

AGENDA
HILLSVILLE TOWN COUNCIL
NOVEMBER 22, 2021
HILLSVILLE TOWN HALL

- I. CALL TO ORDER – 7:00 PM
- II. INVOCATION
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF MINUTES
 - A. OCTOBER 25, 2021
- V. PUBLIC HEARING
 - A. PROPOSED TOWN ORDINANCE TO AMEND & REPLACE §128-3 (REMOVAL OF BRUSH & TRASH BY TOWN) & §128-4.1 (VIOLATIONS; CIVIL PENALTY)
- VI. CITIZENS TO BE HEARD
- VII. TOWN MANAGER'S REPORT
- VIII. TOWN ATTORNEY'S REPORT
- IX. POLICE CHIEF'S REPORT
- X. REPORTS OF MAYOR AND COUNCIL
- XI. UNFINISHED BUSINESS
 - A. CONSIDERATION OF WATER BILL REDUCTION REQUEST DUE TO LEAK—
288 LYONS CIRCLE
- XII. NEW BUSINESS
 - B. PRESENTATION OF TREASURER CERTIFICATION—JACKIE FRAZIER
 - C. CONSIDERATION OF SCHEDULING FOLLOW-UP FLEA MARKET MEETING
 - D. CONSIDERATION OF PROPOSED TOWN ORDINANCE TO AMEND & REPLACE
§128-3 (REMOVAL OF BRUSH & TRASH BY TOWN) & §128-4.1 (VIOLATIONS;
CIVIL PENALTY)
 - E. CONSIDERATION OF SITE PLAN APPROVAL—1259 FLOYD PIKE (TAX MAP #68-1-2)
 - F. BILL VOUCHER
- XIII. CLOSED SESSION
 - A. ACCORDING TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA, AS AMENDED:
CONTRACTUAL—FARMERS MARKET
- XV. ADJOURNMENT

COMMONWEALTH OF VIRGINIA
TOWN OF HILLSVILLE

Hillsville Town Council met at Town Hall on Monday, November 22, 2021, at 7:00 P.M. for their regular semimonthly meeting.

COUNCIL:

Gregory N. "Greg" Crowder, Mayor
Ed Terry, Pine Creek
Barry Jessup, Sulphur Springs
Greg Yonce, Laurel Fork
David Young, Pipers Gap, Absent

Town Manager, Retta Jackson
Town Treasurer, LeAnna Surratt
Clerk of Council, Vickie Yonce
Town Attorney, Paul Cassell
Police Chief, Shannon Goad
Town Engineer, Steve Bowman

I. CALL TO ORDER—7:00 PM

Mayor Crowder called the meeting to order at 7:00 P.M.

II. INVOCATION

Vice Mayor Ed Terry gave the invocation.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited in unison.

IV. APPROVAL OF MINUTES

A. October 25, 2021

On a motion by Barry Jessup and a second by Ed Terry, Council moved to approve the minutes of October 25, 2021, as presented.

VOTE: Barry Jessup – Aye	Ed Terry – Aye
Greg Yonce – Aye	David Young – Absent

V. PUBLIC HEARING

Mayor Crowder opened the Public Hearing for the proposed Town Ordinance to amend and replace §128-3 (Removal of Brush and Trash by Town) and §128-4.1 (Violations; Civil Penalty). Copies of the Public Hearing advertisement and proposed Town Ordinances are attached herewith and made a part of these minutes.

A. Proposed Town Ordinance To Amend & Replace §128-3 (Removal Of Brush & Trash By Town) & §128-4.1 (Violations; Civil Penalty)

A public comment period was available to the public and there were no comments received; therefore, Mayor Crowder closed the Public Hearing.

VI. CITIZENS TO BE HEARD

There were no Citizens To Be Heard.

VII. TOWN MANAGER'S REPORT

Copies of the Town Manager's report were distributed prior to the meeting. Ms. Jackson stated that the Town Office would be closed on Thursday, November 25th, and Friday, November 26th, for the Thanksgiving holidays, and garbage would be collected on Wednesday, November 24th. Ms. Jackson also stated that she had received several inquiries about whether the proposed Town Ordinance would affect the weekly trash collection, but clarified that it pertained to habitual violators of the town code's clutter and garbage ordinances, and stated that the proposed ordinance would bring the town code up to date with the Virginia state code.

