

A Joint Public Hearing with the Boydton Town Council and Planning Commission was held on Tuesday, March 8, 2016, at 7:00 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
W. H. Coleman
J. M. Kirkland
David M. Crowder
Ronny Worley
Shirley S. Bowen, Clerk-Treasurer**

GUESTS

**Mr. Charles T. Rouse, President, HBR, Inc.
Mr. Bill Thompson, Planning Commission
Ms. Olivia Allison, South Hill Enterprise
Mr. & Mrs. Henry Gregory
Ms. Beverly Carey
Mr. R. H. Park III, Public Works Supervisor
Dr. Dave Eason, Chairman of Planning Commission
Host of Citizens**

Due to the delay of Mayor Thomas C. Coleman III, Vice Mayor T. G. Gill began the meeting by welcoming everyone for their attendance at tonight's meeting and opened the meeting with a moment of silence and the pledge of allegiance to the flag.

Upon Mayor Coleman III's arrival he continued the meeting by opening a joint public hearing between the Town Council and the Planning Commission to consider amending the zoning ordinance as follows: Division 5 Industrial District M-1, Section 38-272 Permitted Uses (21). Temporary housing (with a Conditional Use Permit), which would satisfy all of the following criteria: Conditional use permit will be allowed indefinitely and shall be reviewed each year. No more than 5 housing units would be allowed per lot and all units would have a common water and sewer connection.

The Mayor opened the floor for public comments concerning this proposed amendment to the town's zoning ordinance. Mrs. Ellen Walker approached the council stating her name and commented on her concerns and reasons that she was not in favor of amending the proposed amendment to the zoning ordinance with a conditional use permit. She noted that the lot was in close proximity to the highway and the new Boydton section of the Rails-to-Trails. She continued by saying that she was worried about the safety of the motorists, as well as, those who would be using the trail, which was a highly visible site, and it would not be aesthetically pleasing to people passing this area. She questioned if people coming to walk the trail and entering Boydton would want to see a lot with camper trailers? She also wanted a clearer meaning of "indefinite" temporary housing and added that five trailers in that small lot was a lot. The Gregory's quickly defended their request by saying that some construction trailers were there in the past and there weren't any issues at that time. After some debate began, the Mayor explained that this was a public hearing where all views and opinions would be heard and interruptions of others would not be allowed.

Since no other citizen chose to speak, the Council and Planning Commission began to discuss various issues pertaining to this request. Water and sewer was questioned as to

whether one line would be used to accommodate the five trailers, if the lot was large enough to handle camper trailers, and also the number of vehicles that would be allowed to the occupants. Mr. R. H. Park III, with the Public Works Department, advised that he felt that one four inch sewer line would suffice. The council became concerned with the campers and vehicles that would possibly be located there and also the term used as “indefinite.” The Gregory’s had asked for the trailers to be located there as long as there was a need. There was another concern regarding the type of tenants who would be living there. The Gregory’s assured the council that they would evict anyone who didn’t comply with their rules. After more discussion, the Mayor closed this portion of the joint public hearing, and a brief recess was called for the Boydton Planning Commission to convene in order to make a recommendation to the council.

Mayor Coleman III reconvened the meeting with the Planning Commission’s recommendation to the town council regarding the proposed amendment. Dr. Dave Eason, chairman, stated that the commission recommended to amend the zoning ordinance with conditions as follows: Four trailers could be located on the lot for no longer than four years (as opposed to indefinite), to be reviewed each year by the council, and that there could be no more than two occupants per camper. The Planning Commission also advised that it would be up to the council as to how hookups, fees, and billing would be decided.

More discussion ensued by the council regarding the Planning Commission’s recommendation stating they felt they would be “setting the town up” for more requests of this nature. Vice Mayor Gill expressed that he had never liked “spot zoning” as it was frowned upon, and he didn’t agree with it. Historic Boydton’s Renaissance, Inc.’s President, Mr. Charles Rouse, stated that he didn’t believe that the town should be able to tell the owner of property how and what to do with their property. Another subject was called attention to by Mr. R. H. Park III advising that a new law, coming into effect in April, would require the Health Department to take special measures in regards to water hookups for what may be considered “seasonal” residences. He stated that if water is disconnected for any period of time, the system must be flushed, chlorinated, flushed again, and multiple bactine samples taken and tested to ensure safety of the water before it is hooked up again, which would ultimately cost the town more time and money. He further stated that these type of trailers could be deemed “seasonal”; however, at this time it wasn’t yet determined on how the Health Department would rule. This topic then resulted in more discussion where Councilman J. M. Kirkland stated that council members are elected to be “good stewards” of the taxpayers money and he felt more information should be gathered regarding the subject of “seasonal housing” to ensure that the taxpayers, and the town would not be held responsible for the bactine sample testing or other issues that could stem from the matter.

Upon further discussion, council agreed upon two motions, one to amend the zoning ordinance Division 5 Industrial District M-1, Section 38-272 Permitted Uses (21), and two to allow temporary housing (with a Conditional Use Permit). Councilman W. H. Coleman

moved to rezone the lot under a conditional use permit, which would allow temporary housing, and a second motion stipulating the permit be active for no longer than four years with annual reviews of its terms by council, no more than four units with a maximum of two occupants per unit, and that each unit have individual water/sewer hookups. A roll call vote was taken with Councilman Ronny C. Worley, Councilman J. M. Kirkland, Vice Mayor T. G. Gill, Councilman W. H. Coleman, and Councilman David M. Crowder unanimously voting against the motion. Therefore, since all council members voted “No” to the motion, the second motion “died.” Mayor T. C. Coleman III declared the joint public hearing closed and moved on the regular council meeting.

