

Minutes of a Regular Meeting and Public Hearing of the Council of the Town of Blackstone, Virginia, held in the Council Chambers located at 100 W. Elm Street, Blackstone, Virginia, on Monday, May 18, 2009, at 7:00 p.m.

There Were Present:

Mayor: William D. Coleburn

Council Members: L. Benjamin Green, John W. Hill, Jr., C. Duncan Quicke, Barbara Thompson, Alfred B. Tucker, J. A. Wilson, Jr., Constance T. Wynn

Town Attorney: Kennon C. Walden, Jr.

Town Staff: Jennifer H. Beck, Director of Transportation and Community Development; David Dunn, Assistant Town Manager; Nicholas C. Kuzmiak, Police Chief; David Ostrander, Director of Public Works; J. Larry Palmore, Town Manager; Joan R. Palmore, Town Clerk; Charles C. Wells, Finance Director

Those Absent: None

Mayor Coleburn called the meeting to order and Councilman Hill led in prayer.

PLEDGE OF ALLEGIANCE

Mayor Coleburn led those in the Chambers in the Pledge of Allegiance.

PUBLIC HEARING

Notice of Public Hearing

The public is hereby notified that the Town Council of the Town of Blackstone, Virginia, will hold a public hearing on Monday, May 18, 2009, at 7:00 p.m., at Town Hall, 100 W. Elm Street, Blackstone, Virginia to receive public comment on the proposed transfer of Town owned real property, namely the Old Blackstone Armory building and adjacent grounds located at the corner of High Street and Tavern Street, Blackstone, Virginia unto the Friends of Blackstone, Inc., a Virginia Non-Stock, Non Profit Company who intends to use reasonable efforts to restore the property to serviceable condition and to make the facility available for

public, private and charitable uses on such terms and charges as they deem best.

Members of the public are invited to attend to express their views.

Mayor Coleburn asked if anyone would like to come forward and speak at this time.

Janette Baranishyn, with the Friends of Blackstone, Inc., addressed Council regarding the Armory. She reminded Council that she came to them about a year ago regarding the Armory. She stated that she feels the choice that Council has to make is what is best for Blackstone and her vision is a community building for the citizens. Ms. Baranishyn added that however Council votes tonight, she understands that it will be in the best interest of Blackstone.

Richard Eaton, South Main Street, addressed Council. He stated that he worked with and supported the "Help Save the Armory" effort last year. He feels it is extremely important to the people of Blackstone to rehabilitate the building and for it to be available for use by the community. He added that he has been working hard towards recycling and a lot of people like this idea. He stated that Ms. Baranishyn is in favor of recycling because she has taken an old vacant store front on Main Street and recycled the building into an antique crafts mall. She now wants to recycle the Armory. He feels we should do everything we can to help with that. His citizen opinion is if the alternate proposal is to demolish the building, the Armory has no business filling up the County landfill.

David McCormack, Haase Inc., stated that he whole heartedly agrees with the sentiments here. He does not think the Armory should be demolished. That is the last thing he would want to see happen. He feels the real question is the highest and best use for Blackstone. He introduced his team: Chris Haase and Terry Ammons. He stated that they have expertise in adaptive reuse to use federal and state funds to make this building viable. He informed Council that they have a purchase contract on the building on the corner of Second and Lunenburg and they plan to rehabilitate that building to very nice apartments. He stated that his Realtor suggested that he look at the Armory and he did. That's how he found out about it. He handed out a proposal to Council and all those present. He asked Council not to make a decision on this tonight but to table it in order to give his company enough time to make a presentation and for Council to have the opportunity to read over the material he has given to them. He stated that he is not against an arts foundation at all. In fact, he has seen arts foundations completely change the dynamic of neighborhoods all around the State of Virginia, which includes Downtown Richmond, Petersburg and other areas. He feels the arts are important for the fabric of the community but the question is, is this really the best building for that purpose. He stated that the Armory will be extraordinarily expensive to fix up. It is going to be about a \$2 to \$3 million project. He doesn't believe that the funds can be raised by a grass roots organization but he does know, from years of experience, that it can be saved. He stated that his group has \$60 million in renovations going on right now, all over the State of Virginia. He showed Council a picture of what they plan to do with the old Plantation Tobacco building on Second Street and Lunenburg Avenue here in Town as well as some pictures of several buildings they have renovated in

Petersburg. He invited anyone who is interested to visit. Mr. McCormack then showed Council some drawings of what they could do with the Armory and possibly the Memorial Center. He again stated that he is fully in support of the Arts because he is a writer, an artist and a musician himself.

