

The regular meeting of the Boydton Town Council was held on December 10, 2019, at 7:30 P.M. in the Town Hall Council Chambers with Mayor John M. Kirkland presiding.

THOSE PRESENT

John M. Kirkland
T. G. Gill, Vice Mayor
W. H. Coleman
Bill Thompson
David M. Crowder
Ronny Worley
Paul “Ray” Cherry (Absent)
Shirley S. Bowen, MMC, Clerk-Treasurer
Angela D. Amos, Deputy Clerk
Chief Danny R. Fox

GUESTS

Mr. R. H. Park III, WWTP Chief Operator
Mr. Johnny Roberts, Jr., Maint. Supervisor
Mr. David Goodwin
Darrell Kanipe & Amy Consiglio
(of “Ever Wonder” Web Design)
Mr. J. E. Harrell
Dr. Dave Eason

Mayor J. M. Kirkland called to order and opened the regular meeting of the Boydton Town Council by welcoming everyone for their attendance. He then led the council and employees with the pledge of allegiance to the flag followed by a moment of silence.

The Mayor advised that the agenda had changed a bit due to a request from Tina Morgan, the County Tourism Director, who’d asked permission to show a power point presentation regarding tourism in the County with benefits it has to towns. Upon introduction, Ms. Morgan explained that the County had applied for a Virginia Tourism (VT) grant that would enable each community/town to participate and what they would receive by doing so, to market/promote the area. She furnished the council with a three (3) page presentation stating that she was interested in partnering with the various towns in the County. A Partner Package of \$5,000 (All-Inclusive) would include an EW Calendar Plug-In for three (3) years on an existing website, which would cost \$1,250, a Trip Planner for three (3) years on an existing site for \$2500, and a NowHive Point for one (1) year, which would include a welcome kit for \$1,250. She stated the MLP Grant goals include a new VisitMeckVa website that would handle new features and functions, such as an “app” on mobile, new photography assets featuring towns, faces, outdoor recreation, drone video productions, quarterly newsletters, targeted social media ads, printed ads in major publications, billboard campaigns, outdoor adventure blogs, social media posts, and promotions. The content development would also include custom blog series, made in Mecklenburg, with new website features, including: Travel planner, itinerary builder, events feed, along with blogs, video, scannable signage, trip planner, and events feed for all towns, as well. She then introduced Darrell Kanipe and Amy Consiglio, who owned the company called, “Ever Wonder” who she felt were marketing geniuses and work all over VA and NC. She advised that she had been working with them for about two (2) months to development Mecklenburg County websites, along with other marketing initiatives; however, she stated that she wanted more for the towns and would like

for other towns to participate in order to make this happen. She advised that she would need minimal monetary agreements from the various towns in order for her to qualify for this grant. Ms. Morgan turned the presentation over to Mr. Kanipe to speak, with a power point presentation. He gave a brief description of what each portion of the new websites would do to promote/market the specified areas. He said he'd already seen a 30% increase of traffic on the site. After his presentation, Tina mentioned that other towns were excited to get this started and she would really like for Boydton, as the county seat town, to participate. Councilman Worley asked, "How can we put an upcoming event on the site?" Mr. Kanipe, advised that you could just add it to your own account and it would also be added to Facebook, as well as, others sites once it is "liked." The advantages of having this "tool" would be unbeatable. Councilman Coleman asked several pertinent questions regarding the financial aspects that were answered to his satisfaction. Ms. Morgan stated that she would need an answer by February for the pending grant, since she's trying to procure as many towns, as possible. It was the consensus of the council to vote on this at their January meeting. Mayor Kirkland thanked them, wished them happy holidays, and safe travels. Upon leaving, Councilman Coleman questioned Ms. Morgan about the sign on the corner of Madison and Washington Street that seemed to be deteriorating. Ms. Morgan stated that she wasn't sure, but could find out the answer to his question, and let him know.

