

Town of Hurt, Virginia
Council Meeting Minutes
March 21, 2023

Hurt Town Council held its monthly business meeting Tuesday, March 21, 2022, at Town Hall. The meeting opened at 6:00 p.m. by Mayor Gary Hodnett with a quorum present.

Roll Call

Members present: Mr. Gary Poindexter, Mrs. Christian Tyree, Mr. Bob Majure, Mr. Jeremiah Knowles, and Mrs. Kathy Keese

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 6:01 p.m. and exited closed session at approximately 7:19 p.m.

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. Knowles Second: Mrs. Keese Passage: Unanimous

Invocation and Pledge of Allegiance

Invocation: Mr. Poindexter

Pledge of Allegiance: led by Mayor Hodnett

Welcome/Opening Remarks

Mayor Hodnett stated the guys from Pivot Energy will be onsite tomorrow to go back through the solar farm to take some notes and do some measuring, then they are going to the county to get their building permit. Once that is approved, they will be ready to start on the solar farm. Also, regarding Phase 1 of our water project down at Altavista plant, we met with the Virginia Department of Health and Contractors today and we are basically substantially complete. We have a couple of wires to hook up and the state is happy with it, so we are ready to move on to Phase 2.

Additions to the Agenda

Mayor Hodnett stated we will go ahead and take the rates and fees off for tonight regarding the \$240 meter pull fee and take it up in April.

Opening of Public Comments

Mayor Hodnett stated the public comment period is opened and you have three minutes. Coryna Muckenfuss and her husband Jesse stated that they haven't really attended any Town meetings, but we love our Town and wanted to share our thoughts about on new ordinance that was passed about chickens. We were a little disappointed about that. I was thinking that the laws and ordinances should be for a handful of people. I was hoping people could address those specific people and circumstances and that will take care of it, but I guess not with this chicken circumstance. I did read over the meeting minutes from the last six months, so I feel kind of caught up on things. That kind of reminds me of when

I was teaching fifth grade. Our principal would often call anonymous or call meetings to reprimand one teacher anonymously. Whenever things could have probably been taken care of by just addressing the one on a personal situation. We didn't really like the neighbor statement that said, "Anyone who wants more chickens needs to move out to the country", that's comparable to saying if you want a Maserati, you just buy one. It not that easy, we would love to own 1000 acres in the middle of nowhere, but we live in the Town of Hurt and we love it here. We love our neighbors, but no matter where we live, we want to keep the freedoms that other people have based on being in the town or in the country. My other thought is about the roosters crowing and that it was a nuisance. We live at the end of the cul-de-sac and at the end of the cul-de-sac we have 11 dogs in the seven houses that are surrounding ours. Dogs can be very barky which is very annoying, like roosters are, so are we going to regulate that. If I owned five acres of land, I would give half of that to my chickens to free roam. Mayor Hodnett asked what is your last name. Coryna replied Muckenfuss. Mayor Hodnett asked and what is your address? Mrs. Muckenfuss replied 113 Vista View Lane. Mayor Hodnett replied I know where you are, I didn't know you all had any chickens down there. Mrs. Muckenfuss said we don't have any chickens. Mrs. Tyree stated I thought you said dog and your neighbor. Mrs. Muckenfuss replied yes one dog. We're not bothered by chickens. I would like to own chickens and have them as long as they are not bothering our neighbors, and have them just be chickens and not have a super small enclosure. That was another note I wrote down was the size of the enclosure. We had chickens growing up, I grew up in Pennsylvania, but we still had chickens when I was younger, and keeping them in a small area for a week even, it will get muddy and nasty in there. If they aren't allowed out during the day to have fresh grass, I think that you're going to get more complaints. Mayor Hodnett stated thank you.

