

The regular meeting of the Boydton Town Council and a Public Hearing was held on June 14, 2016, at 7:30 P.M. in the Town Hall Council Chambers with Mayor Thomas C. Coleman III presiding.

THOSE PRESENT

**Thomas Coleman III, Mayor
T. G. Gill, Vice Mayor
Ronny Worley (Absent)
W. H. Coleman
J. M. Kirkland
David M. Crowder
Shirley S. Bowen, Clerk of Council
Krystle Stembridge, Deputy Clerk**

GUESTS

**Mr. Bill Thompson
Mr. Charles Rouse, HBR, Inc., President
Ms. Olivia Allison, South Hill Enterprise
Mr. J. E. Harrell
Mr. Jonathan Hite
Mrs. Ellen Walker
Mr. David Goodwin
Mr. & Mrs. Will Ober & Suzanna Manton
Mrs. Mildred Winn**

Mayor Thomas C. Coleman III called the meeting to order by welcoming everyone for their attendance at tonight's meeting. He began with the pledge of allegiance to the flag along with a moment of silence.

The Mayor opened the meeting to conduct a public hearing regarding the approval of the proposed FY 2016-2017 budget that had been properly advertised once in the News-Progress. Mayor Coleman III opened the budget hearing for discussion. Mrs. Bowen, the Clerk-Treasurer, interjected by stating that there were no rate increases and that it had been decided by the council to reinstate the twice a week garbage pickup, which would be Monday and Friday of each week. Since there were no public or council comments, the Mayor declared the public hearing closed. Councilman J. M. Kirkland moved to approve the proposed budget as presented with Councilman David M. Crowder seconding the motion. All members voted in favor. The Mayor asked to schedule a called meeting for adoption of the FY 2016-2017 budget to be held seven (7) days after tonight's meeting. Upon discussion, it was the consensus of the council to schedule the called meeting for Tuesday, June 21, 2016, at 5:00 P.M.

Mayor Coleman III requested a motion to approve the regular minutes of May 10, 2016, the budget work session minutes of May 23, 2016, and the called meeting minutes of May 25, 2016. Councilman W. H. Coleman moved to approve all sets of minutes as submitted, with Vice Mayor T. G. Gill seconding the motion. All remaining members voted in favor.

Mayor Coleman III requested a motion to pay the bills for the month of June 2016. Councilman David M. Crowder moved to pay the bills for June, with Councilman J. M. Kirkland seconding the motion. All members voted in favor.

Chief Danny R. Fox briefed the council on patrol activity for the month of May 2016. He stated that he had (3) breaking & entering and larceny cases. These were at the library, the medical center, and the fitness center. He also stated there was (1) shoplifting call at Dollar General, (3) alarms, (1) rescue assist, (4) vehicle stops, and he cleared (1) trespassing with (3) arrests. The Mayor asked Chief Fox if these B & E's were related to the incidences of last month. Chief Fox stated that the trespassing may have been, but the breaking and entering, in his opinion, were

not. Vice Mayor T. G. Gill reported that he had received two phone calls regarding excessive speed on Washington Street and requested that Chief Fox check on this. Chief Fox stated that the speed meter was now functional again, and he would try to have this set up. Also, the Mayor requested that the traffic on Jefferson Street should be checked, as well, between 5:00 P.M. and 5:30 P.M. Chief Fox noted that he would check these streets more closely.

The Mayor advised that Mr. R. H. Park III was not in attendance for tonight's meeting, but he requested that the Mayor give his water report. Mayor Coleman III reported that Boydton's Department of Water, RRSA Meter Readings Report of water pumped for May was 979,000 gallons. He also informed the council and audience that an annual water report was mailed to all residents of the town. Mr. J. E. Harrell, town resident, stated that he had read the report and in his opinion, everything looked in order.

Mayor Coleman III stated that he and the council would be entering into a closed session for a brief period and reconvene upon ending their discussion. Councilman J. M. Kirkland moved that the Town Council hold a closed meeting as permitted by the Virginia Code 2.2-3711 (A) (7), for the purpose of discussing a legal matter based upon consultation with the Town's attorney to avoid legal ramifications. Vice Mayor T. G. Gill seconded the motion and all members voted in favor.