The Mayor requested a motion to approve the regular minutes of November 12, 2019. Councilman David M. Crowder moved to approve the November minutes with Councilman Bill Thompson seconding the motion. All members voted in favor.

Mayor Kirkland requested a motion for the bills to be paid as submitted for December 2019. Vice Mayor T. G. Gill moved to pay the bills for the month of December 2019, as presented. Councilman David M. Crowder seconded the motion, with all members voting unanimously.

Police Chief, Danny R. Fox, reported his police activity for the month of November by stating he had one (1) rescue call on Finch Lane, a disturbance at the Palmer Springs Adult Day Care Center on Washington Street, two (2) vehicle stops, and two (2) alarm calls on Jefferson Street, which turned out to be false alarms. There were no other questions for Chief Fox.

Mr. R. H. Park III reported that Boydton's Department of Water, RRSA Meter Readings Report of water pumped for November 2019, was 922,000 gallons. The DMR's came back as satisfactory, he said. Councilman Coleman asked Mr. Park III, if there were any updates on the next expansion. Mr. Park III replied, right now they're having some problems, but trying to work them out. He informed him that he's going Thursday to take more water samples to Microsoft, but their engineers are working to get the issue resolved.

Mr. Johnny Roberts reported on the Maintenance Department's work during the month. He stated that basically things were running smoothly. He also advised the parts had come in for the leave machine as approved by council. He stated he was going to hold it in the shop for

a while due to the time it would take to tear it down and get it running; thus, holding up getting the removal of leaves around town. He also informed the council that he had given them a cost of repairing the backhoe, indicating a pump needed to be replaced and a crew would come here to make the repairs, since we have no way to take it to them. He reported that they'd replaced a hydraulic line on the garbage truck, a heater hose on the dump truck, and a thermostat on the Chevrolet pickup. The Mayor advised that the Grand Illumination was done well and thanked the town crew, all others, and PATHS for a successful event. The Mayor asked for a motion to repair the backhoe; however, Vice Mayor Gill advised the Mayor that this was voted on and approved at the November meeting when he was out due to surgery. With that being said, the Mayor advised Mr. Roberts to go ahead with those repairs.

The Mayor reminded all the councilmen to the employee Christmas Dinner to be held here at noon on Wednesday, December 18th.

The Mayor stated, due to surgery, he was not in attendance for the November meeting, but it was on the agenda last month to discuss sewer adjustments. He felt there had been some big misunderstanding regarding sewer adjustments with some residents, the office staff, the council, and possibly himself regarding sewer rate adjustments associated with the water bills. He advised that it was some understanding that it "used to be"...and pretty much the "rule of thumb"... that we only gave those adjustments on a "case by case" emergency situation, such as: a water leak, pipe busted, a rental property toilet was stuck running and the resident would come in and verify this. He said he was informed from the last meeting, that this was an issue, along with several other matters, that he'd touch base on later. He advised, "After the last meeting and per y'all's request, that on December 20th, that he, Shirley (Clerk-Treasurer), Mr. R. H. Park III, (head of the Sewage Department), met with the town's attorney to get some advice on the matter of adjustments and other issues." She researched our questions and sent back her responses, along with State Codes. One question was, "Is it an issue to give a customer breaks on his or her water/sewer bill?" She replied, "Yes, it could be. A municipality is obligated to charge a consumer a uniform rate." She also sent the State Code 15.2. 2119(B), which was given to each councilmen. She said, "Basically you are opening yourselves up for a huge liability, if you give certain customers a break," advised the Mayor. He explained to her that the water didn't go in the sewer and that brought up the question. He said, "Again, there was some confusion in this office where residents, told the office personnel, they understood that adjustments were given on water that didn't go into the sewer, such as watering their gardens, lawns, etc. and that's where this thing came up, and adjustments were given in some cases. Once we found out about it, that's when we started the ball rolling to do some research and finally...ultimately meeting with the town attorney." He read excerpts from the Virginia Code §15.2-2119(B). He continued by saying the attorney's advice was for the Town to develop a written policy as to when a person is entitled to a reduced water or sewage bill (i.e., if the Town wants to give breaks, and if there is a water leak

