

The regular meeting of the Boydton Town Council was held on September 12, 2017, at 7:30 P.M. in the Town Hall Council Chambers with Vice Mayor Thomas G. Gill presiding.

THOSE PRESENT

**Thomas Coleman III, Mayor (Absent)
T. G. Gill, Vice Mayor
W. H. Coleman
Bill Thompson
J. M. Kirkland
David M. Crowder
Ronny Worley
Shirley S. Bowen, MMC, Clerk-Treasurer
Krystle S. Magann, Deputy Clerk (Absent)**

GUESTS

**Mr. & Mrs. Donna Ober & Grandchildren
Mr. Elmer Hodge
Mr. R. H. Park III, WWTP Chief Operator
Ms. Hannah Cox, South Hill Enterprise
Mrs. Mildred Winn
Mr. Jimmy Walters
Mr. Ray Smith, Maintenance Supervisor
Mrs. Tessie Bacon, Town Attorney**

Vice Mayor Thomas G. Gill opened the regular meeting by thanking and welcoming everyone for their attendance at tonight's meeting. He opened the meeting with the pledge of allegiance to the flag and a moment of silence.

The Vice Mayor changed the order of agenda items due to the distance that Mr. Elmer Hodge, former County Administrator of Roanoke, had to drive in order to attend tonight's meeting to address the council on the role he's had in helping the town with the Rails-to-Trails over the past months. He also stated that Mr. Hodge, along with Jimmy Walters, David Crowder, and Bill Thompson had devoted a great deal of time towards the efforts made in the continuance of the Rails-to-Trails endeavor. The Vice Mayor noted that Mr. Walters had done a lot of "leg work" on this project and Mr. Hodge had graciously volunteered his time and expertise to help the town with this process and to help find funding for its continuance from Boydton to west of here. Vice Mayor Gill then turned this part of the meeting over to Mr. Hodge. Mr. Hodge thanked the council and Vice Mayor and expressed his appreciation for the opportunity to be in attendance at tonight's meeting, and stated that he looked forward to working with the town. He stated that he'd like to give everyone a brief overview of what had already been done and what steps he felt would need to be done next, and possibly set up a work session prior to a council meeting where representatives from VDOT could be in attendance, as well, since they've been involved in several other meetings and have been very supportive. Mr. Hodge stated that since grants would be involved in this process, that the Southside Planning District, along with Gail Moody, would also be included and they had already been a big help, too. He also informed the council that Mr. Walter Beales and Mayor Thomas C. Coleman III initially got him involved with this project back in early 2016, when they requested that Mr. Hodge take a look at the town's comprehensive plan, since it is to be reviewed every five (5) years. Mr. Hodge complimented Mayor Coleman III and Mr. Jimmy Walters, for all the information, contacts, and outside sources that have proved to be exceptional. He also commended and expressed his appreciation to Mrs. Shirley Bowen, the Clerk-Treasurer, for all her efforts in working with them, as well, by writing drafts, keeping

