

Town of Hurt, Virginia
Council Meeting Minutes
July 5, 2023

Hurt Town Council held its monthly business meeting Wednesday, May 2, 2023, at the Hurt Fire Department. The meeting opened at 7:00 PM by Mayor Gary Hodnett with a quorum present.

Roll Call

Members present: Mr. Gary Poindexter, Mr. Bob Majure, Mr. Jeremiah Knowles, Mr. Glenn Mitchell, Pierre Richard

Members absent: Mrs. Kathy Keesee

Invocation and Pledge of Allegiance

Invocation: Mr. Poindexter

Pledge of Allegiance: led by Mayor Hodnett

Welcome/Opening Remarks

Mayor Hodnett welcomed and thanked everyone for coming.

Consent Agenda

A motion was made to approve the June expenditures, June 6th and 20th meeting minutes as presented.

Motion: Mr. Poindexter

Second: Mr. Majure

Passage: Unanimous

Mayor Hodnett stated no additions to the agenda, other than going into closed after the meeting.

Public Comments

Janet Neal stated I came all the way from the lake to ask one question, any news on the animal ordinance that we talked about? Mayor Hodnett replied I talked to the people in Chatham and Gretna and both of them said that they have leash laws in their Town but they were not enforceable and they did not enforce it. If they picked up a dog, Pittsylvania would not take it. They had to supply their own shelters and they would have to call Pittsylvania County to come into their Town to pick up the dog and go to the shelter. Mrs. Neal replied that is not what they told me, I talked to both of them, and they told me a different story. Mayor Hodnett stated I talked to them, and they told me that they didn't enforce it because really they couldn't, they didn't have a shelter to hold the animals and keep them after they were picked up. Gretna said if they picked them up and took them over the county shelter, they wouldn't take them. Mrs. Neal replied thank you. Mayor Hodnett closed the public comment period at 7:03pm.

General Business

Solar Farm/Key Complex (SUP Permit Authorize Advertising) & Option Request:

Mayor Hodnett stated Pivot Energy we'll be working on a SUP permit for the key park. As soon as we get it, John will take a look at it and then we will advertise it for a public hearing.

Authorize Public Works to negotiate with Davenport for Water Works Business Operations Plan:

Mayor Hodnett stated the RFP'S that we sent out for the water works business operation plan that we've been talking about quite a while, we only had Davenport respond. We have done our due diligence, and this is just a request for Council to authorize public works to negotiate the price. If we see

fit, I think we've got \$15,000 in in grant that we've got. If we can come in under \$15,000 that is just money back to us. We obviously want to see what we can do, so I'm asking you guys to authorize Public Works to negotiate if you see fit. Mr. Majure stated it looks like a tremendous write-up that they've already given us. Don't we already work with them on the enterprise fund? Mayor Hodnett replied no. Mr. Majure stated I saw that they work with Altavista and a lot of other Town's that are close by. That was impressive to see and just what they built in this packet for us. I am glad they did respond to our RFP. Mayor Hodnett replied, what we're asking them to do is basically what they've done for Altavista, lay out a 10-year plan, where we need to be on water prices, and stuff like that.

A motion was made to allow Public Works Coordinator to negotiate the price for the Davenport Financial Services.

Motion: Mr. Majure

Second: Mr. Mitchell

Passage: Unanimous

Office Remodel underway:

Mayor Hodnett stated we have two containers at Town Hall that are full, everything is pretty much out of the office. All of us and Tommy can attest to this, he came down to visit with us today. We're working out of the Council Chamber, we have got six desks in there, two copiers, and not a lot of room and a lot of noise. We're doing the best we can do until we can get the Conex for the office trailer and get the power hooked up.