VIII. TOWN ATTORNEY'S REPORT

Town Attorney Paul Cassell stated that the proposed ordinance and updates had already been passed by numerous localities in Virginia to match the state code.

IX. POLICE CHIEF'S REPORT

Copies of the police report were distributed prior to the meeting. A copy is attached herewith and made a part of these minutes. Chief Shannon Goad had nothing to report.

X. REPORTS OF MAYOR AND COUNCIL

Councilmen Greg Yonce and Barry Jessup wished everyone a Happy Thanksgiving and expressed their anticipation of the upcoming Christmas festivities on December 4th.

Mayor Crowder expressed his appreciation for Chief Goad's participation in a ribbon-cutting ceremony earlier and for answered prayers for his father who was recovering from recent health issues.

XI. UNFINISHED BUSINESS

A. Consideration Of Water Bill Reduction Request Due To Leak—288 Lyons Circle

Mr. Richard Slate, owner of 288 Lyons Circle, was in attendance at the meeting, and stated that he would pay the entire water/sewer bill following any adjustment that Town Council gave due to a leak in the service line.

On a motion by Barry Jessup and a second by Ed Terry, Council moved to approve an additional adjustment in the amount of \$1,041.53, based on calculations distributed to Council prior to the meeting.

VOTE: Barry Jessup – Aye
Greg Yonce – Aye

Ed Terry – Aye
David Young – Absent

XII. NEW BUSINESS

A. Presentation Of Treasurer Certification—Jackie Frazier

Mayor Crowder and Town Treasurer LeAnna Surratt recognized Jackie Frazier for recently being certified as a Master Governmental Deputy Treasurer and presented her with her newly acquired diploma. Mrs. Surratt also read aloud a description of Ms. Frazier's contributions to the Town since she began employment. A copy of the description is attached herewith and made a part of these minutes.

B. Consideration Of Scheduling Follow-Up Flea Market Meeting

A discussion was held regarding holding a follow-up flea market meeting that had been requested by some of the affected property owners. Following Town Attorney Paul Cassell's directive that Council would need to either temporarily dismiss the current council meeting or advertise for a separate meeting on the matter, Council agreed for the item to be added to a January 2022 council meeting agenda and that the interested property owners be notified and invited.

C. Consideration Of Proposed Town Ordinance To Amend & Replace §128-3 (Removal Of Brush & Trash By Town) & §128-4.1 (Violations; Civil Penalty)

Following Council's requests for further clarification, Town Attorney Paul Cassell stated that approving the proposed Town Ordinances would provide the Town with more power to enforce them, would update penalty provisions and the definition of "clutter", and would bring the town code up to date with the Virginia state code.

On a motion by Ed Terry and a second by Barry Jessup, Council moved to adopt the proposed Town Ordinances to amend and replace §128-3 (Removal of Brush and Trash by Town) and §128-4.1 (Violations; Civil Penalty).

VOTE: Barry Jessup – Aye
Greg Yonce – Aye

Ed Terry – Aye
David Young – Absent

D. Consideration Of Site Plan Approval—1259 Floyd Pike (Tax Map #68-1-2)

On a motion by Barry Jessup and a second by Greg Yonce, Council moved to approve the site plan for 1259 Floyd Pike (Tax Map #68-1-2), per the Hillsville Planning Commission's recommendation.

VOTE: Barry Jessup – Aye
Greg Yonce – Aye

Ed Terry – Aye
David Young – Absent

E. Bill Voucher

On a motion by Ed Terry and a second by Barry Jessup, Council moved to approve the Bill Voucher, as presented. A copy of the Bill Voucher is attached herewith and made a part of these minutes.

VOTE: Barry Jessup – Aye
Greg Yonce – Aye

Ed Terry – Aye
David Young – Absent

XIII. CLOSED SESSION

A. According To §2.2-3711(A)(7) Of The Code Of Virginia, As Amended—Contractual—Farmers Market

On a motion by Barry Jessup and a second by Ed Terry, Council moved to convene in Closed Session at 7:19 p.m., according to §2.2-3711(A)(7) of the Code of Virginia, as amended—Contractual—Farmers Market.

VOTE: Barry Jessup – Aye
Greg Yonce – Aye

Ed Terry – Aye
David Young – Absent

On a motion by Ed Terry and a second by Barry Jessup, Council moved out of Closed Session at 7:53 p.m.