communications flowing, and setting up meetings for them. Mr. Hodge emphasized that this project was one of the most outstanding that he's seen in his career, which covered ten (10) years in Chesterfield and his tenure of twenty-three (23) years in Roanoke. He reported that this project in connecting the trail from Boydton to Clarksville with the lake was simply outstanding. This project gives Boydton the opportunity to work with the State Parks, the Corp of Engineers, the County, other communities, and surrounding towns, since we are right in the middle of connecting these areas with the Tobacco Heritage Trail, which is a top priority. One obstacle that we'd face, would be how to get across Route 58 to connect the trail from Rudd's Creek to Clarksville. He advised that they had met with VDOT and worked with them on that element and an engineering firm (English Construction), as well, since they have been involved with this type of work throughout the State of Virginia. They have looked at the area and given their opinion, along with, providing ideas, and advised that it is a doable project with less expense and would be less disruptive by boring under one side of Hwy. 58, rather than open cut. Hence, a lot of research has already been done so far, but the things that need to be done now would be to get in touch with the Commonwealth Transportation Board to make them really aware of the project, because they will have a lot to say about the priority and funding. Therefore, one of the suggestions would be to contact our representative, Carlos Brown and one or two more to come down and look at the project. A second suggestion would be to renew our visits with VDOT and bring them up-to-date on the project, since with any VDOT road project, they would have to conduct an administrative review no matter who was doing the project while it is in progress and that cost factor would have to be added in, too. A third need would be to meet with the legislative representatives by going to the General Assembly where we would be there with other localities who are interested in this project, as well. He further stated that this should not be seen as a competition, but a joint effort in working together. It would enable the area to have a good quality of life with this type of economic development that could draw other companies, like that of Microsoft, coming into the area. He finalized his remarks by saying he was excited and looked forward to working on this project with us in the days ahead. Mr. Hodge then turned the meeting over to Mr. Jimmy Walters, the town's representative to the Rails-to-Trails. Mr. Walters thanked Vice Mayor Gill and Mr. Hodge for their kind words. He informed the council that their next Board of Director's meeting would be held on Wednesday, September 27, 2017, and he would be there as the town's representative and reminding them that the Master Plan calls for this next Phase II of construction to be the next priority, and we want this priority to be elevated by the Roanoke River Rails-to-Trails, so the Tobacco Heritage Trail will be able to get the recognition for funding. He continued to say that we would have to continue to assume our responsibilities with the town council already being briefed of these obligations, and he felt everyone was in agreement with where we would need to go from here. Mr. Walters stated that he looked forward to speaking with the council after the meeting on the 27th of September. Councilman W. H. Coleman asked Mr. Walters if he'd rather have the meeting in October or November. Mr. Walters stated that he felt it would be better to have the meeting in October, since the holidays would soon be approaching. Vice Mayor Gill asked who the

council would be working with in coaching the council. Mr. Hodge stated that he was eager to work on this project with the town, but since he lived in Bedford, VA that he would be more than willing to come down at various times throughout this project; however, since Mr. Walters was the town's representative on the Rails-to-Trails board, he felt that he would be the "key" person for the council to work with at a local level, with his working with him and giving his input, as well. He reiterated that Mr. Walters had great contacts and ingenious concepts for the project and he, David Crowder, Bill Thompson, and even Walter Beales would continue to hopefully work together as this project progresses. The Vice Mayor advised that he, as well as the council, were more than willing to work with them by meeting at regular council meetings or they'd be available for "called meetings," as well, just as long as they given advance notice. Mrs. Bowen, Clerk of Council, noted that she had sent the letter and Resolution from last month's meeting, to the Sandra Tanner, President of the Rails-to-Trails, but she hadn't received a response. Vice Mayor Gill and the council thanked Mr. Hodge for his appearance and information he provided for tonight's meeting.

Vice Mayor Gill introduced Mrs. Tessie Bacon, the town's attorney, to present some information regarding the signage ordinance that was being considered for the town. Mrs. Bacon stated that she had taken the comments from a previous meeting on what the council would like to have included in a signage ordinance and had distributed a legalized proposed ordinance for their review to them for their consideration as a proposed signage ordinance on requirements, regulations for display, and placement by individuals for signs in the Town of Boydton. She continued to say that she and Mrs. Bowen had met and seen that some signage ordinances were already in place within the definitions in Section 38-1 of the town's ordinances and it also included, in the usage section that particular signs are allowed in specific zones. She noted that she made it applicable to the entire town, except for the Architectural Review District, since it already had its own regulations. She also furnished more information for the council to consider. Councilman W. H. Coleman asked about the size of a sign. Mrs. Bacon stated that size regulations were already addressed in some of the definitions and some weren't; however, if the council decided to make changes, that would have to be brought before the planning commission. Councilman W. H. Coleman and Vice Mayor Gill asked what would have to be done regarding this for it to become effective. She recommended that it did not have to go before zoning because it's not really tied to any specific zones and she would just treat it as a regular ordinance. In that case, it would have to go into the newspaper for a public hearing, which would have to be advertised in a local paper for two weeks and possibly at the next meeting or another meeting to conduct the public hearing, and after the public hearing, it could be adopted. Councilman J. M. Kirkland asked Mrs. Bacon if she could give him a clearer understanding of the smaller temporary signs being placed in and around town for advertising their particular business, in order for him to be able to give a resident/citizen an actual legal response, especially when they are normally put up on the State Right-of-way. Mrs. Bacon stated that she had reviewed that today and she felt that the town "would" have the authority to regulate the signs in public places and in the right-of-way, as well. Mrs. Bacon advised that she would look into this more closely and

