

Town of Hurt Meeting Minutes
December 7th, 2021
Hurt, Virginia

The Town of Hurt Council members held a call meeting on Wednesday, December 7th, 2021, at Hurt Town Hall. The meeting opened at 6:00 PM by Mayor Gary Hodnett with a quorum present.

Roll Call

Member's present were Mr. Collin Adams, Mr. Gary Poindexter, Mr. Donney Johnson, Mrs. Shirley Barksdale-Hill, Mrs. Kathy Keesee, and Mrs. Rainy Clay

A motion was made to enter closed session to discuss personnel, prospective business, and real estate, as authorized by VA FOIA § 2.2-3711 A (7)

Motion: Mr. Poindexter Second: Mr. Johnson Passage: Unanimous

Council entered closed session at 6:02 PM.

Council exited closed session approximately 6:50 PM.

A motion was made that only personnel and prospective business matters were discussed during closed session, as required by VA FOIA § 2.2-3712 (D).

Motion: Mrs. Barksdale-Hill Second: Mr. Adams Passage: Unanimous

Invocation and Pledge of Allegiance

Invocation: Mr. Poindexter

Pledge of Allegiance was led by Mayor Hodnett.

B & B Market

Mayor Hodnett starts out with B & B Market and that the new owners were applying for on premises beer license and alcohol with the ABC board, for both 1 and 2 on premises until yesterday, we settled this yesterday, and they are withdrawing their on-premises license for B & B #1 in the Town of Hurt.

Radio Read Meters

Mayor Hodnett states that council discussed the 360 radio read meters and retrofitting the setter boxes and backflow prevents, considering how difficult it is to get the parts that we need, and how our boxes are very inconsistent and how every box is going to be different when they work on them, I propose that we consider a 10 year plan and do only 60 a year for a next 10 years. This way if we run into any problems, we can say we have a plan in place and that we are moving forward with this, but in this point in time we must find 60 like boxes so we can get the materials for them so that we can turn the guys loose when they come to put the rest of the new meters in. Mr. Poindexter asked if we had any time frame? Mayor Hodnett responded that he asked Kelsie to get in touch with Sherman to come down one day and spend half a day with Joe and go around and look for 60 like boxes, we will mark those and that's what they will be responsible for retrofitting. We must have the 60 before we know what type of

setter boxes to get. We have straight through flows, some coming in from the side and bottom flows. Mayor Hodnett states we are going to move forward with this.

Dogwood Trailer Park

Mobile Home Park, I talked to the owner about that, told him we were going to put in a large new meter that way it would be one big meter to read, and we could just send one bill out, he didn't like that, he said they have never done that before and didn't want to be in the water business. We discussed that if they didn't want that then they would have to personally guarantee delinquent water bills. They agreed upon this, so I am going to get Attorney Eller to draw up a contract for them to sign that way if anyone moves out owing us money, they will make us whole.

Christmas Staff Party

Christmas party will be held on December 16th at First Southern Baptist at 6:30pm. Is everyone planning on attending? Mrs. Clay asked Mrs. Keesee if her spouse would be attending? Mrs. Keesee states no he had to work. Mr. Adams asked how they needed to pay? Mayor Hodnett stated it is \$28 a per person and to get the money to Kelsie by December 15th at 5pm. Mayor Hodnett states we can pay Judith to just make the checks out to the Town of Hurt. Mayor Hodnett states he also would like council to consider inviting the former mayors to join us at the dinner and that it would be appropriate and a nice gesture if council pays for their meal. Mrs. Clay asked if Tim Dudley and his wife were joining? Mayor Hodnett stated yes. Mayor Hodnett stated so back to the other question do we want to invite the former mayors? Council agreed, Mayor Hodnett will ask them and divide the payment up between us.

Ordinance Change

Mayor Hodnett stated to Attorney Eller that Mr. Boggs brought up to him, can we pass all these ordinance changes in a block, or do we have to do all these separate? Attorney Eller states that we can't pass them until the public hearing of the planning commission, can't do that until the January meeting, and have the public hearing and the advertising. Attorney Eller states he wants to make sure of all the ordinances that they have will be put in, and out to council. Mr. Poindexter asked if we could take all those proposed ordinance changes and refer those to the PC for consideration? Attorney Eller states yes. Mayor Hodnett states all the ones that John had sent over to him are in the packet for tonight. Attorney Eller states 499.1 is one that requires a zoning permit or variance or rezoning from the Town would have to be in good standing with the Town on their taxes, nuisance charges, or anything that they are obligated to do. That is part of the zoning ordinance. After the hearing and the changes are voted on, then they can be passed. Mr. Poindexter asked if the Planning Commission needed to have a meeting prior to that? Attorney Eller stated yes, they normally would so that they can be familiar. Mrs. Barksdale-Hill asked since they were doing them, did we want to do section 105 also? Attorney Eller stated that one is already in there, that they wanted to do that one. He stated we want to look at the cross connection as well. While we are talking about ordinances, Shirley and I have been working on the other parts of the code, we were going to try and have more zoning, but one of the big parts was floodplain management ordinance, which we must have guidance from the department of conservation recreation, and I have had no luck in getting them to respond to me to discuss it. We have worked a lot on chapter 1 of the code which is the administration policy, like the council and the committee. A lot of things are out of date and there will be at least 10 amended ordinances in that. We have different