VOTE: Barry Jessup – Aye
Greg Yonce – Aye

Ed Terry – Aye
David Young – Absent

On coming out of closed session, Mayor Crowder read the following statement:

In the closed session just concluded,

- (1) Only public business matters exempt from open meeting requirements were discussed in said closed session,
- (2) Only those business matters identified in the motion convening the closed session were heard, discussed, or considered during the session.

On a motion by Greg Yonce and a second by Barry Jessup, by a roll call vote, Council agreed with the statement read by Mayor Crowder and to return to Open Session.

VOTE: Barry Jessup – Aye
Greg Yonce – Aye

Ed Terry – Aye
David Young – Absent

At this time, on a motion by Ed Terry and a second by Barry Jessup, Council moved to authorize the town manager to negotiate the contract between the Town of Hillsville and Price Buildings.

VOTE: Barry Jessup – Aye
Greg Yonce – Aye

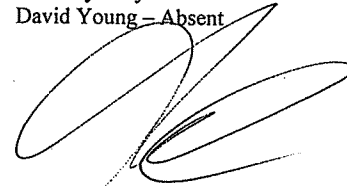
Ed Terry – Aye
David Young – Absent

XIV. ADJOURNMENT

On a motion by Barry Jessup and a second by Greg Yonce, the meeting was adjourned at 7:55 p.m.

VOTE: Barry Jessup – Aye
Greg Yonce – Aye

Ed Terry – Aye
David Young – Absent



Gregory N. Crowder, Mayor



Vickie Yonce, Clerk of Council

Utilbill Hillsville

From: LeAnna Surratt
Sent: Monday, November 8, 2021 11:51 AM
To: Utilbill Hillsville
Subject: FW: Clutter ordinance and update
Attachments: Town of Hillsville 2x3.25 11-21.pdf

Importance: High

FYI

LeAnna Surratt, MGT

Admin. Assistant/Treasurer

Phone: 276-728-2128

Fax: 276-728-9371

*"Life is not about waiting for the storm to pass,
it is about learning to dance in the rain!"*

**Please be advised that this email may contain confidential information. If you are not the intended recipient, please notify me and delete this message.

From: ads@galaxgazette.com <ads@galaxgazette.com>
Sent: Monday, November 8, 2021 10:05 AM
To: LeAnna Surratt <leanna@townofhillsville.com>
Subject: Re: Clutter ordinance and update
Importance: High

Good Morning LeAnna,
I have attached a proof of the ad. I have scheduled it to run in the Gazette on November 10th and 17th. The total cost of the ad will be \$190.28.

Mara Harner
Advertising Consultant
108 West Stuart Drive
Galax, VA 24333
276-293-1657
ads@galaxgazette.com

From: LeAnna Surratt <leanna@townofhillsville.com>
Date: Monday, November 8, 2021 at 11:45 AM
To: The Gazette <ads@galaxgazette.com>
Cc: Retta Jackson <retta@townofhillsville.com>
Subject: FW: Clutter ordinance and update

The Town of Hillsville will conduct a public hearing on November 22, 2021 at 7:00p.m. or as soon thereafter as the matter may be heard, to receive public comments on a proposed ordinance which would amend and replace §128-3 (REMOVAL OF BRUSH AND TRASH BY TOWN), and § 128-4.1. (VIOLATIONS; CIVIL PENALTY) of the code of the Town of Hillsville to coincide with the Virginia State Code. A full copy of this ordinance is available at Town Hall. Comments can be submitted in writing to tohillsville@townofhillsville.com.



PUBLIC HEARING

The Town of Hillsville will conduct a public hearing on November 22, 2021 at 7:00p.m. or as soon thereafter as the matter may be heard, to receive public comments on a proposed ordinance which would amend and replace §128-3 (REMOVAL OF BRUSH AND TRASH BY TOWN), and § 128-4.1. (VIOLATIONS; CIVIL PENALTY) of the code of the Town of Hillsville to coincide with the Virginia State Code.

A full copy of this ordinance is available at Town Hall. Comments can be submitted in writing to hillsville@townofhillsville.com.

AN ORDINANCE AMENDING AND REPLACING §128-3 (REMOVAL OF BRUSH AND TRASH BY TOWN), and § 128-4.1. (VIOLATIONS; CIVIL PENALTY) OF THE CODE ON THE TOWN OF HILLSVILLE

WHEREAS, recent changes to the Va. State Code authorize additional provisions concerning property maintenance; and

WHEREAS, the Town Council believes that updating the Town Code would serve the interests of the citizens of the town.