Councilman Green asked Mr. McCormack if he has interest in the Memorial Center building as well. He also asked if he has done any preliminary on raising funds for this building.

Mr. McCormack answered that he has already done this and has the financing in place. He explained that his company leverages State and Federal financing and tax credits. The market is here and the banks understand the need. He is very confident about the financing. He stated that what he does is a whole different level than a grass roots fund-raising organization. He added that he is aware that his group has come very late in the process on this.

Councilman Green agreed that his group is very late in the process.

Mr. McCormack stated that they want to offer \$100,000 to the Town for this building. He explained that half would be in cash and half in proffers. He mentioned that he noticed that one of the goals of the Town is to clean up the area around Schwartz Tavern. This building is right in that same area. He suggested using the money to put in sidewalks, deal with blight, etc. There are all sorts of things that his group can do to improve the area. They don't work in big towns, they work in towns that need this kind of thing. They put a lot of money into an area and it transforms it overnight. He stated that he realizes that they are coming into the process late but they were not aware of the building, until very recently. Mr. McCormack stated that they remain in support of the Arts organization but he wonders if there may be a better, smaller building somewhere else more suited.

Councilman Green asked Mr. McCormack if he would be willing to meet with the Building and Grounds Committee.

Mr. McCormack answered, absolutely. He added that he hates the word developer because that really is not what they do. They just know how to leverage the tax credits to get things done.

Mayor Coleburn asked are they are non-profit group.

Mr. McCormack answered, no. They are for-profit.

Mayor Coleburn asked the Town Manager would the property need to be rezoned for apartments.

Manager Palmore answered, yes.

Councilman Quicke feels we should continue to support Ms. Baranishyn.

Councilwoman Wynn agreed with Councilman Quicke. She does not want to do an injustice to her.

Councilman Hill stated that he understands Janette's proposal and we have been working very hard with her over the last year but things changed when she could not go along with the lease. He added that he is not willing to vote on this tonight.

Councilwoman Thompson stated that she is fully in support of Janette Baranishyn.

Councilman Tucker feels we need to look at this proposal more closely.

Councilman Wilson also feels we need to study this a little more before we make a decision.

Councilman Green added that we have an obligation to do what is right for this community and the people of this Town.

Mr. McCormack stated that he wants to work with the Friends of Blackstone.

Mayor Coleburn stated that what he has heard from Council is they want time to gather more information and study this issue further. He stated that Council decided to open this issue up to the public in case there was someone else who might come in with some other ideas for the Armory and that is what happened here tonight. He then referred this to the Building and Property Committee.

Councilman Quicke stated that he remember Mrs. Baranishyn mentioned at a previous meeting something about some investors who might be interested in helping with funding for this building. He asked her is this is still a possibility.

Ms. Baranishyn answered, that because of the lease situation, there has not been a commitment. She stated that she is intrigued by this company's business model but she is also worried about the rezoning to R-3.

Councilman Green stated that he would like the opportunity to hear from the constituents as well as Manager Palmore.

Manager Palmore asked Mr. McCormack will these apartments be low to moderate income apartments.

Mr. McCormack answered, no, they do not do low to moderate income projects. He added that a well done project attracts good people and it must be managed well and then it will become a desirable place to be. He stated that the last project his company did in Petersburg, he now lives in. He is behind his projects 100%. He wants everyone to know that they will have a level of accountability not just to the Town but to the neighborhood. He wants to be held accountable. He stated that Blackstone is a nice place and a good community.

Councilman Green asked would his group lease the apartments.

Mr. McCormack answered that they would buy the building and the apartments would be rented out. He added that the apartments would be maintained as a very desirable place to be, in a high end apartment complex.

Manager Palmore asked if it would be possible for them to have a commercial use downstairs and apartments upstairs.

Mr. McCormack stated that is where his architect comes in. The really tall windows do create a challenge. He answered that they would want to keep it 100% residential.

Manager Palmore asked would his group accept the building as is.

Mr. McCormack answered that he is very familiar with the building in terms of what he expects because he has dealt with some of the worst conditions.

Terry Amonds, Architect, stated that he understands the timing tonight. He also wanted Council to know he is committed to this community and he mentioned that he has family all over the area from Kenbridge to Dundas. They want to bring in some assets and work with the Town as a team. They also want to work with local organizations. This is an investment in the community. He explained that Haase, Inc., does not sell off their properties, they manage and own the properties. Mr. Amonds informed Council that they are currently working on a new transportation museum at Fort Pickett and the Officer's Club. He added that he is in complete support of what Dave is saying as well as what is best for the community.