The executive session being closed, the council reconvened into open session. Councilman J. M. Kirkland moved that the Boydton Town Council certify that, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene into a closed meeting and (2) lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. The motion was passed by a roll call vote as follows:

Ronald C. Worley	(Absent)	W. H. Coleman	Aye	David M. Crowder	Aye
J. M. Kirkland	Aye	T. G. Gill	Aye		

Upon reconvening, no motions were made.

The Mayor opened the floor for public comments. Mr. Charles T. Rouse stated that he would like to comment. Mr. Rouse stated, "I had a town maintenance guy show up on my property and question my contract with a vendor that I used to cut trees and I wondered why this happened." Councilman Kirkland, along with the Mayor, requested that Mr. Rouse repeat his question. Mr. Rouse reiterated, "I had a town maintenance guy show up on "my" property to question "my" contract with a vendor that I was using to cut trees and why did that happen?" The Mayor responded by saying, "If you are in town, there are some rules that people who work inside town are required to have a permit, but I don't know about what happened in his case." Mr. Rouse further asked, "If this wasn't the same law enforcement issue to come up, which then, caused the town's law enforcement officer to show up to question my tree service company?" The Mayor asked, "Did you ask that question?" Chief Fox interjected by saying,

"I didn't know if Clay or Johnny went any other time other than yesterday morning, but Clay had called me to come by the shop so I went by the shop, and was told that Adam and Eve Tree Service was in town doing work." He said, " I then went to Mr. Rouse's to ask if the contractor had a business license and Clay had questioned Adam and Eve Tree Service about what kind of agreement he and Mr. Rouse had about the brush." "Then later, Mr. Rouse came down to the sidewalk to either, put something in his thrash can, or take something out." "At that point, I went over and asked Mr. Rouse what was his agreement with the tree service guy (not that it was any of my business), but my concern was that it was my understanding the town's position on this was, if you cut your own tree down, the town would haul your brush away, but if you pay someone else to cut your tree down, the town would charge you for hauling the brush away." He continued by saying, "I just asked...trying to make sure that he and that gentleman had an agreement worked out so it wouldn't cost Mr. Rouse more money, because the tree service guy indicated that it was a job of "cut and lay" and they were dragging tree limbs to the side." "Again, I wasn't trying to tend to Mr. Rouse's business...only trying to prevent him from having to pay more money and I told Mr. Rouse that I thought I explained that to him that day, and I apologize to Mr. Rouse, if he didn't understand it that way." Mr. Rouse told Chief Fox, "You supposedly called the Commonwealth Attorney to check his business stuff." Chief Fox countered by saying, "No, sir, I didn't call the Commonwealth Attorney, I spoke to the Commonwealth Attorney to make sure about our Code Section and what we could and couldn't do about that." Mayor Coleman III stated, "It is an agreement that a person who works inside the town have a permit." Mr. Rouse then asked the Mayor, "If the same maintenance worker and the same law official showed up at your neighbor's house to check their contract?" Mayor Coleman III said, "I don't know." Mr. Rouse then said, "You do know that you let your neighbor have the town pick it up, even though they were using the same tree service...right?" "You do know that?" Mayor Coleman III replied, "He worked on some of it and he did some of it on his own." Mr. Rouse said, "According to the law official right here, because I used the tree service (by the way...I want to say, I am familiar with this policy), but since I used this tree service, which your neighbor did as well, that's the reason that I have to pay for it." He went on to say, "I did have a signed contract, which I didn't tell him anything about because it was none of his business." The Mayor said, "It is his business." Mr. Rouse said, "It's not his business!" The Mayor said, "Okay." Mr. Rouse asked, "What law enforcement is being carried out?" "What violation of law happened?" "What was suspected of a violation?" Vice Mayor Gill interrupted by saying, "That apparently they didn't have a business license...that's one thing right there." Mr. Rouse said, "They've got a business license." Vice Mayor Gill asked, "From the Town of Boydton?" Mr. Rouse said, "They don't need one." Mayor Coleman III said, "Yes, they do!" Vice Mayor Gill said, "The hell they don't!" Mr. Rouse said, "They don't need one unless they do over \$25,000 a year." Mayor Coleman III reiterated, "Yes, they do!" Mr. Rouse said, "That's what the contractor told me." Vice Mayor Gill said, "They'd better check with the Town of Boydton." Mr. Rouse asked the Mayor, "Did your next door neighbor answer these same questions?" "Is Gerald Wrenn, who is going to use this tree service, also, does he have to answer these questions?" Mayor Coleman III