BE IT HEREBY ORDAINED as follows:

The relevant portions of §128-3 and §128-4.1 of the Town Code currently provide as follows:

§ 128-3. Removal of brush and trash by Town.

- A. The owners of property within the Town shall, at such time or times as the Town may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the Town; or may, whenever the Town deems it necessary, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the Town removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the Town as taxes are collected. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.
- B. The Town Manager or agents of the Town shall, upon their own initiative or when requested to do so in writing, investigate any land or lot. If it has been determined that there is a violation of this section, the Town Manager or an agent of the Town shall notify the owner of the land or lot upon which the violation exists to remedy the condition. Such notice shall be in writing and delivered or mailed by certified mail to the last known address of the owner. If, after 30 days from the mailing of the certified notice, the condition remains, the owner shall be deemed to be in violation of this section. After that date, the Town Manager or the Town's agents shall have such trash, garbage, refuse, litter or other like substances removed, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the Town by billing or as taxes are collected.
- C. It shall be unlawful for the owner of any land or lot within the Town to permit grass, weeds, brush and other foreign growth standing more than eight inches in height to remain upon so much of the property as lies within 100 feet of any street, dwelling house or commercial building. The Town Manager or agents of the Town shall, upon their own initiative or when requested to do so in writing, investigate any land or lot. If it has been determined that there is a violation of this section, the Town Manager or an agent of the Town shall notify the owner of the land or lot upon which the violation exists to cut and/or remove the condition. Such notice shall be in writing and delivered or mailed by certified mail to the last known address of the owner. If, after seven days from the mailing of the certified notice, the condition remains, the

owner shall be deemed to be in violation of this section. Whenever the Town deems it necessary, after seven days from the time of notice, the Town Manager or the Town's agents shall have such grass, weeds, foreign growth or debris cut and/or removed, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the Town by billing or as taxes are collected.

- D. Any person or entity receiving a second notice of violation within one calendar of the first notice of violation shall be fined an amount up to \$500. Any person or entity receiving a third violation within one calendar year of the first two notices of violation shall be fined an amount of \$700. Any person or entity receiving a fourth or subsequent notice of violation within one calendar year of the prior notices of violation shall be fined an amount up to \$1,000. Whenever the Town deems it necessary, after seven days from the time of notice, the Town Manager or the Town's agents shall have such grass, weeds, foreign growth or debris cut and/ or trash, refuse removed, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the Town by billing or as taxes are collected.

§ 128-4.1. Violations; civil penalty.

Any person violating any of the provisions of this article shall be subject to a civil penalty, not to exceed \$100 for the first violation and initial summons and not more than \$350 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$350. Violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$4,000.

The following provisions of the Town Code are hereby amended and replaced as follows:

§ 128-3. Removal of brush and trash by Town.

- A. The owners of property within the Town shall, at such time or times as the Town may prescribe, remove therefrom any and all trash, garbage, refuse, litter, **clutter, except on lands zoned for or in active farming operation**, and other substances which might endanger the health or safety of other residents of the Town; or may, whenever the Town deems it necessary, **after reasonable notice**, have such trash, garbage, refuse, litter, **clutter, except on lands zoned for or in active farming operation**, and other like substances which might endanger the health of other residents of the Town removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the Town as taxes are collected. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and

in no other manner not authorized by law. **Clutter includes mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of the Town when left in public view for an extended period or are allowed to accumulate.**