Councilwoman Wynn asked what would these apartments rent for monthly.

Mr. McCormack stated that he did an informal market study in this area. Based on that, the rent would range from \$500 to \$600 which is market rate.

Councilman Quicke asked does this development plan include the Armory and the Memorial Center.

Mr. McCormack answered it does but they want to tackle the Armory first.

Mayor Coleburn stated that within the last year and a half, Council voted to tear down the Armory and look where we are tonight.

Grace McDonald stated that if the Council wants to save this building it should be given to the Friends of Blackstone. She stated that those present want to see this as a community building, not an apartment building.

Mayor Coleburn closed the public hearing and opened the Regular Meeting.

Mayor Coleburn referred this to the Building and Property Committee.

MINUTES

Councilman Green made a motion to dispense with reading and approve as presented the Minutes of the April 27, 2009, Council Meeting. The motion was seconded by Councilman Hill and approved unanimously. Vote:

Councilman Quicke	-	Aye
Councilwoman Wynn	-	Aye
Councilman Green	-	Aye
Councilman Wilson	-	Aye
Councilman Hill	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

VISITORS

- 1) Richard Eaton, South Main Street, stated that he would like to defer his comments regarding the banner issue until it comes up on the agenda.
- 2) Lydia Cox, addressed Council regarding using the Memorial Center for a wedding reception on Saturday, August 8th. She added that she is glad the Memorial Center is a community building. She asked permission from Council to use the building until 12:00 p.m.

Councilman Quicke made a motion to allow Ms. Cox to use the Memorial Center until 12:00 p.m., on Saturday, August 8th. The motion was seconded by Councilwoman Thompson. Vote:

Councilman Quicke	-	Aye
Councilwoman Wynn	-	Aye
Councilman Green	-	Aye
Councilman Wilson	-	Aye

Councilman Hill - Aye
Councilwoman Thompson - Aye
Councilman Tucker - Aye

FIRE CHIEF'S REPORT

Fire Chief Tony Bradford made the report for the Fire Department for the month of April. Chief Bradford stated that the bids for the truck are in and he has called a special meeting for the fire department to approve the bid. Hopefully, by the next Council Meeting, he will have the specs and a signed contract on the new truck to bring to Council.

Councilman Quicke asked are the bids in line with the grant amount.

Fire Chief Bradford answered that they had to go up quite a bit on the price to get the truck the way they wanted it. The Fire Department wants to make sure they have a truck that is efficient enough for their needs.

Mayor Coleburn stated that he understands that the Fire Department is putting up another \$25,000 towards the truck.

Fire Chief Bradford explained that the National Fire Protection Agency increased the specs on the truck so therefore the grant will no longer cover this. The truck that they looked at in 2008 fell under 2008 spec standards. We now have to go by 2009 spec standards which increased the cost by \$25,000. He added that he wants to look the specs over and talk to Manager Palmore about this further.

Manager Palmore stated that he and the Fire Chief need to get together on this and make sure we have enough flexibility in the budget.

PAYMENT OF BILLS

Councilman Hill made a motion to pay the bills in the amount of \$540,435.98. The motion was seconded by Councilman Wilson.

Discussion: Councilman Hill asked about the water and sewer fund.

Councilman Quicke asked about the VMEA bill.

Vote:

Councilman Quicke	-	Aye
Councilwoman Wynn	-	Aye
Councilman Green	-	Aye
Councilman Wilson	-	Aye
Councilman Hill	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

COMMITTEE REPORTS

Building and Property Committee - Councilman Green, Chairman of the Building and Property Committee addressed Council regarding the attached report. He asked Council to review the report and if they have any questions to please let him know. Included in the report were pictures of a new playground in Victoria. Councilman Green would like to talk to the Victoria Town Manager and Council Members about how they went about building this park.

Council agreed by Common Consent for Councilman Green to pursue this.

Councilman Green stated that he would like to discuss the Arts and Crafts Festival but he feels we need to get more information.

Council discussed this further.

Councilman Green made a motion to allow the Chamber of Commerce to use the two buildings known as the Memorial Center and the Armory for the Arts and Crafts Festival for 2009, if they so choose. The motion was seconded by Councilwoman Wynn and approved as follows. Vote:

Councilman Quicke	-	Aye
Councilwoman Wynn	-	Aye
Councilman Green	-	Aye
Councilman Wilson	-	Aye
Councilman Hill	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

Councilman Wilson asked Mr. McCormack if this would affect his plans.