said, "I would say, yes." Chief Fox responded by saying, "I can answer part of your question as to the reason why I didn't speak to Mr. Gaylor when he was at your neighbor's house." "I couldn't do it that day because I wasn't on duty, and when I returned the next day to speak to him, he was already gone." He continued by saying, "Now I haven't spoken to Mr. Gaylor or Mr. Wrenn because...." Mr. Rouse interjected, "I suggest that if this is going to be a policy of the town, then that "same maintenance person" and you (Chief Fox) show up on Gerald Wrenn's door to make sure that he checks ..." Councilman W. H. Coleman interrupted by saying, "If they put brush on the street...then I'm sure they will." Mr. Rouse said, "Oh, if he puts brush on the street...anyhow?" Councilman W. H. Coleman said, "Well, he verified he had a business license today...correct?" Chief Fox advised that Mrs. Bowen had spoken to the Commonwealth Attorney earlier today before he got to work and any questions regarding that should be addressed to her about the business license part. Chief Fox reiterated, "I know Mr. Rouse doesn't believe this, but I was truly trying to prevent him from having to pay more money." "I am not in any of this, whatever you believe, but they were piling it on the street after he said he had arrangements to remove it, and I'm sitting there working traffic thinking, well, if I'm a tree surgeon, why would I move it from where it's at and to the street, to just move it again?" Mr. Rouse responded by stating, "I'm glad you are inquisitive, but the reason that was, is that they didn't have a trailer there at the time and regardless, I had a signed contract with someone else to move that brush, because I am familiar with the town policy and it's a contract that I did not want the tree vendor to be aware of." Chief Fox again stated, "I was just trying to protect you from having to pay twice and I apologize." Mr. Rouse said, "I don't need any protection at all and I think its harassment!" Mayor Coleman III said, "Harassment!" Mr. Rouse said, "That's right...why do I have a maintenance person coming on to my property and ..." Councilman J. M. Kirkland interrupted by stating, "You are not the first one sir, way before you moved here that policy has been on the books for many years." Mr. Rouse stated, "I've been in the town for 5-6 years and I've put brush out there and I've always asked the town and I've come in about the brush, especially if it was a lot, and I've been through this system before and this has never happened before in my 5-6 years, so if you can give me an example...I'll go talk to them...maybe I'm wrong." Vice Mayor Gill said, "I can give you one." "When Charlie Reamy was Mayor, my next door neighbor, on occasion when he was in town, hired a tree surgeon, if you want to call it that, they came and cut the trees down and piled the brush out on the edge of the road and the town picked it up and Hutch Smith, if you want to verify that, he's in Chattanooga, Tennessee, paid that bill." "Now, the reason being is what we're trying to get through your head..." Mr. Rouse said, "What?" Vice Mayor Gill said, "What we're trying to get through your head is, if the contractor had gotten a business license, is the number one mistake, number two, how would Clay know why, by brush being put near the road, and with him being a contractor?" Mr. Rouse said, "Why didn't Clay come and ask me?" Vice Mayor Gill said, "I can't answer that." Mr. Rouse said, "Instead of turning it into a law enforcement issue." Councilman Kirkland remarked, "If it was an ordinance violation, then the maintenance department didn't have the authority to enforce it, but this gentleman does, if that was going to be the issue." Mr. Rouse then asked, "What was

