

Town of Hurt, Virginia
Council Meeting Minutes
November 1, 2022

Hurt Town Council held its monthly business meeting Tuesday, November 1st, 2022, at Town Hall. The meeting opened at 6:00 PM by Mayor Gary Hodnett with a quorum present.

Roll

Call

Members

present: Mr. Luke Perdieu, Mr. Gary Poindexter, Mr. Bob Majure, Mrs. Kathy Keese, and Mr. Donney Johnson; Members absent: Mrs. Shirley Barksdale-Hill

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 PM and exited closed session at approximately 6:29 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. Perdieu Passage: Unanimous

Invocation and Pledge of

Allegiance

Invocation:

Mr. Poindexter

Pledge of

Allegiance: led by Mayor Hodnett

Consent Agenda

Mayor Hodnett stated additions to the agenda... Dominion wants us to grant an easement on East Spencer Road, so I would like to add that to the agenda and talk about it.

A motion was made to approve the consent agenda as presented with the addition.

Motion: Mrs. Keese Second: Mr. Majure Passage: Unanimous

Public Comments

Mr. Adams stated good evening, I am Collin Adams. I live at 612 Spring Street. First I want to say I appreciate everything that you people do for the Town of Hurt. I have an issue that I want to bring to the attention of Council, and I don't know if everyone on Council knows about. I know we do not have a leash law in town, and that we have a problem with dogs roaming at large. On the west end of Spring Street there are two families in court proceedings. Now that stemmed from a dog running loose. I know that one family has spent thousands of dollars on this issue. There are still dogs running loose. On Ramsey Road, there are two female pit bull mix and a mixed-breed male; all dogs are still intact as far as reproduction goes. The older pit bull the other day was acting aggressively and growled at me on my property. The same dog, and I don't know if she reported it or not, grabbed Michael Blackstock's mom, Nancy Wilson's pants leg. I don't know what street she was on when she was walking. To me that should be considered a bite. These dogs sometimes bark at night outside keeping citizens awake. I know there

is a nuisance ordinance for that. It's just a matter of time before someone gets hurt from biting a citizen or worse. There are children playing outside on the streets, and I just wanted to bring it to everyone's attention. Thank you for your time. Mayor Hodnett stated I want to make a couple comments on that; we all know the situation we are in on the leash law, and really our hands are tied on it. I don't disagree with anything that Collin said, a lot of that is the truth. John, you tell me, hasn't the town tried to get a referendum to do the leash law or something, because I've heard rumors that they've tried it actually twice. Mrs. Keesee stated I first moved back here in 1987-1988, and I remember then that the town actually voted whether or not we should try, and it was voted down. Attorney Eller stated well talking about dogs in general, controlling them in general, that's where the leash law would be is that all dogs in general would have to be on a leash. If you're talking about a specific dog that's attacking people, that dog could be a public nuisance. We have in our ordinance provisions for complaining about dogs like that. You come down here and complain, you call the cops three times, it's definitely something that can be done about an individual dog acting just like you're talking about. It doesn't take a general leash law to do something about that dog. Mayor Hodnett stated so in the case with Michael's mom, if she came down here and said, this particular dog grabbed my pants and was trying to bite me, is one compliant enough to make a move on the dog? Attorney Eller replied in our ordinance it says three. Mayor replied that would go on record as 1, so we would have to wait for 2 more. Mrs. Keesee stated well Collin said the dog acted aggressively to him, so that would be two. Mr. Perdieu stated and I had someone reach out to me twice in the past two weeks. Mayor Hodnett stated the individual has to come down here. Mr. Perdieu stated we can just tell them, Collin, Nancy Wilson, and Tim. Mayor Hodnett stated they can call and make a formal complaint with Jason. Mr. Perdieu asked then what can Jason do? Attorney Eller responded well, after three times, the person is cited to come down and explain to Council what they're going to do about the dog. If they don't and it's declared a public nuisance then the dog has to go. Mr. Perdieu stated so we could tell them to make a complaint tomorrow, and then they would have to be down here within what time frame? Attorney Eller replied it would have to be at the next meeting, unless the council wants to meet every five minutes. Mr. Majure stated one question I have, when we were here last session, you spoke about a control law, is that something we still want to do? Attorney Eller stated the one where you have to have your dog under your command, you have to be with them. That's what Pittsylvania County has, we tried to do that with the town and the supervisors would not accept a resolution of the council. You would have to get a majority of homeowners in a neighborhood to vote for that to be effective in their neighborhood, so we could be a neighborhood but we would have to show a majority of the homeowners, you can't get a referendum with the majority because how could you. Mr. Perdieu stated I think we have two issues. The first issue is we need to deal with the dogs that are being aggressive, that is the more pressing. It sounds like it's one or two households, get those taken care of, and then go down the route of the whole town or go by neighborhood or whatever we have to do. Mayor Hodnett stated but the bottom line is, individual people have to get involved and be proactive. Mr. Perdieu stated this is the first I have heard about 3 complaints to the police department and the person comes down here and we deem it a nuisance then something can be done about the dog. Attorney Eller stated well it's in the Town Code, chapter 10. Mayor Hodnett stated since I have been on Council we have talked about this a couple of times and to my knowledge I personally do not remember any Individual coming to Town Hall about a dog. Mr. Adams stated I talked to animal control last year and she told me that a leash law can be done by street, like Spring Street, if 75% of the people want a leash law then it can be done. Mrs. Keesee stated that is true, because I have some family that