over a certain amount, etc.) After it was explained to her, “Basically her response was, “Absolutely not, if you continued to do so...you are putting the town in a liability.” Councilman Coleman asked the Clerk-Treasurer, “What does our town ordinance say?” Ms. Bowen replied, “There is nothing in the ordinances pertaining to this.” Mayor Kirkland stated, “This is why the attorney advised that we put a policy in place to only do adjustments on a “case by case” basis, after it is confirmed and this is one of the reasons I brought this up last month and this month, because we just want an understanding. Councilman Coleman said he felt it was some grey areas and he knew of a lot of times where we had written off a fair amount of money from commodes running and every gallon that went down the sewer, am I right?” Mrs. Bowen replied, “I don’t ever remember giving adjustments for commodes running.” Vice Mayor Gill interjected by saying, “I don’t, either.” He said he knew of one case that he turned down, with the council going along with him and the person didn’t agree with that decision and was quite upset. The Mayor said, “That is perfectly fine, that’s one of the reasons I brought this up last month and this month, is because we just want an understanding. I think where the grey area came in, is we, “in our true Boynton fashion,” tried to be nice. And then it just sorta snowballed and now we’re just sitting here with some resident’s having astronomical water bills from trying to keep their place looking nice.” Councilman Coleman asked, “Okay, what’s the cost for a meter?” Mayor Kirkland advised that the cost “in town” was \$750.00. The town will put in the meter for that fee and then the property owner would have to pay for the line to be run to wherever they want to run it. The property owner would be charged for water only from that meter. That was one alternative we’d come up with.” The Mayor added that after checking with the town attorney, another alternative would be to dig a well for agricultural purposes of watering outside, but it would have to be approved by the Health Department, a permit gotten, as well as, the town’s approval, prior to doing so.

The Mayor then advised of an issue where residents who have seasonal houses in town and come to visit two or three times a year. They call the office to have their water turned on and when they leave they call to have it turned back off with the town crew doing this at no cost. Our attorney was also checking into this with her recommendations. Councilman Coleman asked Mr. Roberts how many residences there were, where this was being done. He stated there were about two to three people. The Mayor asked for the council’s recommendation on this. Vice Mayor Gill’s opinion was to have the customer pay the minimum bill each month for the service, or to charge a cut-on and cut-off fee, for a yet to be determined fee, and if this was done, that someone should be there when it’s turned on. Councilman Worley’s opinion was not to charge them a minimum bill, nor a cut-on or cut-off fee, since it was only a couple or so doing this. The Mayor stated, “You all asked me to do a job and I did it with the attorney and now you don’t want to follow the attorney’s advice. Again, it’s y’all’s vote and obviously, that’s the way it’s going to go.” Vice Mayor Gill said, “No...not necessarily.” Mayor Kirkland stated once again, it was the advice of the town attorney, to write up a policy

to address these two issues for clarification. More discussion ensued with the Mayor saying, "Gentlemen, these issues right here are "black and white" and y'all are making mountains out of a "mole hill" and we need to "step up to the plate" and do something, and do it in the best interest of everybody, not two or three. Again, I did what was asked of me and that's the opinion of the attorney and I've got it right here. Follow it, if you will." The Mayor asked if the council wanted to wait until public comments to vote on this, too. Councilman Coleman said, "No," and moved to continue the practices as it has been in the past with the owners being allowed to request to have their water turned on and off and no fees charged with the condition that someone be on the premises at the time. Councilman Worley seconded the motion and all members voted in favor, with the exception of Councilman Thompson and Vice Mayor Gill, who opposed the vote.

The Mayor asked the council for an approval of a letter written to Mr. Matt Gross of Hurt & Proffitt, with the town's attorney endorsement in reference to the town treating the sewage from the new school with the sewer line expansion. Councilman Coleman moved to approve and send the letter to Mr. Matthew Gross of Hurt & Proffitt regarding the town treating the sewage at the new school location. Vice Mayor Gill seconded the motion, and all voted in favor.