There was no approval of the February 9, 2016, minutes since they were regrettably incomplete due to the computers being “down” or inoperable during most of the day.

Mayor Coleman III asked for a motion to pay the bills for March 2016. Councilman W. H. Coleman moved to pay the bills for March 2016. Vice Mayor T. G. Gill seconded the motion and all members voted in favor.

Police Chief Danny R. Fox briefed the council on police activity during the month of February. Chief Fox reported that he had one (1) accident on Highway 58, (4) vehicle stops, and (2) rescue squad assists during the month.

Mr. R. H. Park III reported that Boydton’s Department of Water, RRSA Meter Readings Report of water pumped for February was 987,000 gallons. Mr. Park III advised the council of a request to place a dumpster at Mark’s Place. Discussion ensued regarding the cost since this was a request for an out-of-town dumpster. Council W. H. Coleman moved that the dumpster be placed at Mark’s place and charged the regular fee of \$60.00 per month. Vice Mayor T. G. Gill seconded the motion and all members voted unanimously. The council also expressed their praise to the town workers, who recently came out after hours, to quickly remedy a sewer line issue.

Mayor Coleman III opened the floor for public comments.

A citizen inquired about the burning law in town and was advised that in-town burning was unlawful according to the town’s ordinances. Mr. Charles Rouse, President of HBR, Inc. advised the council of an HBR meeting to be held on March 21st at 5:30 P.M. He also spoke briefly about the Rails-to-Trails meeting that was to be held, but was canceled due to lack of attendance. He informed the council that HBR would be placing an ad in the Lake Country magazine for advertising purposes hoping to bring more people into town.

The Mayor’s comments consisted of a request by Crystal Nehme regarding the council’s approval to allow her to have a 5K run event as a fund-raiser on or near the Rails-to-Trails for her two disabled daughters who have MS. Councilman W. H. Coleman moved to allow Mrs. Nehme to have the 5K run pending the ruling and approval of the town’s insurance carrier. Councilman Ronny C. Worley seconded the motion, and all members voted in

favor. Mrs. Bowen was instructed to make an inquiry to our VML insurance carrier for advisement and to inform Mrs. Nehme of her findings.

The Mayor also informed the council that Mr. R. H. Park III installed a sump pump at the rear of the building that would hopefully resolve the drainage problem of water entering the building; thus, alleviating more damages to the police office. Chief Danny Fox advised that he had someone to come by and look at his office to give an estimate on the repairs. The Mayor stated that he had spoken with Jacob Rout on several occasions and something would have to be done soon for the damage already done to the floors and possible structure of that portion of the building.

A subject that was previously addressed regarding a memorial bench for the Jones family was settled by Councilman Ronny C. Worley moving to allow the family of Mrs. Hilda Jones the opportunity to purchase the memorial bench with a plaque to be placed near Rose's Pizza. Councilman J. M. Kirkland seconded the motion and all members voted in favor. Mrs. Bowen was directed to advise the family of the council's decision.

The subject of the town's computer systems being in dire need of replacement was once again discussed. Upon hearing professional advice regarding the impending danger of the town's computers "crashing", the continual inability to get the required work done without the use of the computers, and finding that according to the town's small purchase policy of having to obtain only one bid for professional services to the town (if not over \$15,000), Councilman J. M. Kirkland moved to give Mayor T. C. Coleman III the authority to purchase a server and two computers for the town office and to also use his discretion on purchasing a computer for himself and the Police Chief. Councilman David M. Crowder seconded the motion, with all members voting unanimously. When Mrs. Bowen was questioned by the Mayor as to whether it would take only two days to get them installed. She advised that it would possibly take as much as two days to have them installed; however, she would have to contact the installer and in speaking with him previously, he said he would have to order them, install new upgraded programs, and transfer the RTSoftware data accounting programs to our specifications, and it would be March 30th before he could come here to install them, which could possibly take one or two days. All of this would continue to delay work being entered into the system.

The Mayor advised that the meeting would be convened into a closed session to discuss a legal and personnel matter and would afterwards reconvene into an open meeting.

Councilman Ronny Worley moved that the Town Council hold a closed meeting for discussion of real property for a public purpose as permitted by the State of Virginia Code §2.2-3711 (A) (3) & (1).

The executive session being closed, the council reconvened into open session. Councilman Ronny C. Worley 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	Aye	W. H. Coleman	Aye	David M. Crowder	Aye
J. M. Kirkland	Aye	T. G. Gill	Aye		

Councilman J.M. Kirkland stated that the property in question owned by Mr. Thompson indicates that there is one end owned by the county and on another end the town owns, which is a matter of a few inches or foot with an older survey. He continued to say that Mr. Thompson requested that a "Quitclaim" deed be documented and recorded at the courthouse to clear up the deed due to the discrepancy from the older survey compared to the new one. Councilman J. M. Kirkland moved to issue a "Quitclaim" deed, at Mr. Thompson's cost, to be filed with the Clerk of Court as a document of record. Vice Mayor Gill seconded the motion with all members voting unanimously.

Councilman W. H. Coleman moved to adjourn the meeting with Vice Mayor T. G. Gill seconding the motion. All members voted in favor at the recorded time of 9:58 P.M.

Shirley S. Bowen, CMC
Clerk to the Council & Treasurer
March 8, 2016

Thomas C. Coleman III
Mayor