Report from Legal Counsel – Attorney Eller

Attorney Eller reported that the writ of election was entered by the judge last Thursday. We can have our three elections, special elections to replace the seats appointed to Jeremiah, Pierre, and Glenn. They'll be on the ballot in a special election this fall and the charter election. Also on the ballot will be to determine if the people want to reduce the council from six members to four. If they vote in favor of it, then it would be presented to the General Assembly next January, so it's a slow process if it did pass, if it doesn't then that's it. One other thing, last time you were here we talked about bad check fee's, we don't have that on the master list. That is something we ought to look at and establish officially for bad checks. There is something that is written up on a piece of paper in the foyer. Mrs. Brumfield stated it says \$50 for a return check. Mr. Poindexter stated we passed that several years ago, sometime in my second term, but I don't remember what year and to my knowledge, it never changed after that. I thought when we developed the master list that we got it, and we captured it. I thought we had got everything. Mrs. Brumfield stated I didn't see it. Mr. Poindexter replied speaking of the master list we need to update that for the changes for our new budget and get that published. I can go in and get y'all a clean copy of that within the next few days and email it to you so that Kelsie can get it on the website and you all can put it on the bulletin board once we have one again. It will need to reflect the changes in the meals tax, the auto decal, and the utilities. I thought we captured that but maybe not, I'll add that as well to the new. I can't remember what year it was, but I know that we increased it because at the time there were some issues, some habitual offenders and some uncertainty about what it used to be or what it shouldn't be I don't remember the details. I know we did something probably around 2018, plus or minus a year. Whenever we did that, we established the \$50 and to my knowledge there has not been any subsequent discussion of it or not enough to amount to anything, it hasn't been officially changed. Mrs. Brumfield stated we charged \$50 and then after two bad checks its no longer accepted. Mr. Poindexter stated there is supposed to be a policy, I think it is after two occurrences we don't accept it from the same individual. We had to put that in place at the same time, due to frequent flyers. Mayor Hodnett asked if the bank charged us anything. Mrs. Brumfield replied the bank does charges, yes, they

charge a fee for it. We have to go in and get everything converted into the system and out of the system, so yes, there is a fee of \$7 for each check. Mayor Hodnett stated we can look at and change the \$50 plus any bank charge fee that we incur. Mrs. Brumfield stated we do have a situation, an isolated situation, and they've been sent certified letters and things of that nature. We gave the phone number, and stated come down let's discuss further arrangements and the check continued to just come in automatically through their account, but insufficient funds, and it's happened three times. We stopped taking the checks. I've sent them certified letters to notify them, and they still have not reached out to us. When we did the delinquent water, they were on the delinquent list and got their notification. They went into their account to do an automatic draft electronically, they did it over the holiday weekend, just recently this weekend and its insufficient funds. It's the same couple. They're just not making any effort to communicate; they're not calling to make other arrangements. Mr. Poindexter stated well, typically a return check fee like that has a trifold purpose. One is to recover any bank charges that we incur, two is to cover our administrative time and the extra work that you all have to do, and three is to discourage things like that in the future. That's the effect it's intended to have anywhere. Maybe we can discuss increasing it to \$55 or \$60. Mrs. Brumfield stated we need to look at what is in the ordinance to see and make sure and go from there. Mr. Poindexter stated, I think when we did the \$50 we passed a policy or something at that time, that there was not to be anything accepted from the same customer after two occurrences. Mrs. Brumfield stated that was posted. Attorney Eller asked what about in the case a backdraft gets rejected, does the bank charge for that too, and do we have a penalty for that? Mrs. Brumfield replied no. Attorney Eller asked do we have a penalty for that. Mrs. Brumfield replied no not to my knowledge. Mr. Poindexter stated that never came up at the time and it wasn't on the radar, so it wasn't included in what we're dealing with returning checks. We probably should incorporate that into whatever we do because a lot of people do this electronic. Attorney Eller asked if it gets rejected you still have to send them a letter to tell them to pay it right? Mrs. Brumfield replied well, if they don't, but typically what happens they get notification also that their electronic payment was declined and then they will go back in a day or two later and then resubmit it, and it's insufficient funds then, but we're not charged for that. Attorney Eller stated that is not really a problem like the checks? Mrs. Brumfield replied no, we just don't go in and post it into the system. Attorney Eller stated if they have checks that bounce more than once and it's for water, then they will fall under the possible cut off situation. Mrs. Brumfield replied that is where this person is at. This has been going on since August of 22. We've been trying to work with them, encourage them to come in and make other arrangements because sadly, this particular family, they had a good history of always paying and then just all of a sudden, I think it was August of 22 they just started with electronic transfers with insufficient funding. We felt bad because they had a really good track record, no previous history of it so we don't know what's happened for sure, very unfortunate. Attorney Eller stated our policy is a deposit requirement to get hooked up before initial service. They might have to pay several months deposit to get it back on if you cut them off. That should encourage them. It was discussed further among Council about increasing the fee and seeing about a policy. Mayor Hodnett asked if we could just cut the water off? Attorney Eller stated we have a very clear set of things that have to happen. Notices that are given before it gets cut off and we went through it, and we went over it for two or three different meetings until we passed it. Mayor Hodnett asked if they have been getting the letters? Mrs. Brumfield replied we have sent them. Mr. Knowles asked if they are certified letters. Mrs. Brumfield replied yes. Mayor Hodnett stated it looks like on July 17th we will deal with them. It was also briefly discussed that one certified letter was denied and sent back to us. It was mentioned to have Jason deliver a letter.