Mayor Kirkland introduced Dr. Dave Eason who spoke about a new bench being placed on the Rails-to-Trails as a Ruritan gift. Dr. Eason stated that the Ruritans would be placing a bench on the Rails-to-Trails about midway down the trail. After a brief description of the bench, he said it would require no maintenance and he'd gotten permission from the Rails-to-Trails board to place the bench, but wanted the town's blessing. He also said it would include a commemorative plaque to recognize the Ruritan Club's establishment in 1936. The Mayor and council thanked Dr. Eason for this kind gesture and expressed their appreciation.

The Mayor opened the floor for public comments. Mr. David Goodwin took the floor and quoted some excerpts from the State Code. Mr. Goodwin mentioned that another meter could be placed on the property owners premises, however, he'd come up with a meter that could be attached to the outside faucet at the home at a cost of \$105. He strongly advised that the council consider this to avoid the expense and digging up a home owner's yard. He proposed to put the burden on the home owner and it be their responsibility to bring the meter readings into the office each month and given a rebate on the usage, if desired. Mr. Goodwin said, he'd watched the way the ladies in the office figure an adjustment for a person's water bill, that took two or three minutes; however, he'd built a program in Excel where, if he were given two meter readings (the previous meter reading and the current reading) he could figure it in a couple of seconds. He said, "I did it to make these ladies job easier...I'm all for it, but I'm all for not paying for water...not going down the sewer, too. If it's not going down the sewer, I don't want to pay for it. I will pay for the usage, but not for the sewer usage." The Mayor stated that it's a service like the attorney explained to us. He said, "It's just like we pick up

your garbage on Mondays and Fridays. If you wish to put it out there, that's fine, we're gonna pick it up. If you don't put it out there, that's fine, too, but you will still be charged for it. Again, it's a service that is explained in the State Code." He said, "I'm trying to go by the wishes of our attorney that we paid to give us an opinion." Councilman Coleman interjected asking what the difference was with the meter on his property and him only paying for water. The Mayor said, yours is a commercial meter. Mr. Harrell said he thought he heard that the attorney advised that a policy should be drawn up that would explain. Mayor Kirkland replied, I've got the State Code here and the attorney's opinion. Councilman Coleman wanted to know what was wrong with that the alternative of the \$105.00 meter, suggested by Mr. Goodwin. The Mayor stated that it wouldn't be a town meter, then we'd have to put the meter on, and we'd be reading two meters at these homes a month. Councilman Worley and Coleman said, "No," the homeowner would take care of it by bringing a picture of the reading into the office to be recorded. Mayor Kirkland said, "Again, it's going contrary to our giving adjustments." Councilman Coleman asked, "Could I make a suggestion before we make a decision?" He said, "Shirley can you scan a copy of this meter and send it to the attorney?" Mrs. Bowen, Clerk-Treasurer, made a copy and scanned it to the attorney while Councilman Coleman stated that he understood what Mayor Kirkland was saying, "But this is metering the water, it's not adjusting the water. It's a metering situation." Mayor Kirkland said, "And if we go by what it should be, the town puts the meter in, they run it, we read it, just like you got." More debate on this subject incurred among Mr. Harrell, Mr. Goodwin, the Mayor and Vice Mayor, along with comments from the council. Councilman Worley suggested that the meter Mr. Goodwin presented, at a cost of \$105.00, be purchased by the town for those citizens who would like them and the town workers read that meter, just as they would do for the \$750.00 meter. The Mayor stated this has been going on far too long and was passed over to this month. He then asked, "What are the wishes of the council?" Councilman Worley asked, "Didn't Bill say something about checking with the attorney on this?" Councilman Coleman responded, "If we need to work on an ordinance to make it work, and it passes, then we'll do it." He also advised, that in his type of business, the chlorine in the town's water is doing to your yards and shrubs more harm than the water is doing good. He further stated that it wasn't killing the yard, but it's not healthy with the amount of chlorine being put on them...they're being saturated. Councilman Crowder stated that he agreed with Councilman Worley and Coleman. Councilman Coleman stated, "I'd like to check more on this and what is thirty (30) more days, since no one is watering now?" Mayor Kirkland said, "Well, again you're opening yourself to a liability." Councilman Coleman said, "Well, let's just take a chance on the sewer." He also requested that Mr. Johnny Roberts survey the town and come back with a list of water meters that have two households hooked to the same meter. The Mayor informed the council that he now had an answer from the attorney regarding the meter that Mr. Goodwin presented. He read the following, "I say, "No," because then everyone else will want to do it. It needs to be uniform for everyone," Councilman Coleman

