

Town of Hurt, Virginia
Council Meeting Minutes
January 3, 2023

Hurt Town Council held its monthly business meeting Tuesday, January 3, 2022, at Town Hall. The meeting opened at 6:05 PM by Mayor Gary Hodnett with a quorum present.

Roll Call

Members present: Mr. Gary Poindexter, Mr. Bob Majure, and Mrs. Kathy Keesee via phone

Members absent: Mr. Luke Perdieu

Closed Session

A motion was made to enter closed session to discuss personnel and prospective business as authorized by VA FOIA § 2.2-3711 A (1, 3, 5, 8).

Motion: Mr. Poindexter

Second: Mr. Majure

Passage: Unanimous

Council entered closed session at 6:07 PM and exited closed session at approximately 7:00 PM.

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

Motion: Mr. Poindexter

Second: Mr. Majure

Passage: Unanimous

Invocation and Pledge of Allegiance

Invocation: Mr. Poindexter

Pledge of Allegiance: led by Mayor Hodnett

Welcome/Opening Remarks

Mayor Hodnett welcomed everyone to the meeting and thanked a new reporter Sami from the Altavista Journal/Chatham Star-Tribune for coming and hoped to see him again.

Consent Agenda

Additions to the agenda, Mayor Hodnett stated I am going to remove the Chapter 1 Administrative Ordinance and discuss at the work session meeting and bring it back to Council at the February meeting. Attorney Eller asked are you talking about the personnel stuff? Mayor Hodnett replied yes, it was in Chapter 1. Do I hear a motion to pass the Consent Agenda - December minutes and expenditures? A motion was made to approve the consent agenda as presented.

Motion: Mr. Majure

Second: Mrs. Keesee

Passage: Unanimous

Public Comments

None received

General Business

Mayor Hodnett announced to the public that Vice Mayor Shirley Barksdale-Hill resigned this morning; we appreciate her service and wish her the best. Mrs. Keesee nominated Bob Majure as Vice Mayor.

Motion: Mrs. Keesee

Second: Mr. Poindexter

Passage: Unanimous

SRRIFA appointments were discussed, two voting members and then an alternate in case a voting member can't attend a meeting. Mayor Hodnett stated I would like to remain as a voting member if Council will have me and make a motion to have Gary Poindexter as another voting member and Luke Perdieu as an alternate.

Motion: Mr. Hodnett

Second: Mr. Majure

Passage: Unanimous

Old Business

Mayor Hodnett discussed how Mike Jones and he had been working on nuisance ordinances; we laid back during the holidays, but last week we did send out some nuisance ordinance notices on some dogs that we got three complaints about. Jason served those and we requested that the owner be here at the meeting tonight, but they did not show and thus we will push forward with it. Mike discussed that he has been working on this for 8 months, going around knocking on doors and telling the residents what their issues are, what needed to be done to come into compliance, and offering suggestions. I've given everyone the opportunity to come into compliance with the new corrected ordinances that John did, and talked with them letting them know that the ordinances will be enforced. I've given them a copy, given them time to ask questions, and make arrangements to come to Council. All previous discussions will come to an end at the end of January. On the week of the 23-27, I will be serving my notices, so be prepared for the complaints and issues. I have explained to them the process and what will happen, and their issues will be detailed in the notice. They will have the opportunity to come to Council and explain why they wish to be exempted or have things changed. I have discussed with them why neither the mayor nor I can change the ordinance, why you have to come before Council, and that if you don't come before Council, why Council has the right to initiate full enforcement action. This means we can clean up your property.

Attorney Eller stated he will not be at the February business meeting, and that it would be nice for Mike to set up for them attending the work session meeting in February so that he will be back and can assist. Mike responded we can choose whatever time Council wants to handle it. It will start with Kelsie getting phone calls and she can transfer them to me, and we can discuss how to and when we want to proceed. One person is in a building violation, and we can notify the Pittsylvania County Building Authority via letter. We can't recommend vendors, we can't recommend churches, we can't go out and advocate on your behalf. We will experience a lot of anger. If regarding a nuisance vehicle and refusing to move the vehicle, we can send them an RFP, and someone will remove the vehicle. The bill will be sent to the resident and a lien will be against the property. Should it not be paid and there's any potential threat, then police will escort the tow truck. This is designed to make town living safe, effective, and sanitary.

Mayor Hodnett discussed the vacant council seat; at this point the deadline is Friday, Jan. 13 at 4:00 PM. They have to be turned in here at Town Hall, and so far, we have three to four people. We will look at those during the work session on January 17, and probably have a decision at the February meeting. We will have to do the same thing for the second seat, probably discuss that one at the February work session meeting and make a decision at the March meeting. Both of those seats will be up at the special election; we will get it set up with the court. Mr. Poindexter stated it is important that these applicants know that the interim appointments are until November. If anyone chooses to run in November, they will need to choose which seat they want to run for. One is Collin Adams's seat, which ends in 2024, so they would only run for a one-year term. Anyone running for Shirley's seat – she was just elected a few

months ago, so that term would go through 2026; they would be signing up for a 3-year term. This is just information so that people are aware, because someone may just want a one-year term vs three-year. We are just looking for people from February/March until November for the appointments and then it will be whichever term/seat they ran for.