Hi, my name is Jesse Muckenfuss, same address as her. First, I want to say thank you for opening up with a word of prayer. It's refreshing to hear. We love the freedoms that we have. We love this quiet little Town. It's a little cul-de-sac, Mr. Hodnett, its quiet, and it's great. I see you making phone calls all the time. After reading this, the ordinance about these chickens, I know there is a lot of backlash on Facebook. I know many of you all don't read that, but this doesn't particularly affect us, but if nobody else is here, I want to be a voice for everybody else. I know there's a lot of people that because of recent times with the economy and whatnot, started raising chickens for meat and eggs. If we don't restrict that, that is going to make things harder for them. As she mentioned, she grew up with chickens, I did too. There are ways you can help maintain keeping the chickens on your property. You can look for ways to build a bigger enclosure. I grew up on a farm and we had chickens. We had an enclosure, probably as big as this room. They had an area inside too, that was always nasty, knocking that out once a year if not twice a year. Free range chickens are healthier, but I do understand. If you get a neighbor with chickens on their porch, I don't want chicken droppings on my porch. Is there any way that the situation can be addressed between the neighbors, because where I come from you take care of this, and if you don't I take matters in my own hands. A buddy of mine was talking about an assault gun or a slingshot for better terms. I know those are weapons, but those I would say are options say the neighbor doesn't take care of things, are they allowed to take matters into their own hands? Mayor Hodnett replied we prefer that they don't, usually that leads to something else. Mr. Muckenfuss responded I understand, but if somebody has been warned three times and they do nothing and I hit the chicken with a slingshot, they would get the message to put a fence up. Chicken wire isn't too terribly expensive. Clip their wings and put chicken wire around the property and problem solved. Just an idea. Attorney Eller stated it would be up to the Town to enforce the chicken ordinance, not the citizens. They can report the violations. Mr. Muckenfuss stated it was just a concern on where does this end. If it starts with chickens, then what

later on down the road, what's the next thing? It was just a concern I had after reading all of this, I hate to see everyone go down for one issue. Mayor Hodnett stated one of the things I'll add is a complaint that I've heard from families with small children is their neighbor has free roaming chickens and the chickens come over into the yard and do their droppings and they're worried about their children being out playing and getting the chicken manure on their hands and touching their face. From what I understand all chickens have salmonella and it's easy to pass to children. That is a health issue concern that some of the neighbors have. We would like to work it out to where everybody that wants to have chickens can have chickens and take care of them. Those that don't want to have chickens don't have to worry about them running over in their yard and leaving their droppings on the porch and throughout the yard. Mr. Muckenfuss asked is this for everyone within the Town around the school or anyone with a Hurt address? Mayor Hodnett replied no, it is within the confines of the Town proper, like Grit has a Hurt address, but we don't have anything to do with Grit, that is the county. It's only in the Town corporate limits. Mr. Majure stated this ordinance we are talking about is actually an update from the old way which was actually each individual property owner had to get a special use permit for their property that stated how many animals are at use and all these different things. We actually tried to make it easier for people that have chickens. I understand the image it puts out before limiting it, but we are actually trying to make it easier. We looked at other towns' ordinances and we tried to make ours better meaning you could have more chickens but still not affect your neighbors. I am and I'm sure other Council members, if there's other ways that you think we could improve it, I know we're open to discussion, but that was the goal ultimately to actually make it easier, but not to affect the neighbors of those problems. Mrs. Muckenfuss stated the biggest thing was the free roaming, that they had to be stuck in the cage the whole time, and that is where it stands right now. Mr. Majure replied you're allowed to open the run as well as you have to have it closed. You're allowed both but it has to stay within the 240 square feet, which is double what Altavista allows but like I said, we're always open to discussion. I'm glad that you all came out to talk. I appreciate it. Mrs. Muckenfuss replied I definitely don't think chickens should be on other people's property, you should keep your own animals on your property.

New Business

Council Replacement- Mayor Hodnett stated let me explain the process that we go through. Council interviews each applicant, and we have five right now so I have no vote what so ever. We want to make sure that there's no back and forth with somebody trying to pull their guy across the finish line. What we do is, after the interviews, there is no discussion, and everybody writes down their picks in order, based on the interviews that they heard and the questions that were asked, and turn it in. We count the votes that every individual asked and move forward. At this point in time, we do have a person with a majority of the votes and that is Glenn Mitchell. If you will accept the nomination to join Town Council, we would like to extend it to you. Mr. Mitchell stated I accept. All council voted and raised their hand in favor of Glenn. Mayor Hodnett stated we will get you certified and sworn in as quickly as you can. If you have time tomorrow, I can call the guy in Chatham and you can go up and get sworn in. Jimmy and Paul, we thank you for interviewing, you interviewed well and we are excited that we have good people coming out. Mr. Majure stated this is just for the appointment. Please feel free to run for the election that will be happening in November. One of the great things about Hurt is its small, so running for elections is much easier than if it's in a different, larger locality. We definitely encourage you to do so. Mrs. Keese stated we also appreciate you guys coming up with the comment that you'll be glad to help in certain

circumstances. We remember that, so thank you both. Mr. Knowles stated there will be three seats on special election at large.