Reports from Staff

Treasurer –Ellen Brumfield reported we have \$540,614.99 and our First National Bank account. Again, that includes part of the ARPA funding. The fiscal year 23-24 budget, of course, has been approved. We've loaded in all those figures into the southern software and tomorrow, we should be finalized and ready to go live. Mr. Poindexter stated I would ask that maybe we just try to do an extra check through and make sure that all edits to the descriptive for each account get carried over in there as well so that they match account numbers on their reports. Mrs. Brumfield replied I tried very cautiously to look at those this time with the account numbers, the GL as well as the description. There was one that I'll get with Gary tomorrow to make sure that you were able to get all that finalized. Town Council members I had sent out and emailed you the June 23 checklist register, any discrepancies, any questions, or anything concerns? No comment. I'll be passing this around for your signatures for this to go on record as well as in the minutes. Also, I sent to you the bank reconciliation from May of 23. Any questions on that? No comment. I'll be passing that around to again for your signature for the record keeping as well as for the minutes. I did want to mention if at any point in time if you have any questions or you want me to attend any workshop meetings to go over these and discuss them with you, I'll be glad to just let me know. The end of June I attended the Treasurer's Association Conference, and it was really good meeting and I really do appreciate it. There were a lot of Treasurers from the Commonwealth. Mrs. Poindexter asked where it took place this year. Mrs. Brumfield replied to Wytheville, thank you for the opportunity to go.

Clerk- Kelsie Anderson reported that Joe and I have been prepping for water bills and they will go out on July 17th. I have received all the tax reports from the County, just need to get them over to Southern and imported into Southern, but waiting for water billing and the remodel to slow down. Lastly I have finished loading in all of the Social Securities for the DMV stop and again once water billing is slowed down I will attend some training on how to use that.