the violation?" Councilman Kirkland said, "Well, he changed it as he just said, to try to look out for you...to try to save you some money." Mr. Rouse stated, "I don't know...considering he was interrogating the contractor." Councilman Kirkland said, "Well, he had to find out if he was legal to do business." Mr. Rouse asked, "Well, why didn't he talk to me?" Councilman Kirkland said, "Because you were not the contractor...he was." Mr. Rouse then said, "You're saying that the difference is that on your next door neighbor's property, even though the tree service company cut some limbs and let them drop and dragged them to the edge of the road, then it was okay for the town to do that?" Mayor Coleman III said, "I didn't say exactly that and I know that the man you're talking about is here tonight and I know that he actually dragged them himself." Mr. Rouse countered by saying, "Well, yeah, and I dragged a lot of them myself, too, but the tree service company cut a lot of those as well...didn't they?" The Mayor did respond by saying, "The tree service did cut down some trees...but they did not move them...that I'm aware of." Mr. Rouse then stated, "Well, if these guys are not licensed I would suggest you let Gerald Wrenn know and I suggest you also let the rest of the citizens know because when the guy shows up, you're saying the responsibility of the town citizen is to verify every license this guy is supposed to have." Councilman W. H. Coleman said, "No, he is supposed to come or he's supposed to "know" to come in and buy the license himself." "If he goes into any other town, he's supposed to get a business license to practice in that town." Mr. Bill Thompson said, "Five years ago I had some trees to cut and the town told me if I cut the trees myself, the town would pick them up, (and Clarksville has the same ordinance), but if I hired a contractor they would have to get rid of the brush." Mr. J. E. Harrell stated, "About 30 days ago, I came up to the office and was told the very same thing by the person here in the office." Mr. Rouse stated, "I, as well, adhered to that policy a long time ago when I moved to Boydton because Shirley gave me that same information and I adhered to that, but there still is no need for a maintenance guy to show up and ask about "my" contract, "my" personal contract, and refer a law enforcement official to do the same." The Mayor asked, "Well, who is supposed to ask?" "He represents the town and we have seven (7)..." Mr. Harrell interrupted and stated, "I've had employees of the town to come to my house and they always help me before they leave." Councilman Kirkland said, "I think it's been explained time and time again that it is the "true" Boydton tradition that I like and love, that we were looking out for the neighbor and no one got charged with anything, nobody "brow-beat" you and we were looking out for your best interest and it looks like you are taking that and turning it around, that someone was harassing you, and for that, I'm sorry if you interpreted it that way, but to me that's a "true" Boydton tradition and the way we treat our neighbors...they were only looking out for you on your behalf." Mr. Rouse said, "Well, you're going to come up to me next time and ask me about my contract, which is my business?" Councilman Kirkland said, "To make sure you're legal and that contractor is legal...yes, sir, if it happened tomorrow, I'd hope they would do the same thing." Mr. Rouse said, "Oh, yeah!" "Oh, you'd hope they would do the same thing and go to my contractor instead of me?" Councilman Kirkland said, "Yes sir, to make sure it's legal, and if they can't answer the question, then maybe you can." Mr. Rouse asked, "Why didn't they make sure it was legal for your next door neighbor?" Councilman

Kirkland said, "I can't answer that...I don't know nothing about that...you're talking about "this" issue." Mr. Rouse said, "Well, you make sure that Gerald Wrenn knows about it." Councilman Kirkland said, "Yes, sir, we will, we'll guarantee you that and if any time you see another contractor in town, please call us and we will check them out, too!" Mr. Rouse said, "Well, okay, I appreciate it." Councilman Kirkland said, "Thank you, sir." Mr. Goodwin (the neighbor of Mayor Coleman's) stated, "Charles did stop by the day after the tree trimmer left to inquire about the business license, of which I knew nothing about, and by that time the guy was gone." The Mayor asked, "Was he there then?" Mr. Goodwin said, "No, he was already gone and Danny came the next day and made me aware of the business license."

The Mayor asked if anyone else would like to comment on anything. Mrs. Ellen Walker requested to address the council and directed her comment of appreciation to the Mayor for his call regarding the newspaper article and also his comments to her regarding that situation. She expressed that she was a little upset and had been for about a week. She stated that her grandchildren graduated from Bluestone High School and her granddaughter just graduated from William and Mary with a law degree and her grandson was a senior at Old Dominion University and for the Chamber in South Hill to make a comment about the children in this area was degrading. She referred to the statement that was made about an individual not wanting their children to go with "them." She continued to say that she was 64, and back when she was coming up, "them" was not a good word and "them" is not a good word now. She said that she doesn't care that South Hill or "whomever" doesn't want a consolidated school that's what all of this process is for, so we can get the best for the "buck" for the school and for the kids, but I will not have the children on this end of the County made to feel like they don't count and I've gotten the feeling that there's a concerted effort for these kids not to count. I understand that not everyone wants to consolidate the schools, but it seems that they "painted all the kids with the same brush." She said, "What in the world is this?" Do they "paint all the kids with the same brush" when they go out to eat at Pizza Hut, Wendy's, and Hardee's? Do they want us not to come? It doesn't make any difference to me because I can take my money to Halifax County...to keep it out of the County. This is the thing...you can't "paint" all kids the same and I'm surprised that the principle of Park View to have such a low opinion of the kids on this side of the County, when he's a professional and an educator, and not only did he/they disparate the kids, but the teachers...what is that saying about the teachers on this side. She said, that she didn't know what to do about this, but personally she said she was ready to hire an attorney and sue them on her grandchildren's behalf, but that may not work and someone told her that he didn't really mean it that way and possibly said it "off the cuff" and I don't really care. She said the thing of it is, the kids on this side deserve an education, too, and there is a disparity between Park View and Bluestone anyway since Park View may get \$5.00 and Bluestone gets \$2.00-\$2.50 when it comes to money. She continued to say that if it wasn't for you (Mayor Coleman III) and Mr. Glenn Edwards fighting for Bluestone and fighting for Boydton Elementary Schools when you both were on the School Board, she didn't know where we'd be and she didn't understand why Chase City, Clarksville, our men and women on the School Board and the Board of Supervisors hadn't written a letter and take up for our kids.