Audit Report- Mayor Hodnett stated at our last meeting the auditor presented our audit report and we failed to vote to accept that, so we need a vote to accept his audit report.

A motion was made to accept the audit report as presented.

Motion: Mrs. Keesee

Second: Mr. Poindexter

Passage: Unanimous

Dogwood Mobile Home Park Zoning Variance (Jeff Zmudzinski)

Jeff stated I do have some copies of the variants, I am with MSP Partners. I am in charge of the home division. We have parks from Georgia, South Carolina, North Carolina, Virginia and Kentucky. It is a total of about 24. We do own Pine Acres and what we are proposing is some of these lots, like lot 5 is a 14 by 66 so there would be no variance on that particular one, but they don't make 12 foot ones anymore. In this particular park, there is 5 of them, well actually more than that. If look at the black ones, those are the ones I would like to pull out. Number 42 is actually a burnout. Number 5, 22, and 18 has too much damage to repair and it is an eyesore. There is also one down at the very bottom where it says vacant lot, there is a old office down there that we want pulled out. If you look at the orange, those are vacant lots, number 40, 34, and 23. We are going to probably renovate those in doing so we will be painting the outside of them so they're not so much of an eyesore and also 28. Now lot 5, like I stated is a 14 by 66 so there is no variance there, but when you get over to lot 18, it was a 12 by 60 and we were proposing a 14 by 66. I do have a little bit of leeway on that, I can shorten that up particular with that lot because there is a drop off. We have to have two inches in the front with the ground being like that in the back it would just be off the ground. Lot 42 is a burnout, that is a 14 by 48, and that is the size I can order and have. Lot 27 there was a 14 by 66 in there. That is a vacant lot right now and also lot 24 was a 14 by 66. Lot 22 is a 12 by 60 that was in there, we were proposing a 14 by 66. On 18 and 22 I can change those two to a 14 by 60. I feel Jared is a little ambitious sometimes about getting big homes in. The 14 by 48 are two bedrooms and one bath, the 14 by 60 will be a two bedroom and two bath, and the 14 by 66 will be a three-bedroom two bath. If you have noticed it is two foot wider throughout. I have a total of 10 parks and in Lynchburg we have pulled in seven so far. Three in Saunders Mobile Park, two in Lynchburg Estates, and two in Parkview. It was discussed about Dominion Energy and installing some poles down there. We are proposing on bringing in new homes and we are looking at tan, blue, and gray ones. Me and Jared talked about even talked with the residents to give them some kind of incentive to paint their own home, where we have to contribute some money to it, which will boost up the property itself. Once we start making improvements and start bringing in revenue, like other parks, we have issues with trees, and that is very expensive. We also have issues with the cats, so we will work on that. Like I said this is what we are trying to propose with the homes and electric. Everybody is certified. Mayor Hodnett stated I'm sure everyone will have a couple questions and we want to work with you guys no doubt, but it is a lot of trash scattered through the woods down there and we would like to see all that cleaned up. There are some buildings that are pretty run down near some of the mobile homes and I don't know whether that is you guys or the owners but we would like to see that cleaned up as well. I think some of them are sitting on pads and some are sitting on cinder blocks. Jeff replied as for that, anything that is already there and later renovations we wouldn't want to touch that. Mayor Hodnett stated so you will increase the size of the pad. Jeff replied oh yeah. It was a brief discussion in the existing pad there and adding more to fit the length of the trailer. Mr. Knowles asked about the lot #18 if you go to the 66-foot length how much clearance do you have from the home on lot

31? Jeff replied the only thing about lot 18 that I've seen, I do have leeway with my sizes because there is a drop off right there that goes down.