committees now so we just need to have it for the council and the mayor so they can change the committees without it being specified in the code and must amend the code every time. I don't think the committees we have now are the same ones listed in here. Mrs. Barksdale-Hill states that the ordinance still states that the Clerk can be the Town Manager, Attorney Eller stated at one time the Clerk was the Town Manager, he states you can have that, but it is up to the Town Council. Attorney Eller states we are going to change that and have it stating if the council wants to have a Town Manager, they can do it. We will present these at the next meeting. Mayor Hodnett states he will talk with Gary Boggs so that they can have a Planning Commission meeting before January and before Christmas. Mr. Poindexter stated that he has a suggestion on this on a matter of procedure, he states that this is a major adjustment and that not everyone uses social media or the website or the newspaper, he states that he would add these as a PDF on the website that way people can print these off. He states we advertise the changes on Facebook directing people to the website. Attorney Eller states we have put them on the website, but he is talking about advertising on the website the changes that we are doing so people know what we want to adopt or convert to that. Mr. Poindexter stated we need to be careful about doing that because it is slipping through the cracks for a few people who don't read the paper but otherwise would like to see that. Mr. Hodnett stated what about all the ones who don't do all those other things? Attorney Eller states we can only do so much, but we will take care of it and get them on the website. Mrs. Keesee stated to have a header on it stating Proposed ordinance change. Mr. Johnson asked the question about the ordinances about entering someone's house or apartment over a zoning violation? Attorney Eller states it is in a state code, and they can go in the home if it states a single dwelling and its multiple living there. Mike Jones states that if a fire were to break out, we can have a loss of life so it's an ordinance, but you must have a proper cause to enter in, and it is not something that is done lightly. It must be issued in front of a judge, it is just like a search warrant, and you can also only enter in the daylight.

RFP'S

Tom worked up the RFPs for the engineer's firms and construction companies, that we would be hiring, he wants us to have in place if we have a project come up, we have a handful of engineer firms. Tom is going to send the question out to the ones that are tied into Altavista. We have 3-4 on our list right now, hope to build it up to 8-10. Mayor Hodnett states we will be moving forward with that. Attorney Eller brought up the bond in the ordinance for our treasurer. Attorney Eller states we need to raise it, right now it is \$5000, we need to move it up to \$25,000.

Consent Agenda

Mayor Hodnett ask if we can move forward with accepting the November minutes and this month's expenditures?

Mrs. Barksdale-Hill stated we haven't collected business license yet right? Mayor Hodnett states we have collected some. Mayor Hodnett states he talked to our auditor today, Scott Wickham about adding a line item under revenue for the solar farm because we got our first option lease payment in this week.

Mr. Poindexter asked if we needed to vote on the ordinances? Attorney Eller stated we talked about it, but we didn't do it.

A motion was made to take the draft ordinance changes sections 4-82, 4-105, 4-99.1, 4-133, 11-25, 4-105.1, to the Planning Commission for consideration.

Motion: Mr. Poindexter

Second: Mrs. Barksdale-Hill

Passage: Unanimous

A motion was made to approve the minutes and the expenditures.

Motion: Mr. Johnson

Second: Mrs. Keesee

Passage: Unanimous

Request for Zoning Change

Michael Blackstock states that most everyone should be aware that he has a contract with B & B Market, and it should be finalized by the end of the year. Last Thursday the new owners posted an ABC license on the door to obtain an ABC License, they applied for the on/off license. Michael states he didn't like the idea of that, he states it was a lot of opposition. He stated that they amended the license to be off premises, he states that it will move forward now like it has been. Mayor Hodnett states he appreciates his help with that. Michael mentions he has been operating Blackstock Construction previously out of the farm and B & B Market out of the basement. He recently purchased 301 Prospect Road and have started doing some remodeling on the building. He states he would like to start doing Blackstock Construction out of that basement. He states he will only be there for a short period of time, some in the mornings, that majority of the time they will be on the job site. He states work orders would go out and the rest of the time would be spent at the job. Michael mentions that the building would be used for storage, he states that he would like to use the upstairs for offices and retail. Michael states at one point it was listed at TZ. Attorney Eller asked what TZ was, Michael responded Town Zoning. Attorney Eller states Town Zoning is just a term the County uses to describe an area that is in the Town, therefore TZ is nothing. Attorney Eller states you must go inside the Town and look at the code and see what the uses are in variance of the Town. Eller states that TZ is not relevant. Michael asked why would it be labeled Commercial? Attorney Eller responded that the building is in the R1 Zoning, and that is just the way the map shows it, so that is what we must go with, so it is zoned for residential use and not commercial. Eller states you are going to have to get it rezoned commercial. Michael asked if he sold the store would it go back from commercial to residential? Attorney Eller states no if you get it rezoned, to make that area from R1 to commercial it will not change. Attorney Eller states if it was operating as a commercial business before it was zoned R1 then it is a nonconforming use, and it can stay if it is operating, but if it is not operating for 2 years then it loses its status and can't go back to C1, so the nonconforming use is gone away, C1 was terminated so now it is R1. If you want commercial in the building, then you must ask for a rezoning. Attorney Eller states you need to ask for R1 to Commercial. Michael states he came before council to get the building from R1 to Commercial. Attorney Eller states with Michael's permission we will amend his application to state R1 vs TZ to commercial. Attorney Eller states the next thing is the list of uses there that are permitted in C1. Construction offices aren't amended so you will have to get this amended so that construction offices are added. Attorney Eller states if you get rezoned then you will be able to do construction business office in the commercial district. Now this requires a special use application, and this will be taking up by the Planning Commission, they will have to advertise. The question is will it be appropriate to rezone a 1-acre lot to commercial when it is surrounded by R1 residential, this is up to planning commission and council, we

will count this as your proper application to get it rezoned, now you will have to get a special use permit if this is passed. Michael states previous commercial uses have been in the Town with offices, he wants to know how those were listed. Attorney Eller states he has no idea that the Town Attorney does not go around checking on those things. Mayor Hodnett states we are going to call a meeting for the Planning Committee, we can include Michaels in there and it can be separate from the proposed ordinances in there, but they can handle both. Attorney Eller states it will be separate advertising and the advertising for the rezoning will be paid by the applicant, Michael Blackstock. Attorney Eller states we can have all this done by the January 4th meeting. Mayor Hodnett stated the planning commission will hear it and then it will be a joined session in the first meeting of January on the ordinances and yours. Attorney Eller stated Michael will need to come to the Planning commission meeting.