provide further information to give them an exact “quote of the law” that would make them feel more comfortable when giving an individual a response. More discussion ensued, with Mrs. Bacon advising that she would look into Councilman Kirkland’s concerns prior to a public hearing being held. Vice Mayor Gill thanked Mrs. Bacon for the information and her attendance tonight and advised her that since she had quite a bit of a drive that she was welcomed to leave or stay for the continuation of the meeting. Mrs. Bacon stated that she would leave and if she was needed, to let her know.

Mrs. Donna Ober requested if she could address the council next since she’d like to get her grandchildren home early. Vice Mayor Gill advised her to go ahead. Mrs. Ober reported that the Big, Bad, BBQ Battle was a huge success, but they didn’t make any money; however, that was never their intent. She thanked the town for all the help they gave for the event and they went way beyond what was expected. She presented the town and two other sponsors with a small banner that could be displayed in recognition of the event. (It should be noted that another banner had already been given.) Councilman W. H. Coleman, on behalf of himself and the town, gave the Ober’s and Brooks Lenhart a huge thank you for such a successful event. He also thanked Mr. Ray Smith and the town crew for their efforts in making the town look exceptionally nice before and afterward the event, and expressed his appreciation for all they did to make the BBQ event a success. He said, “It was a great day!” Mrs. Ober agreed with Councilman Coleman and she thanked Vice Mayor Gill for all the “extra” effort that he put into it. Mrs. Ober reiterated that it was a community effort with everyone helping out. She stated that many participants would be back next year. Lastly, Mrs. Ober reported that they had officially trademarked the name, “Big, Bad, BBQ Battle,” since they were told previously that another person owned the title and they could not use it anymore. They found out the person who owned the name, gave it up, so they jumped in and were currently waiting on the official notice giving them the name. The council and audience applauded the Ober’s and that of Ms. Lenhart’s efforts for the event.

The Vice Mayor requested the approval of the August minutes as submitted. Councilman J. M. Kirkland moved to approve the minutes of August 2017, as presented with Councilman Bill Thompson seconding the motion. All members voted in favor.

Councilman W. H. Coleman moved to approve the bills to be paid for September 2017. Councilman David M. Crowder seconded the motion and all other councilmen voted unanimously.

Police Chief Danny R. Fox greeted everyone and briefed the council on police activity during the month of August. He reported that there were (4) vehicle stops, and (1) larceny of a game camera owned by Mr. Will Ober that was valued at possibly less than \$100.00, of which no leads were found; therefore, nothing could probably be done about it. Councilman J. M. Kirkland asked Chief Fox if he heard any reports, whether good or bad, regarding the Big, Bad, BBQ Battle. Chief Fox responded that everything went well and traffic went smoothly. He continued by saying that he felt Friday night was a big success, with the community

coming together by participating in the food competition, and everyone seemed to enjoy the night with no trouble cited.

Mr. R. H. Park III reported that Boydton's Department of Water, RRSA Meter Readings Report of water pumped for August 2017, was 1,737,000 gallons. Mr. Park III notified the council that Mr. Harman Saunders was going to begin the work at the Hwy. 707 pump station at the end of October or the first of November, 2017. He also reported that work was beginning to get electricity to the metered manhole at the Industrial Park by putting up the poles today and they were to come back Friday to hook up the electricity. He reported that Dominion Power had changed over the electric service at the WWTP that goes to the new MMC, which was another milestone. He informed the council that the lab had been renovated and was now in operation with continued work being done in moving things back in. Mr. Park III advised that the project may be completed by the end of November and also invited anyone wanting to come visit were more than welcome to stop in anytime, but to let him know first. He further advised that he needed approval from the council to go ahead and allow him to order the fencing that was damaged at the cost of \$1,892.00. He stated that the insurance had paid \$892.00 towards this, since the deductible was \$1,000.00. Councilman W. H. Coleman moved to allow Mr. Park III to repair the fence with Councilman J. M. Kirkland seconding the motion. All members voted in favor. Mr. Ray Smith interjected with a question to the council asking that he be given approval to take down another tree that was leaning over this damaged fence prior to the new one being installed, as well, which would take approximately half a day to take down and remove. Councilman W. H. Coleman asked that the approval of this tree be included in his prior motion, with Councilman J. M. Kirkland again seconding the motion, and all members voted in favor. Vice Mayor Gill asked how the surplus equipment sale was going. Mr. Park III stated that there were more items discovered that needed to be included; therefore, he hadn't listed it yet. He was hoping to contact GovDeals and get the items listed on their site by the end of the month.