A discussion between Council and Jeff went on about the sizing for specific lots and selling the mobile homes to the tenant and rent the space. It was all discussed the pricing of what they were charging for rent and a down payment. They also do a rent to own, they want to help the residents out anyway they can. Jeff also states the trash, it is everywhere and typically we have spring clean outs to get rid of all the junk to help. Mayor Hodnett stated I think lot 25, if you go down there and look at that, I think they have a plastic tarp attached to the mobile home with some stakes out from it. Mr. Majure asked I see a lot of the tenants have out buildings, what are their allowances when they are a tenant to do things like that? Jeff replied they have to get approved through us, because it will take the junk that is sitting out there and put in there so it's unseen. Mrs. Keesee stated I know you stated you are going to be cutting back debris and doing away with the trees are you planning on doing additional landscaping in the front of the park when you first come in to make it look better? Jeff replied I think the front park looks great, I'm not sure which park you're talking about. Past the mailboxes it is just grass which I thought was nice, clean, and neat. Attorney Eller stated he has a couple questions, the name you gave MSP Partners, is that the name on the application, explain that? Jeff replied the company is MSP Partners, Lynchburg Mobile Estates is the subsidiary of our company where we have investors in these parks in Lynchburg. Some parts we own outright some we have investors. Attorney Eller replied so the Lynchburg Mobile Estates subsidiary of MSP partners, is that a corporation or LLC? Jeff replied LLC. Attorney Eller stated on the application you said he's shorten it from 66 to 60 on 18 and 22, so we need you to modify this application to show anything that's not exactly like you're going to do it. This one, you need to fix it. We want to know exactly what to expect, and then fix the name. Another question, Mr. Hodnett asked if you're going to clean up the trash, you really didn't say you were going to clean it up. You said we're going to put a dumpster out there for the tenants to clean up, is that how you're going to do it? Jeff replied we are going to do it two ways. To clean up the park itself, dumpsters, that's for the residents themselves. Typically, if we renovate one I'll pull the dumpster and take everything out and put it in that, but as for what you're talking about, in the very back there, probably bring a dump truck down. I've done that in other parks. Attorney Eller stated you will do it. Jeff replied yes, I've done it in other parks. I've spent quite the money out there due to overgrown. It was so overgrown it was pillars in there 10 foot tall that you couldn't even see them. We have cleared all the lots, knocked everything down, picked up all the garbage, and I still have some homes that I have to pull out in Amherst, I have about 20. Our goal is to make the park profitable and cleaned up. We just bought this about a year and a half ago. Attorney Eller stated everyone is looking forward to you taking care of it. Mayor Hodnett stated if you would mark lot 23 and put a circle around that one that is that patch of woods where I'm seeing a lot of trash. Attorney Eller stated the process from now is that once you fix this and get back to us, we'll forward it to the planning commission for them to look at and then they will give us what they recommend. The Council makes a final decision and will advertise for public hearing. I don't think we can advertise it by the April 4th meeting because it has to be two ads but we can take it up at the April work session. We will set up a hearing on the 19th for the Planning Commission and the Council to let the public make their comments and then the Council can act on it at that time. Mr. Knowles asked if the question about lot 42 and 5, if he is going in for the same, he wouldn't need a variance for that would he? Attorney Eller replied no, it says there's no difference. The ones that say none you wouldn't have to have a variance. Mayor Hodnett stated thank you, we look forward to seeing you again.

Business License

Mayor Hodnett stated our business license we're looking at making some changes to it, because when you have a contractor come in cost \$30 bucks for the license. It says that \$30 plus a percentage of last year's revenue. Well, if they're coming in new, they don't have any last year revenue for the Town. We're looking at asking them to make an estimate and pay on that estimate, then if it's over we'll refund the money to them and if it's under they pay the difference. What's happened is people are coming in doing a little work in the Town and then taken off. We don't have a shot at them to collect that money and then we end up with only collecting \$30. We're not getting anything off the percentage of the revenue. We're working on that and we'll probably have it ready at the April meeting. Mr. Poindexter stated business license taxes is an area where we've been deficient for years. Mayor Hodnett replied we had a little issue with Staunton River Plastics. I called the county Tuesday, last week, and said they didn't file for business license so we are going to go ahead and do an estimate. I need to know do I send it directly to them or how do you want to handle it since it's in the SVMPP Park and they said to send it to them and the County Economic Development Authority would take care of it. We will collect money on that and they're going to pay us for the installation of that meter out there as well. It will be at our old rate, not the recently passed one. Attorney Eller asked have they started advertising for employees. Mayor Hodnett replied yeah they are interviewing.

Rates and Fee's

Mayor Hodnett stated we make to make sure we get this thing remedied going forward. We are tired of losing money on this stuff. Also rates and fees are coming, we are working with John on something and we will have that in place for April as well. We are probably going to have to readvertise that one. I don't have anything else, any questions or comments? Thank you for coming.

Meeting was adjourned at 8:07pm

Kelsie Anderson

Kelsie Anderson-Clerk

Gary Hodnett

Gary Hodnett-Mayor