She said she just didn't understand why the Chamber and the Development Committee would say that about our children and she was really, really upset since it is unfair, degrading, and I will just not stand for them to degrade my grandchildren who worked very hard to get where they are. She requested that the council get together to write a letter to the editor of the newspaper and tell them to leave our kids alone and to stop "painting them with this brush" by indicating that they aren't worth anything or good enough. Her final remarks were that "all" the children, whether East or West are supposed to get the best education they can get and not degrade them. Councilman W. H. Coleman responded to Mrs. Walker by stating that he doesn't read the papers and he asked if she'd heard anything about this group that are making all these comments...had she read anything about the children's education one time? She said, "No, not once!" He said, "Well, just take it with a grain of salt!" Councilman Coleman went on to say, "It is all for selfish reasons and it has nothing to do with education." Councilman Kirkland commended Mrs. Walker's grandchildren by saying that he knew them and some of the others here have met her grandchildren, and he wanted everyone here to know that she had some of the finer and harder working young people that he knew of and they should be a mold for other children to strive to be and if that were to happen in this day and time, this world would be a much better place. The Mayor stated that is why last month, we, as a council, went on record by adopting a Resolution to support a consolidation of schools.

Vice Mayor T. G. Gill commented that he felt Sylvia and Gene Coleman deserved a thank-you for the beautiful flowers that they planted in the bump-outs and he felt they did a wonderful job and had seen them out there many times working on them. Mayor Coleman III noted that there were more people who helped with the flowers being planted as well and he and the council all agreed that they were beautiful and each person deserved a thank-you. Vice Mayor Gill made one other comment by saying, "It may be just me, but I feel that one of the finest things done I've seen done in the town in a long time (and on their own), is for St. Taylors Church to play the chimes at noon, and I just felt it was worth mentioning." Everyone agreed that this, too, was beautiful. Councilman W. H. Coleman stated that if anyone noticed the one side of dead flowers...that he was the herbicide man, and unfortunately he killed those flowers, but they would be replanted this weekend, which his "confession" caused everyone to chuckle!

Mayor Coleman advised that the Virginia Retirement System had come up with a form for the town to sign to reduce the percentage amount that the town is to pay towards the employee's retirement, which is 0%. They advised that the town has a large pool of money and that's the reason they came up with this percentage. He said, "Shirley has spoken to several people at VRS on many occasions so that we could supply the council with the best recommendation." In the past, we have chosen the better rate for the employees (since our salaries are not possibly as much as other towns). The Mayor stated that we have the option to choose an alternate rate of 3.93% rather than the recommended 0%, if we choose to adopt the Resolution that was provided by VRS. After further discussion, with the council requesting Krystle Stemberge to contact VRS, (since she was familiar with retirement funds) and report back to them with the information learned, it was decided to table this issue until next Tuesday night's called meeting to adopt the budget in order to hopefully gain more information from VRS and this rate.

The Mayor presented a Resolution from the Virginia Department of Transportation (VDOT) that would allow the town to go on record with VDOT when requesting that the streets be closed for various events, and it would also keep the town from having to pay a \$100.00 fee each time for what is called, "A Land Use Permit." Mrs. Bowen elaborated on this by stating that she would still have to send a letter to close the streets, but it would eliminate the \$100 cost of that is normally waived each time a request is made and it would make the process simpler and quicker. Councilman W. H. Coleman moved to adopt the Resolution prepared by VDOT. Vice Mayor Gill seconded the motion with all members voting unanimously.

There being no further discussion or business, the meeting was adjourned at 8:37 P.M.

**Shirley S. Bowen, MMC
Clerk of Council & Treasurer
June 14, 2016**

**Thomas C. Coleman III Mayor
Mayor**