Mr. Ray Smith, Maintenance Supervisor, thanked Councilman W. H. Coleman and Crop Production Service for his time and efforts in spraying the Rails-to-Trails and advised him that it looked really nice. He reported that the crew spent the first part of last week preparing for hurricane Irma. He then advised that he had still been working on the playground equipment by contacting six contractors and only one actually responded by expressing his desire to do the work, only to call the next day, to say he was withdrawing his offer. He then advised that Walter Beales suggested that he contact the Mayor of Stovall, Mrs. Janet Parrot, and he said, "She sorta cut me off, by offering her advice." He told her, "That's the reason for my call." She said, "My advice is to get a professional to do it." His advice from her was, "They purchased new equipment and it wasn't moved from another place and the price of installing it was included in the entire package." She also advised, "If any of your councilmen would like to speak to me, they were welcome to call me." Mr. Smith stated, "It's all about the liability issue." Councilman W. H. Coleman stated, "You know guys, I'm to the point to

leave the equipment where it's at. Nobody wants to do the work and when Shirley contacted the insurance company, it just got out of our league. We ain't got \$60,000.00 to move that stuff. I thought you could have bought that and six more sets for \$60,000.00." Mr. Smith reiterated, "Based on what she was saying, and everybody else I've talked to, they all said it's a liability issue, like the guy who could only put two specific brands in, and his liability insurance wouldn't let him install Game Time Equipment." Councilman J. M. Kirkland interjected by saying, "Well, I agree with Bill, the only thing we were trying to do was doing something good for the community, something we could utilize, and unfortunately we're in this society today, this "sue crazy" time, with the liability issue that they just out priced us for what we can do and we can't, as small as we are, can't justify putting that kind of money into something, and we just thought that we could get something that was given to us and easily move it with a hand full of people." Mr. Smith said, "It's all about being ADA compliant, too." Councilman Kirkland responded, "Well, yes, but like I said, I think too many questions was asked...and to the wrong people... and when you ask those... you'd better be ready to...and we just...you know. It was a good gesture, we wanted to do something good for the town, we were going to get something and we were just gonna get a handful of people to move it and this thing has just gotten blown out of proportion and now we are in a position that our backs are in a corner that we can't afford to do anything." Councilman David Crowder stated, "It's unfortunate in the times we live in, but if you had moved that stuff down there without contacting those people, and someone got hurt, the town would be losing a whole lot more money than they stand to lose by paying to have that stuff put in. I really believe, and I'm with Bill, I think it's over and beyond our reach." Councilman J. M. Kirkland stated, "We've done everything we could do to attempt to do it and like I said, in the society we live in, we've got to look out for the best interest of the town and the people in it, and as I said, if we moved it and they say it was against our better judgement and someone gets hurt and sues...well, guess who's got to pay it? So, I say we've done all we could do and exhausted every means we can to try to do the best thing...and unfortunately it didn't happen." Vice Mayor Gill suggested. "Since the playground equipment would still remain town property, even though it's up there, let's just let it die, unless at some point in time another person, like the guy from Microsoft who had offered to move it, install, and clean up the area, but it didn't happen and he moved on, that maybe something or someone would come along again, then we can again lay claim to it and in the meantime, let's just "sit on it!" I don't think we have to vote on it to give it away and as long as the school board doesn't say anything about it being up there, and if they get "antsy," to the point where they want it moved...well, we'll give it back to them. That's two things this town has been given and we might wish we'd never heard of. Next time someone wants to give us something I'm gonna backup and rethink it." Councilman Coleman reiterated, "Ray, thanks for your efforts." Mr. Smith then said, "Thank you, but "I'm not quite sure how to approach Brain Dalton." Councilman Coleman advised, "Just don't approach him" with Vice Mayor Gill saying, "Yeah, just let it die." Mr. Smith said, "If he approaches me I'll say ah..." with Councilman Coleman interrupting, "Get him to call Tinker" and the Vice Mayor agreed, "Yeah, just let him call me." Councilman