Food truck ordinances... Council has a proposed ordinance from Kelly Ward, she is with the Pittsylvania County/State of Virginia Department of Health. She made some suggestions. Attorney Eller stated that this says that they need to get a Health Department permit. You've got to get your health department permit, your Town business license, and your mobile restaurant permit. It would go in the order of the VDH permit, Town business license, and then the mobile restaurant permit. Attorney Eller briefly discussed how they are allowed by-right, but subject to rules; they are allowed in R1, R2, C1, and industrial. For hours of the business, the restaurant must close by 9 PM; they can operate from 7 AM to 9 PM, and they must remove all their equipment by 9:30 PM each night. Then, we talked about the industrial zone, where the new plant is being built, where people may work three different shifts. Maybe the mobile restaurants in the industrial area might need to be treated differently; they could stay open until the midnight shift gets off. This does bring up a question. These are mobile restaurants; they are not fixed to stay. This is why we have the rule that they have to take them up and move them every day, but what about the ones in the industrial zone who are serving people on three different shifts? If we say that they get to stay all the time and never move, then they are pretty much setting up a restaurant. Council discussed that they are going to have to wait and see what the industrial plant is going to allow; they may say they are not going to allow any mobile restaurants on the property. We would want input from the plant on what times they are considering. We also have to consider what hours and shifts they are going to operate. It was discussed that they should move around because if not, then they would become fixed figures on wheels. Other fixed restaurants have to pay rent or mortgage, the cost to go with their building. Council decided to pass continue this discussion to the work session on the 17th.

Mayor Hodnett stated he talked with the girl who is looking at purchasing the old Bea's restaurant and gave her the advice that you gave, John, and she said she would talk with her lawyer about that.

Report from Legal Counsel

Attorney Eller reported that we finished getting all the ordinances that we passed sent to Municode, and they acknowledged they received them. I expect there to be more activity on this in the year coming up. Mayor Hodnett stated he is going to ask Luke to be in charge of Municode. It was briefly discussed about the Dogwood Trailer Park – getting a layout of it and getting the measurements of the trailers. Attorney Eller discussed the letter that was sent out about a nuisance dog and that the owner was supposed to come to Town Hall tonight. I think a statement is needed to note for the record who he/she is and that they didn't appear. It was mentioned that the owner couldn't come, so other arrangements were supposed to be made and the owner never called. How do we legally proceed with that? Attorney Eller responded that the person is given notice to appear and state why their animal isn't a public nuisance. If Council finds that it is a public nuisance, then Council is to give a reasonable time for the person to abate the nuisance. We have to have a proceeding here; if Jason is who served it, he has to say what he served, the person's name, that they were told to come here and didn't show up. Jason will have to state what the dog was doing, and Council discuss whether that constitutes a public nuisance.

Then you have to decide how long the person has to get rid of the dog or make proper arrangements. Mayor Hodnett stated this was served on 12/29/22 by Officer Sawyer at 206 Ramsey Road. It was a pit-bull and another multicolored dog of a different breed. We had three nuisance complaints against each dog. The owner is Shannon Worth. She was requested to come to Town Hall to tell us why her dogs were not nuisances. She chose not to come; matter of fact, she called Jason and made a statement that she didn't have time to come down here. She hasn't called to talk to anyone about it, so Council is going to have to decide how to proceed. Attorney Eller stated we have to hear some evidence of what the dog was doing, so what was the dog doing, Jason? Mayor Hodnett replied, the complaints I got was the dog was barking and aggressively growling at people walking down the road, chasing cars, going in other people's yards using the bathroom, and harassing their dogs while they are trying to use the bathroom. Attorney Eller stated with that evidence, Council will decide whether that constitutes a public nuisance. There are two different scenarios that can happen; one person can call and complain about the dog and a notice be served, then time passes and the same person can call again and complain, then another notice is served. If they get a third notice, then they have to come to Council. That could be the same person three times. The second scenario is where there are three complaints within 60 days of each other. They would get a notice that says the same thing, telling them to come down and explain why the dog is not a public nuisance, which is where we stand right now. It was stated that if the complaints are verbal, they need to be logged and if not then they need to be written down. Mr. Poindexter stated we can develop a form, and it be an official town document. Attorney Eller stated you are going to need to be able to prove the case if it came down to it. There was a question of with three different complaints what is the owner going to do to keep the dog under control. A collar can be put on the dog to eliminate the barking, there are several different measures that might make the dog no longer a nuisance. Council discussed to make sure there was documentation of complaints to support the case, make sure the owner knows she has to restrain the dog under her direct supervision, and if further complaints, give a time frame to clean it up and if another complaint between then, then possibly removal of the dog. Attorney Eller stated first Council has to decide whether or not it is a public nuisance, then decide what to do to abate that. It was mentioned that we can ask the owner to provide a license for the dog from the county and confine the dog to its owner's premises. Council agreed to giving the owner 7 days, but no greater than the next work session meeting, which is two weeks. A motion was made to find Shannon Worthy's two dogs, one a pit-bull breed and one a mixed breed, at 206 Ramsey Road, a public nuisance to the Town of Hurt. The owner is requested to bring these dogs in compliance with the Town Code within seven days, and if they require further time, they must make such a request to Town Hall no later than in time for our next open meeting/work session. In compliance means confined to the owner's property so that it is not a public nuisance to those around them; also produce the dogs' licenses and rabies vaccination record prior to said meeting/work session.