Hearing of Citizens

Mayor Hodnett stated to each resident that would like to speak to council has 3 minutes. Sabina Hammond started off with her request of doing something about the nuisance of cats. Sabina states she lives on dogwood lane hurt and wants to report nuisance and danger of her property. She states the cat's invasion has been reported to the animal control, the police, and the mayor. She states the problem is that her neighbor is feeding 13 cats. She states that her neighbor is saying they are wild cats, but she is feeding them. Sabina states that they are coming on her property and damaging her property. She states that they are defecating on her property, and that she has invested over \$1000 on a fence. She states she doesn't know what to do, she has called animal control and has told her neighbor to stop feeding them. Sabina stated she cannot invest more money; she states please help her solve this problem. She states she encourages the council to do something about it. Attorney Eller states we need her address. Sabina states it is 107 Dogwood Lane. Sabina states she just wants a little bit of empathy because if it were her feeding the cats, she said someone would send her a letter stating she cannot feed all those cats if they are wild, but she states no one has sent her a letter about the cats. Mayor thanked Sabina for her time.

Donna Barbour states she is here about her water bill. She states that her water went from \$69 dollars every 3 months to \$738.28, she states that the Public Works came out to check it and she had to call a plumber. Donna mentions that she had to repair the lines, but there was nothing there showing that the line was the problem. There were no soft spots in her yard or anything there to show that the line was the issue. She states that it was discussed that since she just recently got it fixed that her next water bill could be this high as well. She states I cannot afford to pay this kind of water bill. She did call Shelton's Heating and Plumbing, and they did come out and find the problem and fixed the line from the meter to her house. Donna just request that she has some help with this high bill. Mayor Hodnett states Steve worked on the adjustment policy and that Donna is asking for some assistance on the bill, he states that we notified her that there was a leak and she brought in some plumbers, and nobody really found where the problem was, and that she brought in Chad Shelton, and he found the problem and fixed it. Mayor states that she fixed it as soon as she was notified. Mr. Poindexter asked what specifics we have in place; he states he remembers Steve working on it. Mayor states if he remembers right, you go back for 3 billing cycles and average the bills and add something to it, and then take that and that is what it is. He states the formula lacks the cost of water to the town. Mayor states we must look at the cost of the

water. Donna states according to the printout that was given to her it is stating that the leak started around August. Mayor Hodnett stated that this is one of the benefits with the new meters that we worked with her on, we let her know and she brought in some plumbers and got it fixed. Tom Fore stated that Altavista looks at the last 3 billing cycles and will get us the form that they use. Mr. Poindexter stated that this didn't fault the customer that this is a situation beyond her control, and that she took appropriate steps to get it corrected and that it would be nice to do an adjustment. Mayor Hodnett stated that he thinks everyone would probably agree that we can give some forgiveness. Mayor Hodnett states to Donna that they will look at the numbers and be getting in touch with her. Donna asked if she would have to pay a late charge? Mayor Hodnett stated no and thanked her for coming.

Mayor Hodnett thanked everyone for coming. Attorney Eller stated in a case like that, the police would have to go out and investigate to see if there really all these cats, smells, and cat poop. Chief Lovelace stated that he has been out there and saw some cats running around, he said he has seen a handful of cats. Attorney Eller stated so it is just a few cats? Chief Lovelace stated it is more than a few. Attorney Eller stated well if it is more than a few than that is considered a nuisance, he states it is not just her options it is the Town's options if there is a public nuisance, and it is not a civil matter between her and her neighbor it is the Towns job to stop public nuisance. Chief Lovelace stated animal control will not pick up cats. Mayor Hodnett stated we have encouraged her to trap the cats and take them to Yellow Branch. Chief Lovelace stated we have spoken to her multiple times and so has animal control. Mrs. Keesee states all the cats are feral and that we all feed them. Mayor Hodnett states that the women feeding them now states that they are not her cats. Mrs. Barksdale-Hill stated she was attacked by a cat, and they thought the cat had rabies, and that she was told that because the people fed that cat that they were responsible for that cat and the cat attacking her. Mayor Hodnett asked Attorney Eller if we were at position to state if you feed it, then it is yours? Attorney Eller stated so he wasn't sure about that, Mayor Hodnett stated if that is what the law says then that will be easy for us to deal with. Mrs. Barksdale-Hill stated the person feeding the cat had to pay for her hospital bills based off what the health department stated. Mayor Hodnett states the first thing we need to find out is if you feed it do you own it, because that will help us solve the problem. Mr. Adams stated if it is a feral cat then she can set traps and take them to Yellow Branch. Mr. Adams stated he wanted to add on the water, the new system will show you if you have a water leak, like in the middle of the night, we must notify the person that they have a water leak and they still decide not to do anything about it, do we still have to eat all that money? Mayor Hodnett stated if they don't do anything then it will be completely different. Joseph Smith added that a lot of the residents like to say that they don't have leaks, when really, they do. Mayor Hodnett stated some residents know they have leaks and have been sent the letters and decide not to do anything about it and pay for the leak. Mayor Hodnett stated that a case before kept saying she didn't have a leak and had plumbers coming in and out on several occasions and finally they found the leak. Mike Jones adds a comment about the cats, he stated there is a law where you can trap, neuter, and return program, and would send out the link to everyone, and maybe adopt this law.