live on Jasper Woods and there can't be any dogs without leashes. Mr. Perdieu stated so if 3 different people make three complaints about a dog, which has to be the same dog, and we determine the dog is a nuisance, then what happens? Attorney Eller stated then the nuisance has to be fixed, you can keep the dog in the cage, that can be one way that the council might order. In the case that the dog might bark all night wouldn't work, the dog would have to be removed. There are different ways to stop the dog from barking, like a collar. Mayor Hodnett asked should we request a formal complaint in writing by the person complaining? Attorney Eller stated you've got to know how to identify it. Mayor Hodnett stated we will put something on Facebook; we know we have some dog problems, anyone that has had an aggressive issue toward them, here is how it should be handled. Make a formal complaint to Town Hall, Kelsie, Ellen, Jason, Joe and I can take a complaint, and it needs to be in writing describing the dog. After 3 complaints we ask the owner of the dog to come to Town Hall for a meeting and let them know that the dog is being charged for a nuisance and ask how they plan on handling it. Mike Jones stated first off a dog shall be free to run at large while roaming, running, or self hunting off the property of its owner or custodian and not under its owner or custodians immediate control, including chasing motor vehicles on a public highway. This kind of tells people what it means, and a couple of important things here... if it's not on the person's property then it is at large, and it must be under the owner or custodian's immediate control which means they have to either have it on its leash, verbal command, or they have actual physical control over the dog, not standing there watching it run through everyone's yard. In the code under section 9-21 running at large, any dog owner allowing the dog to run at large is a class four misdemeanor. Now as a class four misdemeanor, there is also a provision that our police officers can charge under that. Now like all misdemeanors, a Police Officer has to see it in action, not just have it told. That is the provision of the code. That would make a lot of people understand what can and can't be done. Running at large code is pretty broad, and the fact that it has to be under control, while not defined by code. When things aren't defined by code, they're defined by common use, which would mean on the leash and voice command within a fenced area. A hypothetical situation, we get a call that the dog runs wild in the neighborhood, the neighbors are at the top of the hill and the dog is at the bottom of the hill and the police officer sees that, then that police officer witnessed a misdemeanor occurring in the presence. If they can identify the dog 100% as to who that belongs to, then the owner can be given a summons for that. We need to educate people on the code. Mayor Hodnett asked what happens when we go after somebody on a nuisance violation, and then he or she has six people that come to Town Hall and make a statement that I'm around the dog every day, I see him in my yard and he's not aggressive, he doesn't bother me. Now you have people falling on one side that the dog's not aggressive and he's friendly, I pet him all the time and he plays with my kids. Then somebody's saying the other, what happens in a case like that? Attorney Eller responded you have to have proof, if the other side is more powerful especially if you have a burden beyond a reasonable doubt. Mayor Hodnett stated Mike, I know you and I were up on Ramsey Road, and we stopped when you were talking to that guy, one of those dogs was right around you during the conversation wasn't it? Mike responded right. Mayor Hodnett stated no aggression at all. Chief Lovelace stated the dog in question, I've petted it several times. I am not saying it hasn't showed aggression, but its allowed me to pet it several times. Mayor Hodnett stated Mike and John you guys come up with something and we will get something on Facebook, but we are getting enough complaints that we got to do something. Mr. Majure stated I have one question and that is what if one of these dogs comes on someone's property and is aggressive to them what is that person's ability to defend themselves? Attorney Eller replied you have the right to defend yourself.

