John is, is there any kind of legal thing about putting a barrier up behind that fence? Attorney Eller stated where is it going to go? Mr. Adams stated when you are coming down riverside hill you're looking straight at the pump station, we've all talked about a car running into that. Attorney Eller stated oh, you've talked about that before, and you would put it where the fence is. Mr. Adams stated yes, right behind the fence, is there any kind of legal issue? Attorney Eller stated well you have to get all the way over on the town's property, before you ever come in contact with it, so it wouldn't be a VDOT thing as it wouldn't be on a VDOT right-of-way. I don't see why, I mean no, you can protect your property. Mr. Johnson asked how far would you need to be in for it to be our property? Mr. Adams stated inside the fence. Attorney Eller stated got to find out where the state right away is. It might take a surveyor to find it. Mr. Adams stated right, I could ask VDOT what that measurement is and then go from there. Attorney Eller stated as long as we put it on our property. Mr. Adams stated those blocks are, per Eddie down at the concrete place, \$100 apiece. He said that Hawkins-Graves has them, too. Eddie doesn't have any right now, but they are \$100 apiece. I'm going to get Joe to go down there with me, and I'm going to kind of look at it and see what, two or three probably will do it, but the only other thing is, you're going to have to have somebody move them. If you got two pieces that have rebar hooked up on them, you're going to have to have a pretty good size backhoe. Chief Lovelace stated if you order them from Finley, they will bring them on a septic tank truck and set them for you. Mr. Perdieu asked can they get them inside the fence? Chief Lovelace stated I can't answer that for you. Tom Fore stated yeah, with a boom. Mr. Adams stated Finley Concrete out of Lynchburg, I'll call them. Do we need to make a motion or ok me to? Well let me get the information first. I'll call Finley first and see what the cost and delivery, if that's free, and I'll have a figure. Mayor Hodnett stated I know one time before we were talking about this, there was some issue about putting those things in there and somebody coming down that hill, stopping them that sudden, you were almost guaranteeing that the driver and the people in that car were going to be injured. Do we need to put something there to kind of break that impact? Mr. Perdieu stated water barrels work pretty good just slowing people down and you're not hitting that concrete wall. Water actually slows you and then you hit the concrete wall. Mayor Hodnett stated yeah that was in the other conversation, you know if they hit it and it stone cold kills somebody, the liability on us. Attorney Eller well what if they went on and hit

the building and it killed them, I mean are we responsible for that? Mayor Hodnett stated I don't know, you're the lawyer. Attorney Eller stated no, we're not. Mayor Hodnett stated well that's fine, we can stick them there, and I'm good to go. Mrs. Barksdale-Hill stated well I had brought that up before, because Dr. Elliott wanted to put them on that hill there to prevent somebody from coming down into the Dr.'s office, and they told him he could not do that, because it would guarantee killing somebody, so he was not allowed, but that may be different. Mayor Hodnett stated so if there is no problem, we are good to go. Mr. Perdieu stated it's the same thing off an exit ramp on the highway, they have concrete barriers, the middle lane on the highway has those barriers. Mr. Adams stated I'll check into it; I'll get some figures. Mr. Poindexter stated I am surprised that they make them just \$100 apiece. Mr. Adams stated yeah, I know, 4,800 pounds. Mr. Perdieu stated it's just like when I order concrete, and its left over, I don't use all of it; it comes back on the truck and is still usable, so they just use that. Mr. Johnson stated we had mentioned back some time ago about getting guardrails and said we were going to wait until all this water project is finished, because they were going to be all around the pump station. Mayor Hodnett stated I think that was part of the conversation, too; I think you're right. Mrs. Barksdale-Hill asked should we wait until we redo the pump station and do it all together? Mr. Johnson stated its going to be a lot of activity around there when we go to the next phase, right? Mayor Hodnett responded yeah, because they are literally going to tear that pump station down and rework it. Mr. Adams stated I guess we should wait until then, but I'll get some figures anyway. Oh yes, one more thing - I called Tim Gammon; he is over VDOT in Gretna, and he told me they were having a conversation about this too. I don't know if y'all pay any attention to pavement right beside Hurt Elementary School, but they fix it and then it just slides, with big humps in the road. They're supposed to grind that up and repave it this month. Mr. Johnson stated I saw them looking at it several weeks ago. Joe stated I talked to them about that paving. I've got a valve down there. I mentioned this to the guy, and he told me it was a good thing because if I go over that, I'm going to ruin my milling machine, so he is going to be on lookout for that.

#### **Report from Mayor Hodnett**

Mayor Hodnett stated in closing just a couple quick things. We've worked with the Virginia Department of Health to get grants for water bottle filler stations at Hurt Elementary School and we're working with Faith Christian to try and get some up there for the kids. They don't like them to drink out of the water fountains. Now they get them to bring the bottles; they set a bottle up, fill it, and go right on. On the table you have the agenda for the bond counsel meeting next week, just to show you, this right here is the bond counsel documentation that we have to fill out. This we are filing tomorrow for the application for phase two of our project up at the water tower, coming under the road, with the boring, and putting in that. The printer stopped and this is half of it, so we've got to fill all this out and of course Peed & Bortz is doing it, but it has to be in and go out to them tomorrow. These two things are what we've been working on so hard for the last two weeks, not to count what 50 items we have to send to the auditor Scott Wickham. They are not coming out to sit with us this year; they're requiring us to send all the information to their office, and the price is going up for us to do that. That's been a lot of work on Ellen and Kelsie, they've been extremely busy on that. Lastly, I don't know if you guys know it or not, but the Town of Hurt does not have a policy regulating how we are going to do meetings. We don't go by Roberts Rules of Order or anything, it's nothing official, so you're leaving it up to me. Now I'll just be honest with you, I'm extremely happy with that, because I get to run it the way I want it, but if I was in your shoes, I would want us to have a policy. I'm going to ask Donney to work with me and I've already got Lynchburg, their rules; we're looking at Roberts Rules of Order and hopefully by May we will have a

proposal for Council. I think we need one and it's been a long time coming, so we're going to get us one. That's all I have, thank you for coming, appreciate your efforts. Mr. Perdieu asked do we need to do a motion for Mr. McCormick and those other two things, or do we know what to do to move forward with that? Mayor Hodnett stated I think what we're going to have to do is come up with something for him and probably bring it to council and have an estimate, because we're going to have to have a formula for the others. His is going to be unique. Mr. Poindexter stated I was going to ask, is it realistic to get to where we can take that up next Tuesday as opposed to waiting. If we can't, we can't; I'm just asking as information. Mayor Hodnett stated we'll do everything we can, but I won't guarantee it considering the workload. Mr. Poindexter stated no doubt. Mayor Hodnett stated so thank you, you guys do a good job, appreciate the effort, everybody thanks for coming and we will see you. We're having a meeting Tuesday night; thank you.

Meeting adjourned at 8:17 PM

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Kelsie Sligh, Clerk

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Gary Hodnett, Mayor