Report from Legal Counsel-Attorney Eller

Attorney Eller stated other than all the ordinance he didn't have anything else to report.

Reports from Staff

Administrative: Ellen Brumfield, Treasurer reported the General Fund account balance is \$489,770.52. She stated of the general fund ARPA is \$236,549.00 and the PD Fundraiser is \$2,850.17. She states our balance of operating is \$250,371.35. Brumfield reported that she would like to personally thank all the council members and their spouses for their time and all they did in supporting the annual tree lighting. This teamwork and community supporters are what made the celebration a success. Mrs. Barksdale-Hill asked if we have got the Christmas stuff yet? Brumfield stated no.

Administrative: Kelsie Sligh reported that all taxes are due tomorrow and so far, collected is 63.85%, so after tomorrow Sligh will be working on delinquent tax accounts. Sligh also reported that she posted all the pictures on Facebook from the annual Christmas tree lighting.

Public Works

Public Works: Joseph Smith reported that he had to go out in the beginning of the month and work with a lot of the residents and the issues they may have, he states he only had one that the numbers were wrong and it was not because of the system it was because the title transfers to the meters were crossed between the two residents, so that's how I fixed hers. All the others were leaks and high-water usage, the other problem was the \$24 meter fee, a lot of the residents don't realize there is a \$24 meter fee every billing cycle and it is not listed on the bill. Mayor Hodnett states we will put a line item in to show the meter fee separate from the water. Smith reports that we had a main water line break right here at West hurt and church street, Altavista and Tom all helped repair the line. Smith states he just found out of a leak on grove street, and they will be looking at that tomorrow. Also, we got the lids in from badger. Smith states the 67% of water has been collected thus far in the billing cycle, with 8 more days to go. Mayor Hodnett states that Joe is studying for his water license and asked Tom if he has passed all the test so far? Tom responds yes and he will get more training this Thursday. Smith states that him and Tom have been working on a lot of the valves and seeing where each one is.

Police Department Report

Calls for Service-

Civil Complaints- 0

Suspicious Person- 3

Public Service- 2

Vandalism/Destruction of Property- 1

Illegal dumping- 1

Suspicious Vehicle- 0

Arrest- 0

Alarms- 0

Assist Other Agencies (Emergency Services)- 1

Animal case- 1

Mutual Aid (LE)- 1

Drug offense- 1

Traffic Stops- 2

Check for wanted person- 4

Trespassing- 1

Shooting complaint- 1

All other offenses- 1

Other:

Miles Driven- 1128

Training- J. Lovelace attended training and completed driving instructor school.

T. Sawyer attended and completed death & homicide training

Assist Other Town Departments-1

Use of Force- 0

Department/Officer Complaints- 0

Department Updates-

Permit for construction of cameras in the school zone has been approved by the county.

Through fundraising as well as the community support \$2,850.17 was raised for children in need in our community at Christmas.

The Police Community Relation Committee was formed regarding positive Police interaction with the community and the distribution of the funds for the children in need.

The committee consist of 5 members of the community, one representative from each school, one community member, one town council member, and one police officer.

- Funds raised will be divided up between the children and gifts will be purchased.

- The traffic study has been completed on Ricky Van Shelton Drive at the pump station, additional signage has been placed in the area. VDOT denied suggestions of reducing speed in front of the pump station.

- I have reached back out to the VDOT representative and ask for an appeal regarding this.

Mrs. Clay stated that cars were flying up and down her road and spring street. Chief Lovelace states he has been watching over there in the mornings and he would get Thomas to start going in the evenings. Chief also reports that the mirror was ordered for the underpass and a sign will be placed with the mirror as well. Mrs. Clay asked if the mirror could be placed higher so that no one can reach it? Chief Lovelace states if we put it higher then you will not be able to see the concrete. Mrs. Clay states she also mentioned to Lovelace about the noise behind her house, she states it was late last night and people were revving up their cars and squill their tires. Chief Lovelace states it is an ordinance that states they can rev their vehicle up to 30 minutes. Mr. Poindexter states that is an ordinance that needs revising.

Mr. Smith states that he has one more thing about the water report, he states he had to bring in the AIC from Altavista to go over the control panels at the pump station. He states that we have no way of knowing if that system fails, so he states they will be going over all of that with him. Mr. Adams states he knows if the power goes up the generator should kick in. Tom Fore states that Joe is going in the right direction, he states with that leak that took place the other night he states within an hour it had dropped 6 foot in the tank and had that occurred in the hours of 1am-5am, we wouldn't know anything about it and within that time frame the whole town of Hurt could be dry. Tom states therefore the call out needs to be in place. Mayor Hodnett states Tom and Joe are working on a lot of this stuff and getting stuff cleaned up and in place.