New Business

Municode: Mayor Hodnett stated I have read through the contract; Luke has read through it. The way it was stated back to us, was that we were going to do the input at Town Hall. Luke responded yea she did it wrong. Mayor Hodnett stated it has to be full service so that is going to add \$500 to the annual renewal. I've read through the contract really tight; \$1,700 isn't going to take care of renewal every year. I think a fair guess yearly would be \$2,000-\$2,500, but I would like John to take a look at it before we commit to the contract. Mr. Perdieu asked can we talk to Altavista about what they pay? The annual renewal should be very similar. Mayor Hodnett stated it depends on when they get all our stuff how much their legal has to do at \$150 an hour. If there is any question, they are going to run it through their team. Mr. Perdieu stated I think it is a waste of time if they are going to run their legal through it and then say oh that's not actually our decision. Mayor Hodnett replied yeah but they are not going to post it if their legal doesn't okay it; read the contract. Mr. Perdieu stated I've read the contract; I know what you are talking about. Mayor Hodnett replied that's what it states that's why I would like John to read it. Mr. Perdieu stated they are just trying to cover themselves, and I tried to get them to give us a discount with John not having to read it, and she said there's no way to get out of that. Mayor Hodnett stated I'm going to forward you the contract. I've been through it, Ellen has been through it. I'm not by any stretch saying that we shouldn't do it, don't take me wrong. I'm just saying that \$1,700 annually isn't going to cover it. Attorney Eller stated there are other coders and publishers. Mayor Hodnett stated working with these people would make a lot of sense because we do the website with them as well. Mr. Perdieu stated I do think they are the best. Attorney Eller replied they have done a great job with Altavista's. Mayor Hodnett stated Altavista probably doesn't have much of a problem with their ordinance books as we do. Mr. Perdieu stated most of the upfront cost is the \$10,000 for what we had and getting it up to speed legally. They saw what we had, so it should be a pretty close estimate; the thing I don't know is how much they're going to question all our annual stuff. Mayor Hodnett stated John I will send the contract to you for you to take a look at it.

Right-of-Way

Mayor Hodnett stated you'll see this crosshatch going down East Spencer Rd., two locations that they want to go across the road. We told him that we would take it up at the council meeting. Obviously, we're going to want to write some what-ifs into any easement we give them. One of the things that we want to add to that is if they damage our infrastructure any way at all, they're 100% liable for that. We want to cover stuff like this with them and he just said anything we need to add in it, just to let him know. Mr. Perdieu asked what are they doing? Mayor Hodnett replied they want to get the powerlines from overhead to underground.

Old Business

Mayor Hodnett stated Mike another thing we talked about is the clean-up; we need to really start leaning on some people, especially down on the river. Mike responded I will be there this Thursday. If anyone would like to attend active shooter class held at the office for town employees, I'll be able to do that for you. I do a lot of that, but if you can come around three o'clock, I think you'll have a very interesting presentation.