Motion: Mr. Majure

Second: Mrs. Keesee

Passage: Unanimous

Reports from Staff

Treasurer - Ellen Brumfield was absent from meeting; no report.

Clerk - Kelsie Anderson reported that she and Joe Smith are working on the next water billing, which will be for the months of November and December. Tax collections stand at 76% and delinquent bills for those are getting ready to go out as well.

Police Department - Chief Jason Lovelace
December 2022 Police Report

Calls for Service

Civil Complaints - 1
Suspicious Person - 3
Public Service - 3
Vandalism/Destruction of Property - 0
Shooting complaint - 1
Suspicious Vehicle - 1
Arrest - 0
Alarms - 1
Automobile accident - 1
Mutual Aid (LE) - 1
Traffic Stops - 7
Obscene material - 1
Motor Vehicle Accidents - 1
Animal complaints - 2
Trespassing - 1
Drug Offense - 1
False pretenses - 1
Domestic - 0
Disabled Vehicle - 0

Other

Miles Driven
Use of Force - 0
Department/Officer Complaints - 0

Department Updates:

Chief Lovelace is attending training for Victims Crisis Assistance and Response Team (VCART). Christmas 4 Kids helped 14 children; \$3,129.63 was raised and spent. Hurt PD assisted Altavista PD with shop with a cop. Office Sawyer and I attended Smith & Wesson armory school in anticipation for purchase of new rifles in the next budget year. Hurt PD assisted Santa in visiting both area schools to make sure children were ready for Christmas. I was able to meet with Martin Plank of Altumint; we will be going into the warning phase with school zone speed monitoring cameras at the end of this month.

Public Works - Joseph Smith reported that the fire hydrant at Dogwood Trailer Park has been replaced and is up and fully operating. As Kelsie said, we are working on water billing. Mr. Fore and I have been working on the lead and copper inventory, putting together a list with pictures and plot numbers of every address in the town. We have to complete the inventory list by the end of 2024. We're looking

at getting funding from the VDH and it's supposed to be a 100% grant. We are trying to locate a contractor who can dig down and identify lines, but we have to have permission from the homeowners to dig down and get pictures of lines. This is not going to be an easy task; we have already sent letters out to the residents in town to get them to write down what they think they may have. We have only got 10 or so. Mr. Majure stated maybe doing a separate mailing. Mr. Fore replied before you do anything else, let him get the grant first; all that cost will be covered under the grant. Mayor Hodnett stated keep in mind he has all of that to do along with the project phase 2. Smith stated over the holidays, I was out helping people with leaks from the cold weather and some pipes that were freezing. Another issue we are experiencing is people tearing up meter lids, running over them, hitting them with the lawn mowers. I have come across at least 6 of them, so they will all have to be billed. To replace a transducer its \$160, for the meter lid its \$16, to do the work its about \$25, so around \$200 for that. The lid is supposed to withstand 3000 pounds, but when you're running directly over top of it or hitting it with a lawn mower, it's tearing it up. We will be notified by November when the grant is released. Mr. Poindexter asked did we have any other issues with the freezing weather? Joe replied we had one on Vista View whose line froze, but I checked it out and the meter was down 25 inches, which is deep enough. The freeze line around here is 18 inches. Mayor Hodnett stated Joe also has been working with Badger Meter and Beacon on getting CFV files, Excel files, and meter ID numbers updated. He is making all changes for those internally.

Public Safety - Mike Jones reported just a reminder to all councilmembers to get their ID credentials from the DMV. That's important to have in the event something would happen and your identity on scene such as fire or shooting or something like that – police need to know who you are.

Finance - Gary Poindexter stated nothing alarming or any issues. We do need to act on employee compensation adjustments that were discussed in closed.

A motion was made to approve the employee compensation adjustments agreed to in closed session.

Motion: Mr. Poindexter

Second: Mr. Majure

Passage: Unanimous

Report from Mayor - Gary Hodnett

Mayor Hodnett reported that we have been working with Promise and they are looking at our worst accounts, which are about 25. They have already started paying back debt on some of those. We are hoping that they will catch all of those accounts up, but we just don't know. The suggestion came from Mr. Fore, and he helped us with that. Mr. Poindexter stated we haven't done the annual appointments for Planning Commission reps. Mayor Hodnett replied we are waiting for people to confirm interest. Other than that, thank you all for coming, and I appreciate all your hard work.

Meeting adjourned at 8:17 PM.


Kelsie Anderson, Clerk


Gary Hodnett, Mayor