Public Safety/ Assistant Town Manager- Mike Jones

Deputy Town Manager Report

- 1) Summary: a) On January 2, 2022, I will be sending out an Information Notice via e mail, town website and other sources announcing that the inspections for violations of nuisance/inoperable vehicle ordinance violations will begin in mid-January. This is designed to allow our residents to have notice that we will be beginning the enforcement of our ordinances on or about January 20, 2022. b) A reminder to all council members to attend your FOIA training ASAP and send a copy of your certificate to the Clerk. c) I will begin the inventory of buildings that need street numbers in late January. Please send me the location of any property that you know of that does not have street numbers so I can add them to the list. d) Please be aware of the recent ransomwares' attacks on the Val General Assembly's IT services. Please make sure that you are extra careful when downloading anything that you are not sure of. If you need to download something and are not sure of its safety, please let me know BEFORE you attempt a download. Ransomware can shut our entire computer network down. E) All employees: please let me know if you have not had your Annual Performance Evaluation for 2021. If you have not had it, I will do it this month. Please provide me a self-assessment form that lists some of your accomplishments, training needs and equipment needs.
- 2) The Virginia State Police will be offering online **Community Policing Act Training** in January 2022. The 2-hour online course will be presented by our DART (Data Analysis & Reporting Team) personnel. This is an important opportunity to help reporting agencies submit more complete and accurate Community Policing stop data. The agenda will cover the definition of an investigatory detention, all data elements and their values as well as common errors to look for when reviewing files. There are 3 online classes available on the dates and times listed below. Sworn attendees will receive 2 hours of partial in-service credit for the training received.

Date(s)	Location	Time
Wednesday, January 12, 2022	Online	2:00 PM – 4:00 PM
Thursday, January 20, 2022	Online	2:00 PM – 4:00 PM
Tuesday, January 25, 2022	Online	10:00 AM – 12:00 PM

Please REGISTER via the link below, as soon as possible so that we may open this training to the maximum number of people. To register for this class, please complete and submit the form below. (Only registrations through the form are considered complete).

[Community Policing Training Registration](#)

- 3) Training Event for Police, Treasurer and Clerk:

U.S. DEPARTMENT OF HOMELAND SECURITY
Center for Prevention Programs and Partnerships

Please let me know if you would like more information on this grant fund training.

#

4) First Aware System – Free to Town Officials

From: VFC SHIELD <virginiafusioncenter@vfc.vsp.virginia.gov>

Subject: FirstAware - Dec 2021 - 1 of 2

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FirstAware

Awareness Through Information Sharing

Incidents/Articles of Note:

- [Homicides In Richmond Reach 15-Year High](#)
- [Holiday Terror Threats: How Extremists Encourage Violence During The Season](#)
- [Man fatally shot by police in Roanoke County](#)
- [Blast Leaves Behind Mysterious Crater On Fox Island: 'A Huge Boom'](#)

- As Law Enforcement Agencies Across The Country Struggle With Thinning Ranks, Florida Increases Recruiting Efforts With New Initiative
- 2 Men Plead Guilty To Getting More Than \$220,000 In COVID-19 Unemployment Benefits While In Prison (VA)

5) <https://www.vml.org/2022-general-assembly/>

Here is a good guide to the 2022 Virginia General Assembly .

6) 2022 VML Legislative Program Guiding Principle:

Local Authority VML supports expanded local government authority and opposes any erosion of local authority.

I. Legislative Priorities

Funding the Real Cost of Education

- A strong public school system is essential to economic development and prosperity.
- The state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes.
- The Standards of Quality should recognize the resources, including staff positions, required for a high-quality public education system.
- VML opposes changes in methodology and changes in the division of financial responsibility that result in a shift of funding responsibility from the state to localities.
- VML opposes policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning.
- Local governments match more than is required for basic state education dollars, pay most public-school capital costs, and struggle to find scarce local tax dollars to keep up with the demands for meeting additional and expanding state requirements for creating 21st century learning environments for our children to master the challenges of tomorrow's workplace.

State Assistance to Local Police Departments (HB 599) Almost 70 percent of Virginians live in communities served by police departments. Consideration to increase funding.

Annexation: The State created a program of financial assistance to local police departments (HB 599) when it imposed an annexation moratorium on cities more than 30 years ago. It has increasingly de-emphasized this funding obligation as a priority but has never compromised on the annexation moratorium. VML calls for the state to honor its commitment to local

governments and public safety by funding the program as stipulated in the Code of Virginia or lift the moratorium on annexation. As approved by the VML Membership on October 4, 2021.

Sovereign Immunity: Expanding liability and eroding immunities at state levels across the nation have had a chilling effect on the actions of local government officials contributing to local government insurance problems, creating immense financial risks (particularly for legal costs), and posing a substantial obstacle to the provision of needed public services. The Virginia General Assembly should strengthen and must maintain the principles of sovereign immunity for local governments and their officials. Funding of Community Services Boards and Behavioral Health Authorities

- VML supports sufficient and sustained state funding and technical assistance for community services boards/behavioral health authorities to implement STEP-VA requirements and to support the planning and implementation of Marcus Alert protocols. This funding should not come at the expense of other community-based service initiatives and requirements; nor should the burden of funding these state initiatives be shifted to local governments.
- Federal ARPA funds and robust state revenues offer an opportunity for the state to make new investments in the community and in the state hospitals.
- Investments must go to both build the network of community-based services and to assist state hospitals with their vital mission. This cannot be a zero-sum funding situation where one part of the system benefits at the expense of the other part of the system.