Report from Legal Counsel – Attorney Eller

Attorney Eller stated a lot of our ordinance revisions – you got them all passed except for chapter one, four and five, at the October 13 meeting. We need to get those that have to be advertised and have a hearing. That's already been set up for November 3 with the Planning Commission, so that's moving along. The Council needs to set up a hearing for the two SUP's and the zoning changes, after the Planning Commission sends it to the Council. That would be Thursday night, we're going to do that and the Council could have a public hearing at the December meeting. Mayor Hodnett stated I would ask Council if they would want to handle it before the December meeting or at the December meeting? Mr. Perdieu stated whatever you think is best. Mr. Poindexter stated we could advertise it and then the week after that is a holiday week, I don't know if that is a good idea. Mayor Hodnett replied if we made a move the following week, we just again a week, so it's probably not worthwhile. I say we just handle it at the December meeting. Mr. Majure stated I also don't believe we talked about chapter 10 because it was missing a page, did we ever find that page? Attorney Eller stated here it is. Mayor Hodnett stated we don't really need to have a public hearing on 10, so we can ok this tonight.

A motion was made to approve chapter 10 ordinances as presented by Legal Counsel.

Motion: Mr. Majure

Second: Mr. Perdieu

Passage: Unanimous

Report From Staff

Treasurer: Ellen Brumfield reported that First National Bank account holds \$585,123.18, of that is the ARPA funds which are \$526,606, in the PD children's Christmas Fund is \$112.02. The total in the general operating fund is \$58,405.16. The Christmas Tree Lighting Celebration is Sunday December 4th from 4 PM to 6 PM. I have so far 5 volunteers who have reached out to me and I still need at least 4 more volunteers. Please be at least 30 minutes earlier, as we could definitely use the helping hand. Brumfield reported that we sent out letters to our businesses and they donated to us \$2,600 and received up to \$2,400. We are really wanting to make this a successful event; we have it allocated in our budget and it will really say a lot to be good stewards of this and show our sense of appreciation to those people that have supported us financially as well as helping residents and the children that come out in the season.

Administrative: Kelsie Sligh (now Anderson) reported that she has been working on all tax billing (real estate, personal property) and water billing. Very busy.

Public Works: Joe Smith stated we have been cleaning and flushing the fire hydrants. Doing a lot of reports. What I am trying to do now is work on the tank. The tank needs to be cleaned and disinfected. I just heard from the people yesterday that we were good to go once Tom and I set up the pressure regulators. We have everything we need, so I coordinated with him today and he is coming November 14th to disinfect it. I have to have the tank drained starting Saturday so that it can be empty by the time they get here on Monday. It takes about 30 hours and I have to set up everything and make sure it is working and in place. Then we have to slowly fill the tank, we have to bring it up to a certain level of about fourteen to fifteen and then we have to check the chlorine residual. If the chlorine residuals are too high, then we have to take it down a little bit more and fill it again back up to 17. We have to take bac-T samples, and we will have to take these samples until we get one that passes. Then once it passes, we can put the tank back in service. I think its going to take from the 12th to the 19th. I am hoping to get it done a little sooner but it all depends on the testing. We will be offline at the tank and running off one pump, I notified Pittsylvania County Public Safety Central Dispatch and Pittsylvania County notified the Hurt Fire Department and I also notified Grit and told them to keep an eye on their pressure.