Public Works- Joseph Smith reported that he had to cut a tree at 107 Tanyard Road. Also, First Southern Church we are putting in their service and they contacted me today wanting to know where we stand with that. I already have the VDOT permit, meter, and the setter. They are getting the line, sleeve, box, and tap. I'm waiting to hear from the Contractor. Like Kelsie said we have been reading meters and doing the billing. I attended a small lead and copper conference last Friday. VDH put out a template and according to them it is a living copy, every year it has to be updated. I have to start on that, and they told me that it is going to be a eight hour day job just by itself for about 4-5 months. I told them that it is just me, and they stated you may have to call technical support. Mr. Majure asked if we have had any update on our pump station? Joe replied yes, I had three engineers come out. Hurt and Profit came out and went over the stations with me and was telling me its not as bad as you think, but they don't want to do anything unless we decide to go with them and make a contract for \$7,000 to write a proposal of what should be done, and they will give us a list of their contractors. If we go that route, we will have to send out RFP's. I got to start RFPs for engineering firms. Mr. Knowles asked if they are on a state contract. Mayor Hodnett replied the Town has 5 engineering firms that have been added. We can go through and pick from those so that we don't have to go out and redo RFPs, we've already got those approved. Joe replied that's where we stand with that, said more maintenance problems and major repairs. Mayor Hodnett stated we have to address those ASAP, that is a accident waiting to happen. Mr. Majure asked you do not believe we should go with Hurt and Profit? Joe replied Hurt and Profit is pretty good, but I also mentioned it to Scott which is Beed & Portz, he said he could do the same thing. He is

going to go ahead and write a proposal. Mr. Majure asked if we could ask him to write a proposal without any money. Joe replied I don't know without any money. Mr. Poindexter stated it would be good to have the two to compare. Joe replied we can do that.

Police Department – Chief Lovelace

June 2023 Police Report

Calls for Service-

Civil Complaints- 1

Suspicious Person- 1

Public Service- 2

Vandalism/Destruction of Property- 0

Stolen Vehicle- 0

Trespassing- 0

Assist Other Agencies (Emergency Services)- 0

Mutual Aid (LE)- 2

All other offenses- 1

Identity theft- 0

Paper served- 1

Animal case- 1

Noise Complaint- 0

Breaking & Entering- 0

MVA- 2

Other

Miles Driven- 447

Use of Force- 0

Department/Officer Complaints- 0

Department Updates-

The purchase of the radios has been made and the radios have already been received.

New rifles have been ordered; they have a lead time of 60 days.

We are still taking applications; the academy will not have an additional class this year due to lack of interest.

Report from Mayor – Gary Hodnett reported that the registration for those of you want to run for the open seats that will be open this fall, I think Jeremiah and Pierre signed up. Glenn this is for you, registration deadline is August 16th, so I would like for you to consider those things. I don't know if I mentioned this last meeting, I don't think I did and if I did just tell me to shut up, but I looked back at numbers to see where we are in collecting bad water debt versus where we came from and for the last three years, staff, and Joe's done a phenomenal job of making sure that we don't have people skip Town owing us money. We're averaging \$2,200 a year and that's an incredible number. \$2200 bucks a year comes from uncollected water. That's great, congratulations to you guys. One of the other things that I want to mention, it was considered with a change made to the budget there the last minute, but we will be assuming about \$390,000 in fiscal year 24-25 additional debt that we have to service for water, if you look at that, it makes around \$1.35 counting financing new debt only and not inflation or the 10% from Altavista, that is just the raw cost. If you used 27 million gallons, and statistics shows that it's going to be

less if the trend holds, but another thing that we have to be prepared for is suppose Grit decides or Pittsylvania County decides that they want to take Grit off of Hurt and do their own thing, that will take us down to somewhere around 22 million gallons. If you look at that number that will add another \$1.60 to it, not counting Altavista. If those two events were to happen, we would be losing over \$3, that would have to be put back on our residents. That's why I'm bringing this up, that difference would have to be made up in the cost of water in fiscal year 24-25. That's something we need to be thinking about.

Closed Session

A motion was made to enter closed session to discuss economic development as authorized by VA FOIA § 2.2-3711 A (1, 3, 5,).

Motion: Mr. Richard

Second: Mr. Majure

Passage: Unanimous

The council entered closed session at 7:40PM and exited closed session at approximately 8:16PM.

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

Motion: Mr. Poindexter

Second: Mr. Mitchell

Passage: Unanimous

Kelsie Anderson

Kelsie Anderson- Clerk

Gary Hodnett

Gary Hodnett-Mayor