Marijuana: Clarification of Local Referendum and State Support VML urges the General Assembly to clarify the city and town referendum opt-out process by specifying that:

- towns may hold concurrent referenda with their counties with the outcome of the town referendum binding within the town, and
- only in the case of a town not holding a referendum would a county's referendum outcome affect a town's legal sales of recreational marijuana. VML further requests dedicated and near-term financial state support to assist communities with the upfront, pre-implementation administrative, health, and public safety costs incurred prior to the start of legal sales in localities. This includes training for local law enforcement, and other applicable local government personnel (taxation, code enforcement, zoning, etc.) on the new law and regulations. VML urges the Cannabis Control Authority to begin its work as soon as possible to fill the regulatory vacuum. This work must include participation by local governments to clarify state and local roles and responsibilities pertaining to marijuana rules and regulations, including but not limited to, establishing enforcement guidance and training standards, guidance for marijuana equivalents, and eliminating ambiguity from local authority. VML supports the equitable implementation of this law.

Legislative Program Items (listed alphabetically)

Addressing Behavioral Health Services in Local and Regional Jails New state regulations establishing behavioral health care will apply to every local and regional jail. VML urges the state to provide adequate and necessary funding for such services through either enhanced jail per diem payments or other funding mechanisms to cover the additional costs to appropriately serve inmates with serious behavioral health needs.

Broadband: VML supports affordable broadband or internet access for all Virginians. Localities understand the importance of robust broadband for economic development projects as well as in households. As the state and federal governments offer money to ensure all Virginians have broadband, they should also use their funding resources to make it affordable for all. This includes working with private broadband, internet, and wireless companies and potential new service providers, including electric cooperatives, to ensure access to robust service at an affordable cost.

Collective Bargaining Concerns: about the increase in the cost of government, bureaucracy in local government operations, and more adversarial employee relations are reasons that VML has traditionally opposed collective bargaining. VML does not support requiring localities to engage in collective bargaining.

Communications Sales and Use Tax: The Virginia Communications Sales and Use Tax was enacted to establish a statewide tax rate and to preempt local taxes on communications sales and services. • VML supports setting the tax rate at the same level as the state sales tax rate and broadening the coverage of the tax to include audio and video streaming services and prepaid calling cards. • VML opposes transfers of these revenues to the state general fund for purposes other than those currently stipulated in the Code of Virginia.

Economic Development: VML supports local flexibility to promote economic development as our localities come out of this pandemic. A changed business landscape will necessitate a review of revenue sources to localities along with new ideas and actions that will broaden and diversify local revenue streams. Retention of current businesses is vital, and we support continued grant funding for current businesses that are both efficient and effective. The 2020 General Assembly-approved amendments to Code of Virginia § 2.2-3115 under the Conflict of Interests Act are creating a major deterrent to continued participation by citizen volunteers on local industrial development authorities and economic development authorities. VML supports transparency but also a balance in financial reporting requirements on citizen volunteers to ensure that economic development authorities and industrial development authorities continue to operate with interested and knowledgeable volunteers.

Self-Certification for Water/Waste Management Utilities: VML supports an amendment to Code of Virginia § 58.1-3660 enabling political subdivisions to self-certify equipment, facilities, devices, or other property intended for their own use in conjunction with the operation of their water, wastewater, stormwater, or solid waste management facilities or systems.

Freedom of Information Act (FOIA): The Virginia FOIA drives and impacts localities every single day. Poorly conceived legislation can complicate and unintentionally thwart the timely delivery of public documents to Virginia citizens seeking information. • VML supports FOIA legislation review by the FOIA Council prior to enactment. • VML supports expanding electronic meetings outside of declared emergency periods with flexibility for localities to determine how to include public participation and public comment. • VML supports clear guidelines on fees for FOIA requests but does not support shifting the burden of FOIA costs to localities. Land Use Control Localities must maintain control of local land use decisions. Neither the state nor the federal government should usurp or pre-empt a locality's authority to make such decisions; nor should they impose requirements that weaken planning and land use functions. This includes all types of housing to include but not limited to short-term rentals. VML also supports local government authority to promote affordable and mixed income housing as well as the required infrastructure to facilitate in-fill development, redevelopment and mixing of uses. Any mandate from the state should include full funding for the locality.

Local Option Income Tax: The General Assembly should authorize, at local option, VML supports a "piggy-back" income tax to be imposed at the local level for both general and special purposes. Such authority could help take the pressure off real estate taxes and help keep people in their homes as property values rise.

School Modernization and One Percent Local Option Sales Tax: VML supports the statewide authority for local governments to impose a one percent sales tax to help raise funds for school construction and renovation. For those already imposing an approved one percent sales tax for local or regional special funding needs, an additional one percent for school infrastructure funding should be authorized for school construction and renovation purposes.

Statewide Authority to Enter into a Clean Energy Contract: VML supports legislation that allows any locality to enter a Clean Energy Contract also known as a Virtual Power Purchase Agreement (VPPA). Taxing, Licensing, and Regulating Internet-Based Business and Services State actions to regulate private enterprises employing a business model that emphasizes the use of the internet to either provide retail, facilities, or ride-sharing services must acknowledge local government interests and include local governments in the decision-making. As general principles, VML believes state and local policies should 1) encourage a level playing field for competing services in the market place; 2) not provide a tax preference or tax policy advantage for one group at the expense of another group in the competitive field; 3) seek to preserve state and local revenue; 4) ensure safety, reliability, and access for consumers, providers, and the public; and 5) protect local government's ability to regulate businesses whether they are traditional, electronic, internet-based, virtual, or otherwise. VML also believes that the state should not prohibit the sharing of financial information between the Commonwealth and appropriate local authorities that is normally treated as a part of the public domain. VML further believes that the state should not prohibit a locality from exercising its authority to

enter into voluntary collection agreements provided that such agreements include provisions to protect the public's interest.