- B. The Town Manager or agents of the Town shall, upon their own initiative or when requested to do so in writing, investigate any land or lot. If it has been determined that there is a violation of this section, the Town Manager or an agent of the Town shall notify the owner of the land or lot upon which the violation exists to remedy the condition. Such notice shall be in writing and delivered or mailed by certified mail to the last known address of the owner. If, after 30 days from the mailing of the certified notice, the condition remains, the owner shall be deemed to be in violation of this section. After that date, the Town Manager or the Town's agents shall have such trash, garbage, refuse, litter or other like substances removed, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the Town by billing or as taxes are collected.
- C. It shall be unlawful for the owner of any land or lot within the Town to permit grass, weeds, brush and other foreign growth standing more than eight inches in height to remain upon so much of the property as lies within 100 feet of any street, dwelling house or commercial building. The Town Manager or agents of the Town shall, upon their own initiative or when requested to do so in writing, investigate any land or lot. If it has been determined that there is a violation of this section, the Town Manager or an agent of the Town shall notify the owner of the land or lot upon which the violation exists to cut and/or remove the condition. Such notice shall be in writing and delivered or mailed by certified mail to the last known address of the owner. If, after seven days from the mailing of the certified notice, the condition remains, the owner shall be deemed to be in violation of this section. Whenever the Town deems it necessary, after seven days from the time of notice, the Town Manager or the Town's agents shall have such grass, weeds, foreign growth or debris cut and/or removed, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the Town by billing or as taxes are collected.
- D. ~~Any person or entity receiving a second notice of violation within one calendar of the first notice of violation shall be fined an amount up to \$500. Any person or entity receiving a third violation within one calendar year of the first two notices of violation shall be fined an amount of \$700. Any person or entity receiving a fourth or subsequent notice of violation within one calendar year of the prior notices of violation shall be fined an amount up to \$1,000.~~ Whenever the Town deems it necessary, after seven days from the time of notice, the Town Manager or the Town's agents shall have such grass, weeds, foreign growth or debris cut and/ or trash, refuse removed, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the Town by billing or as taxes are collected.

§ 128-4.1. Violations; civil penalty.

Any person violating any of the provisions of this article shall be subject to a civil penalty, not to exceed ~~\$100~~ **50** for the first violation ~~and initial summons and not more than \$350 for each additional summons.~~ Each **business** day during which the

violation is found to have existed shall constitute a separate offense. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed ~~\$350~~ **200**. ~~Violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and~~ A series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of ~~\$4,000~~ **3,000** in a twelve (12) month period. ~~In the event three (3) civil penalties have been previously imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a twenty-four (24) month period, any subsequent violation may be charged as a Class 3 misdemeanor. No civil penalty shall be imposed for any violation charged as a Class 3 misdemeanor.~~

This ordinance shall be effective upon passage.

**Town Council Meeting
November 22, 2021
Law Enforcement Activity Numbers**

Hillsville Police Department

October 1, 2021 to October 31, 2021	
Activity	Totals
Assist Motorists	34
Assist County	9
Assist Fire Department	8
Assist EMS	5
Assist Other Departments	11
Assist HPD Officers	24
Custody Orders	0
Detention Orders	0
Protective Orders	3
Criminal Investigations	31
Domestic Complaints	8
Accident Investigations	15
Follow-Up Investigations	26
Warrants Obtained	8
Warrants Served	9
Business Checks	1336
House Checks	4
Welfare Checks	13
Community Engagement	175
Parking Tickets	0
Foot Patrols	30
Escorts	11
Interdiction (Drug) Stops	5
Service Calls (Other)	134
False Calls/Unfounded	14
DUI - Alcohol Arrests	1
DUI - Drugs Arrests	0
Drunk in Public Arrests	4
Criminal Arrests - Traffic Stop	2
Criminal Arrests - Non-Traffic	3
Uniform Summons - Speeding	143
Uniform Summons - Reckless Driving	22
Uniform Summons - Safety Belts	1
Uniform Summons - Child Safety Seats	0
Uniform Summons - Fail to Move Over	0
Uniform Summons - Hands Free Violations	0
Uniform Summons - Other Traffic	17
Magistrate Summons (Non-Uniform)	1
Warnings - Traffic Stop	40
Uniform Summons - Unsecured Trash	0
Uniform Summons - Littering	0
Warnings - Unsecured Trash	0
Vehicles Observed (Carrying Trash)	31

Jackie Frazier certified as Master Governmental Deputy Treasurer

Good Afternoon Council. The Town Hall is always looking for ways to become more efficient and continue to stay up to date on laws and regulations. As a part of that plan, Jackie Frazier has been certified as a Master Governmental Deputy Treasurer!

She completed various courses through UVA Weldon Cooper Center and Treasurers Association of Virginia including Roles and Responsibilities of the Treasurer, Customer Service, and Accounting among others. She scored highly on all exams related to these classes.

Jackie was hired at the Town of Hillsville in 2015 as our accounting technician. She previously worked in this same type of governmental area in Australia, but she is a Carroll County Native.

I am so thankful for ALL Town Hall staff and the many things they do that often goes unseen. Tonight, we are so proud to honor Jackie and her hard work for a wonderful accomplishment of being a certified Master Governmental Deputy Treasurer.

For more information on this certification, visit:
<http://www.vatreas.com/OfficeAccreditation.aspx>.