Pittsylvania is going to put a couple tankers in reserve in case we have a fire, and we are also going to try and contact Gods Pit Crew to hold some skids of water in reserve for us. Mayor Hodnett stated and also Tom had mentioned Crawford water haulers and we are also going to look at Lynchburg and Danville National Guard potable water just to be on standby in case we have a problem and Joe has put together a really nice plan and marks that we have to have to get through this thing. He has done a really nice job. Joe states this is the schedule of the plan for the tank. Mayor Hodnett stated also something that is going to effect, Joe and Kelsie and Ellen as well, is we are working with Promise, which is a government agency that will help pay water bills that are in arrears and now that's going to be a pretty complicated process of when we can and cannot cut off water dealing with these people. Once they pay a bill you have to agree not to cut that water off for 90 days. That's going to work a little against and the new system, and we're trying to figure out in Southern exactly how we can get that last 10-day cut off notice pulled out of the system when we need it without having to manually do it every time we want to send the 10-day notice out. The fire hydrant in the trailer park – I had the guys come out Monday. Mr. Johnson asked what is attached to the fire hydrant down the hill by the minute market? Smith replied that is a pressure relief valve; we got that set for the tank drain if the pressure exceeds 138 PSI. Mr. Fore stated we also put one on Kent Circle, so when he turns that pump on the pressure is 138 PSI. Mr. Majure asked our pump only works off a gauge, if doesn't go off pressure? Mr. Fore replied correct off a transducer. Mr. Majure asked would having a switch be better for our system? Mr. Fore replied I think you'd be better to evaluate your pump curve when you begin to do your next upgrade project to know exactly what full is. The pumps are designed to pump it all the way to full, and then you just overflow just a little bit, they won't go past that because the centrifugal pumps sit and spin and they'll actually spin against the closed valve and it won't over pressurized the system and it won't overfill the tank. That is what needs to be done. It's kind of a study that needs to be done. When you've got a true system that is built the way it is supposed to be done those centrifugals will pump all the way up. As it gets closer to full it goes to 0 with a properly engineered system. I think Joe is concerned if there is a break in the system you'll lose everything and be down, also any customers who may have low pressure at the time.

Police Department – Chief Lovelace, October 2022 Police Report

Calls for Service

Civil Complaints - 1

Suspicious Person - 3

Public Service - 10

Vandalism/Destruction of Property - 0

Theft from a building - 0

Suspicious Vehicle - 1

Domestic - 1

Drug Offense - 1

Assist Other Agencies (Emergency Services) - 1

Animal complaint - 0

Weapons offense - 1

Paper served - 2

Disabled vehicle - 1

Mental Subject - 1

Traffic Stops -3

All other offenses – 1

Other

Miles Driven - 956

Training - Officer Sawyer and I attended gang training; we are both certified Gang Specialists now. Chief Lovelace attended VRSA Critical Task and Legal Update

Training

Assist Other Town Departments - 0

Use of Force - 0

Department/Officer Complaints - 0

Department Updates - Goodie bags were given out to all FCA and HES students up to grade 5. Promoting positive interaction with LE and Halloween safety.

We participated in a safety program at HES along with HVFD and VA Conservation Police.

We participated in Trunk or Treat at the Plaza with approx. 500 or more children.

Tom and I attended a law enforcement appreciation lunch provided by Liberty University with other law enforcement agencies, along with Attorney General Jason Miyares

Tom continues to be an asset to the TOH and I am grateful that he is with us.

Public Safety

Mike Jones reported that politics are getting hot; active shootings are growing. The good news is the Governor has recognized the fight of rural police officers and departments and as current money runs low, new money is coming out, and I've made sure that our name is prominently in its place to recognize not only more money for salary and benefits, but more money for positions paid for by the state. Other than that, things are going well; I am getting ready to finish off this quarter's ordinance notices, all the junk you can see now that the leaves are off, making it much more visible and continue to work with the mayor, the rest of you and anything you need. Its a busy, but a good time to see this much activity in the Town of Hurt.

Reports from Membership, Boards, and Commissions

Administrative: Mrs. Keesee stated I would like to welcome Mrs. Anderson back and say that she did an excellent job putting up all the fall slideshows for the website. Also going forward, since we are going to have such good weather, post a picture on Facebook Friday of the sign, and pumpkins and the hay, but invite people in the Town of Hurt to come by and take a picture in front of the sign and maybe we can do the same type of thing at Christmas – then urge them to come in and or send in their Facebook page or their picture so we can display it on Facebook. Just another community type of thing. Ellen's got everything in full swing as far as December/Christmas; we've met and going to meet again regarding some of the decorations that we plan on using. That's about it.