Thompson said, "Well, what if we just table it?" Vice Mayor Gill asked, "Indefinitely?" with Councilman Thompson saying, "Yeah." The Vice Mayor then said, "That will be alright." Councilman Coleman again said, "Thank you for your effort, Ray."

Vice Mayor Gill agreed with Councilman Coleman that the town did look good for the Big, Bad, BBQ Battle and for the most part about 99% of the citizens did a good job on their own lawns and the adjacent properties had their property looking good, as well. He further stated that he thought the citizens should be notified again by putting a notice on the water bills for Boydton Day in October.

The Vice Mayor opened the meeting for public comments. Mr. Harrell commended the efforts put into the Big, Bad, BBQ Battle, which he felt was a major event, went very well. Vice Mayor Gill stated that he was very surprised to see all the work that goes into it, but he wanted to give everyone an update that the Ober's have noted that they won't be doing it again next year. Councilman Coleman advised, "It's been take care of," but didn't elaborate.

Vice Mayor Gill advised since the one bid was turned down on the yellow house owned by the town at 865 Jefferson Street, he felt it was the general consensus of the council to decide tonight, whether we would tear it down, fix it up, or what we are going to do. He said, "We need to do something. Let's get this thing out of our way." Councilman Coleman stated that we already had a price from Ramsey Construction to tear it down. Councilman Thompson asked, "Why don't we put it with a realtor and let them come up with a price to sell it for us, after we agree on their price." Vice Mayor Gill asked, "House and land?" Councilman Thompson said, "Yes, it's no need for us to spend the money to have it torn down, if a realtor could sell it." Chief Fox gave an example of an experience he had when he was the County Sheriff. He stated there was a whole lot of "red tape" involved in the process he went through. Councilman Kirkland stated, "When it was advertised, there were a lot of restrictions that were put on the sale of the house and if we put it up with a realtor, we would lose all that." Councilman Coleman stated, "You can still have restrictions, no matter who you put it with." Councilman Thompson remarked, "It would still be an R-1 property and be sold as an R-1." Councilman Coleman remarked, "Even with a realtor, they would have to advise the perspective buyer as to what the restrictions are." Councilman Kirkland said that we would have protect the adjacent citizens and be very careful of what is done. Councilman Crowder read the Section of the town ordinances regarding an R-1 District. Councilman Kirkland reminded the council that the longer we keep it, the more expense the town will incur. More discussion continued among the council with Councilman Worley making a suggestion that Mr. Smith get three bids from companies who would be willing to tear the house down with Ramsey Construction being contacted, as well, since he initially gave us a bid and he may still be willing to honor his bid. Mr. Smith stated that he would call various contractors.

As one last item of business, Mrs. Bowen, Clerk of Council, informed the council that she had spoken to Mr. Ted Balbanis today, owner of Melody Manor, regarding his property. He told her that he felt that the council should be interested in helping to sell his property, since it seems the town is growing and asked if she would make his request known to them. The council's response was for Mrs. Bowen to advise Mr. Balbanis that the town wasn't in the Real Estate business.

There being no further comments, questions or concerns, Councilman W. H. Coleman moved to adjourn the meeting, which was recorded by the Clerk of Council at 8:40 P.M. Councilman David M. Crowder seconded the motion, with all the members voting in favor.

**Shirley S. Bowen, MMC
Clerk of Council & Treasurer
September 12, 2017**

**T. G. Gill
Vice Mayor**