Utilities: Many local governments own and operate utilities that provide services that may include, but are not limited to, water, sewer, electric and natural gas. These utility services are funded by localities both outright and as enterprise funds and usually have bonding authority and financial restrictions on their operations. Moratoriums on service cut-offs without proof of COVID-related hardship result in lost revenues that cannot be recovered from citizens who were fully able to pay for the service. Customers' bills can be a significant financial hardship for them because they assumed the state was going to cover the expense during the moratorium. VML supports localities' right to manage the operation of utilities without state interference.

VML Leadership: President Jon Stehle Council Member, City of Fairfax VML

Executive Committee President-Elect Jill Carson Vice Mayor, Town of Pennington Gap

Vice President A.D. "Chuckie" Reid Vice Mayor, Town of Farmville

At-Large Member Kelly Burk Mayor, Town of Leesburg

At-Large Member Phil Miskovic Mayor, Town of Crewe

At-Large Member Robert C. Ike, Jr. Council Member, City of Chesapeake

At-Large Member Bill Rush Town Manager, Town of Marion

At-Large Member Derrick Wood Mayor, Town of Dumfries

City Section Chair Randy C. Eads City Manager, City of Bristol Town Section Chair Steven Trivett Mayor, Town of Ashland

Urban Section Chair Katie Cristol Board Member, County of Arlington Past President Willie Greene Mayor, City of Galax 8 2022

Legislative Committee Chair: Christine Snead, Councilwoman, City of Hampton Vice Chair: Deanna Reed, Mayor, City of Harrisonburg City Section Carolyn Carey, Mayor, City of Emporia Pat Dent, Council Member, City of Williamsburg Frank Friedman, Mayor, City of Lexington Cindy Mester

Deputy City Manager, City of Falls Church (Transportation Chair)

Terry Short, Council Member, City of Waynesboro (HD&E Chair) David Smith, Mayor, City of Winchester

Town Section Nancy Bailey, Vice Mayor, Town of Big Stone Gap (General Laws Chair) Michael Barber, Mayor, Town of Christiansburg Sara Carter, Town Manager, Town of Amherst (C&ED Chair)

Josh Farrar, Town Manager, Town of Ashland (Finance Chair) Keith Harless, Town Manager, Town of Pennington Gap Ed Owens, Mayor, Town of South Boston

Urban Section Christopher Blakeman, Environmental Manager, City of Roanoke (EQ Chair) Elizabeth Bennett-Parker, Vice Mayor, City of Alexandria Michelle Davis-Younger, Mayor, City of Manassas Roger Fawcett, Council Member, City of Suffolk Tim Hemstreet, County Administrator, County of Loudoun Robert Ike, Council Member, City of Chesapeake Alonzo Jones, Mayor, City of Danville Sena Magill, Vice Mayor, City of Charlottesville Deanna Reed, Mayor, City of Harrisonburg Christine Snead, Council Member, City of Hampton Tina Vick, Vice Mayor, City of Newport News Sabrina Wooten, Council Member, City of Virginia Beach

[Dear Legislator - vml.org](#)

2022 VML Legislative Program 1 Dear Legislator: Since 1905, the nonprofit Virginia Municipal League has worked in a nonpartisan role on behalf of Virginia's localities.

www.vml.org

7) Subject: Feral Cat Law

<https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+HB1727>

8) 2022 Virginia School Safety Training Forum

Pre-Conference: Monday, July 25, 2022

Main Conference: Tuesday, July 26, 2022 to Thursday, July 28, 2022

Hampton Roads Convention Center, Hampton, VA

Registration will open in February 2022.

Please mark your calendars for the 2022 Virginia School Safety Training Forum to be held July 25-28, 2022 at the Hampton Roads Convention Center in Hampton, VA. This annual event is designed to provide the latest information on a variety of topics related to school safety. Plan to join your colleagues in the fields of law enforcement, school security, K-12 school administration and counseling, and others with an interest in school safety.

The Virginia Center for School and Campus Safety Staff Directory can be found on the [VCSCS homepage](#). Please let us know if we can be of assistance. We hope to see you in July!

http://www.dcjs.virginia.gov/vadcjs_user/7769/subscriptions

END OF REPORT

Reports from Membership, Boards, and Commissions

Administrative: Kathy Keesee stated she wanted to thank the staff for everything they have done, and not just for the Christmas Tree Lighting, but for all the office work. She states she thinks everyone works very well together, and she just can't say enough good things about each one of you. Going forward with the website I will be sending Kelsie some new pictures coinciding with our Christmas celebration and the winter theme. Once Christmas is over, we will go back and add more pictures to justify winter.

Community Development- Mrs. Clay no report.