Community Development & Public Relations:

Mr. Johnson stated the community development is just fantastic as far as listening to staff and everyone is just doing a great job. I'm just proud to be part of that. The trunk-or-treat Saturday was just incredible; I wasn't expecting a crowd such as that. There were at least 1,000 people. One more question – what about the Christmas dinner, do we have a date, time, and cost? Mayor Hodnett replied December 8th Thursday at First Southern Baptist, same place as last year. I have not gotten a final price yet, but it will start at 6:00 PM like last year to whenever.

Finance:

Mr. Poindexter stated I too want to congratulate Kelsie on her marriage, and I appreciate the fall additions of the slideshow on the website. I have reviewed the monthly report. It's hard to believe that we are a third of the way through the new fiscal year; it seems like it just changed over. We just got done with the budget and it will soon be time to start on that again. Anyway, we're 33% of the way through the new FY. On the general side we are 43% on revenue and 21% of budget on expenditure, so that's looking strong at this point. There's a few individual items that I want to come by and discuss administratively here when there is time. There's nothing substantial enough to take up time in the business meeting tonight; we can cover those conversationally here in the office. On the enterprise fund we are at 55% on revenue and only 20% on expenditures, but I'm sure that that will change as water projects unfold. I didn't see anything particularly alarming or disconcerting on any of the pages; I do see us moving in a good direction and I appreciate everyone's efforts.

Public Works & Planning/Zoning Commission

Mr. Majure stated I'd like to say congratulations Kelsie, that's exciting. Public Works, no update. Planning and Zoning as you all may be aware, we have moved chapters four and five to public hearing, which is occurring this Thursday. If anybody who'd like to let others in town know about that, please feel free to and specifically chapters four and five, and then our special use permits for the Showdown and then the adult daycare center, so love to hear everyone's opinion there. That's all I have.

Report from Mayor

Mayor Hodnett reported that I'm guessing the SUP's will probably get out of the Planning Commission pretty much intact based on the last meeting. Mr. Majure stated the Planning Commission had already started to put in. They made a change on the chickens. We're already starting to suggest ways to control what would happen, specifically at the Showdown. We'll hear what the public has to say about that. Really, it was to prevent alcohol, prevent smoking, require security to be there. All the things that we would want to see with a business of this type, so everybody was here to hear what the owner or prospective owner said about that business. Nothing really new came of light in that meeting we had for the Planning Commission. I am checking on the references that she provided. I'll be bringing that up here Thursday for anyone that wants to hear about it. Mayor Hodnett stated I will close out with the VDH. We received an offer letter from the health department today on phase two. The package estimate is \$1,698,000. The funding package consists of \$1,307,460 as principal forgiveness so that leaves us with \$390,540. That is absolutely fantastic for us. We can look at either a 20- or 30-year term for the loan and they're looking at wanting to tie it to the 20-year market rate. On the 20-year the interest rate would be set at point five or below the 30-year market rate.

One of the things that they have in this one is going to be particularly interesting for public works. They recommend that the waterworks owners implement a revenue growth model that includes automatic annual adjustments that exceed the inflation rate. Along with everything else we're doing, that's something that they want us to do to maintain this loan. Also, they're requesting that we begin to prepare our latest audited financial statement to avoid any delays in the credit review and loan closing; that won't be a problem. They also recommend all waterworks maintain updated waterworks business operation plans, asset management plans, capital improvement plans, and they want us to include this in our response letter. They want us to let them know where our plans stand, and they could possibly

help make funds available to get these plans in working order. Since we don't have these plans, that's going to be something new. Mr. Perdieu stated but thankfully Joe and Tom have been working diligently to get all these valves and hydrants up to par. Mayor Hodnett replied absolutely, and when they sent me the email asking for all this information and then you start digging through files and figure out you don't have it, then it's kind of obvious that even with as much work as has been completed, we still have that much more work to get done. I do appreciate all that you guys do. Needless to say we're in a much more favorable position on this project than we were eight months ago. That's going to be good for us – the town and everyone else.

There being no further business, the meeting adjourned at 8:04 PM.

Kelsie Anderson

Kelsie Anderson, Clerk

Gary Hodnett

Gary Hodnett, Mayor