responded, "Well, it could be uniform for everyone." The Mayor said, "You've got the advice from the attorney. Once again, you either follow it or you don't." Councilman Coleman said that going by what the attorney said, it could be open for everyone with the Mayor saying that everyone isn't for it. Councilman Coleman said, "Let me throw this idea out. If we determine that these meters are accurate, we allow these to be installed, and if there is a minimum of 2,000 gallons, or 1,500 gallons run through this a month, or whatever number we decide on, that the town water and sewage rate applies for 100 percent. If you do that, it gets the man that's gonna use 150 gallons a month from putting a meter in and put a minimum on it before there is a reduction in the sewer. Councilman Coleman stated, "If we do this, we'd have to put it in our town ordinances. That way it's not a restriction on people, but you'd have to use a minimum of "X" number of gallons before it applies." Mayor Kirkland responded by saying, "But I think until that is done, this adjustment issue needs to go back where it was always has been." Councilman Coleman made the comment, "In my personal opinion that's something we need to look at before we do that again, is these adjustments. There should not be any adjustments given for the next 90 days." Mayor Kirkland expressed, "I am certainly sorry that we can't make a decision on something simple and something that had never been existing." Councilman Coleman said, "Well, my thing is Johnny, we've got so many different varying opinions here, we should think about it for the next 30 days, and try to come up with a workable ordinance." Councilman Coleman said, "What I'm saying is, I think there ought to be some minimums put in place." The Mayor responded, "That's when this issue came up. It was none and once again, the council asked that we go meet with the attorney, and the two things we asked the attorney about, we're not gonna go with them, so why do we need another day." Councilman Coleman answered, "The attorney just sat there and said something different, if this was offered to everyone...you can't make exceptions." The Mayor said, "Yes, if there's something in writing and there's not." Councilman Coleman stated, "That's what I'm saying, we need to put something in writing and we need to put something in writing about the whole deal." Councilman Worley stated, "It shouldn't be just about that part, it should be something about the other part, too." The Mayor said, "What other part you talking about?" Councilman Coleman and Worley both said, "The part about the adjustment for water leaks." More discussion and debate ensued with the subject being tabled until next month's meeting and asking that the town attorney draw up policies on both issues and be present, as well.

The Mayor reported that the Boyd Tavern's Christmas function would be held this coming Sunday (December 15th) from 1-4 P.M. He advised the Vietnam Wall Memorial Replica would be coming into town on April 1st and be set up at the ballpark. He advised this will be a huge event for our little town. Cassie Boyd from the library has been trying to get this here for over three (3) years and had finally gotten approval. It will be here for about four/five (4-5) days and will be opened 24/7. Currently volunteers are being sought to assist. The Olde Towne Club will be open to assist, as well. Councilman Coleman remarked that he would apply grass

seed/fertilizer up there beginning in January or the first of February. He stated he felt that due to the large crowd this would draw, we may have to shuttle folks in and out.

There being no further comments, questions, or concerns the meeting was adjourned at 9:25 P.M. with the Mayor wishing everyone a Merry Christmas!

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

**John M. Kirkland
Mayor**

December 10, 2019