Finance: Mr. Poindexter stated he would like to thank everyone involved for the past event that took place Sunday. He stated the streamlining of our operation at the office, we are at a level that is has not been at since he was on council in 2008, he states it a great pleasure to see that continue and if he can be of any help to let him know. Mr. Poindexter asked where we were with the code red calling, he states it needs to be a quick way to call out to residents to let them know if there is a burn ban or a boil notice, etc. Is there any update from the county on that? Mayor Hodnett states he has been slacking to communicate with Chris from the county of this due to everything going on, he states he has asked him to see if it was ready and hasn't heard back from, so he will be calling tomorrow to ask. Mike Jones states he can give an update on that, it is called the ever bridge system and it is very easy to use, it pushes everything through telephone, text, he states he must talk to Chris anyway but the ever bridge should be coming online very soon. Mr. Poindexter stated that sounded good, it will get things through to people in a short period of time. Mrs. Barksdale-Hill asked if we knew how many residents showed up to the Christmas Tree Lighting Sunday? Mayor Hodnett stated we estimated between 230-260, and this was based on how many hot chocolates were made up and mixed. Mr. Poindexter stated that the mayor sent out an email about any new ideas or thoughts for the New Year, he states there are people that don't live in hurt but have a difficult time trying to find where our building is, since we have this nice new logo, it would be nice to have a nice new sign in front of our building to help direct people. Mrs. Keesee states that is something she had talked to Gary about wanting to do. Mr. Poindexter stated the forms he had been working on, turned out to be a much bigger project and he is still working on those. Attorney Eller stated from what he has seen they look good and make it look like a professional operation. Mr. Poindexter stated if there is anything else that needs to be fine-tuned just let him know. He states one thing for finance he does want to mention with the new budget coming up for the new year, it is time to start collecting ideas if we need new line items or need to decrease-increase any line items this is the time to be getting those ideas to him, because he plans to hit the budget starting in February.

Mayor Hodnett asked Tom Fore if he would like to say anything? Tom states he appreciates being here and the opportunity to help the Town out, he states he likes being a part of the rebuild and working with Joe. He states Joe has learned a lot and learned a lot Wednesday night when the water leak took place on church street. Tom states Joe was out there with him until 3am working and learning. Tom states Joe was up the next morning early getting out the boil notices to the residents that were impacted. Tom states he is very proud of Joe.

Public Works & Planning/Zoning Commission: No report

Report from Mayor Hodnett

Mayor Hodnett reported that we are working on a grant to redo the office here, and completely renovate. He stated we have a quote for it, it is not anything we can use the ARPA money for, but Ellen is working on another grant. He states we are going to file for it Thursday or Friday this week, we are looking at moving a lot of things around and making it more secure. We want a keyless entry, hopefully we get it and get it redone. The police will be moving to the basement. We are also considering bringing in a 40-foot storage container, Jason had that good idea of doing that and putting it out here next to the shop so we can start storing water parts and some of the files and get it out of here. Mayor Hodnett states he is working on the board of zoning appeals, he states he thinks we need to go with the 3 number instead of 5, if it is under 3000 people, we can use 3 members instead of 5. Attorney Eller states yea, we don't have the actual ordinance typed out to make that change, but he thinks if the council agreed to amend section 4-127 stating to change 5 members to 3, we can put it in the paper and get it out to everyone. Mayor Hodnett states he agrees because it is hard to get 3 people to join. Attorney Eller states this will make it easier for the council to find 3 members. Mrs. Barksdale-Hill asked if the 3 had to be within the town? Attorney Eller stated yes, they have not changed that. Mayor Hodnett states we will probably be getting more grant money after the first of the year, he wasn't sure of how much though. Mayor Hodnett states that Bitter Creek is looking at coming to install the second half of the radio read meters in the second week of January. Mayor Hodnett states therefore it is important to have these parts in place for the 60 setter boxes and backflow preventers. Mayor Hodnett states Joe brought up a good point that he wants to start tracking billed water vs purchased water so we can see where we are monthly, so when we get our bills from Altavista we can track how much of that we are billing for, so it will give us some idea of a loss. Also Mr. Walthall has requested he would like to pull up the dead shrubs in front of the building and wanted to make sure it was ok to do so. Mayor Hodnett stated he will tell him he is good to go with that. Last thing Mayor Hodnett received a letter from Mrs. Rainy Clay resigning from her seat with Town Council.

Mr. Collin Adams stated he thinks we should thank Rainy for all her service to the community. He asked also where are we with the 911 numbers on the house? Attorney Eller stated well it is in the town code that you must have letters and numbers, it is very specific about the houses being numbered. Attorney Eller states if it doesn't jive with what the EMS has then it could be bad. Mike Jones states he talked to Chris about this and that the houses must be numbered, he states we can hire someone to do this, or we can go through the town and state that it must be done, it must have a living person or a functional building to have a number, he states we need to follow the county ordinance and adopt it as our own. Mr. Adams asked why we can't require the homeowners to put the numbers on it? Mike stated we can,

but it needs to be a certain size so that the EMS and public safety can see it. Mayor Hodnett asked if this is something Collin would be interested in taking on? Mr. Adams stated this should be something that the homeowners should have to be responsible for. Mr. Adams stated if the county is in the process of jiving numbers, then we need to wait for them to finish. Attorney Eller asked if the county was requiring this? Mike Jones states this can be handled by a compass designator. Mr. Adams states he can follow up on that and making sure the numbers and letters are what the county have.

Mayor Hodnett stated he wanted to thank all staff, police, and council members for all the hard work they put forth toward the Christmas Celebration.

Attorney Eller stated we must have someone to replace Rainy and needs to a motion to amend section 4-127 to change 5 members to 3 on the board of zoning.

A motion was made to amend section 4-127 to decrease the members from on the board of zoning 5-7 to 3 and this be submitted to the Planning Commission for approval.

Motion: Mrs. Barksdale-Hill

Second: Mr. Poindexter

Passage: Unanimous

Mayor Hodnett stated we will put on Facebook that we have a seat available and advertise it in the paper and have a form that they can pick up at Town Hall.

Meeting adjourned at 8:16PM.

Kelsie Sligh-Clerk

Gary Hodnett-Mayor