Mr. McCormack answered that it would not. He has a lot more work he has to do also.

BANNER POLICY

Councilman Green stated that he has taken the liberty of drafting a banner policy and a banner application because the two go hand in hand with each other. He added that Richard Eaton is here to answer any questions also.

Councilman Quicke asked several questions for clarification on the proposed banner policy.

Council discussed this further.

Attorney Walden asked Council do they want this issue to come before Council each time a banner request comes up.

Councilman Green and Councilman Quicke do not feel that they will get a lot of requests.

Mayor Coleburn stated that he knows that this is not addressed in the proposed banner policy, but he would like us to look into putting up something on 460. He asked for Council's opinion.

Councilman Hill stated that he was worried about discrimination but this proposed policy addresses that. He added that he is still concerned about religious and anti-religious type banners.

Attorney Walden wants to make sure this does not cause a problem with the Separation of Church and State laws.

Councilman Green does not feel that we will be overrun with requests for banners because of the expense involved.

Councilman Hill feels that the fee to put up a banner on 460 should be more than \$75.

Manager Palmore answered that we may not have any control over what is put up on 460 because VDOT controls that.

Manager Palmore asked Council, if they want to charge for installation of the Arts and Crafts banner that we put up each year.

Councilman Green answered, yes. We cannot discriminate.

Councilwoman Wynn wants the Town Attorney to look this over and fix the wording so it is clear and come back to the next meeting.

Council discussed this further.

Councilwoman Wynn made a motion to have the Town Attorney to look at this and clear up some of the areas in question. The motion was seconded by Councilman Tucker and approved unanimously. Vote:

Councilman Quicke	-	Aye
Councilwoman Wynn	-	Aye
Councilman Green	-	Aye
Councilman Wilson	-	Aye
Councilman Hill	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

Councilman Quicke thanked Richard Eaton for his work on this issue.

NUISANCE ORDINANCE

Councilwoman Wynn thanked the Committee members for their work on the Nuisance Ordinance and the citizens who came forward to give us some ideas.

Mayor Coleburn asked members of Council if they have any questions on the attached draft ordinance.

Town Attorney Walden stated that since we had our last meeting the Supreme Court handed down a decision on Virginia Beach's noise ordinance. He explained that some of the language in the proposed nuisance ordinance uses some of the same language and therefore he had to make some changes. He reviewed these changes with the Council.

Mayor Coleburn asked what does Council want to do with this tonight.

Councilman Green would like to have this before them in writing before they adopt it.

Mayor Coleburn asked that a copy of the incorporated changes be given to Council for their review prior to adoption.

2008 AUDIT REPORT

Councilman Hill made a motion to accept the 2008 Audit Report as prepared by Robinson, Farmer, Cox Associates. The motion was seconded by Councilman Wilson and approved unanimously. Vote:

Councilman Quicke	-	Aye
Councilwoman Wynn	-	Aye
Councilman Green	-	Aye
Councilman Wilson	-	Aye
Councilman Hill	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

FLOOD INSURANCE

Assistant Town Manager Dunn stated that we need to endorse this ordinance and have it back by June 2nd. He gave it to the Town Attorney to look at this afternoon.

Attorney Walden stated that Assistant Town Manager Dunn swears to him that there are no areas in Town that are in a flood plain. Therefore, he does not see that this ordinance has any logical application in Blackstone. We really need someone who can fill in the blanks of this Ordinance. This ordinance has absolutely no application for the Town of Blackstone.

Assistant Town Manager Dunn stated that if we don't adopt this tonight we will be suspended from the Flood Insurance program.

Council discussed this further.

Attorney Walden stated that he will see if he can find someone tomorrow to give us some better answers.

Councilman Green made a motion, seconded by Councilman Quicke to authorize the Mayor to sign the Ordinance after the Town Attorney reviews further and get the answers he needs, and also authorize the Town Clerk to provide copies of the final document to the Council Members prior to the Mayor signing. Vote:

Councilman Quicke	-	Aye
Councilwoman Wynn	-	Aye
Councilman Green	-	Aye
Councilman Wilson	-	Aye
Councilman Hill	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

ON-GOING PROJECTS

Downtown Revitalization - We are moving forward and things are going well.

Councilwoman Wynn made a motion to close Main Street from Tavern Street to Broad Street on Sunday, May 24th for the purpose of replacing the roof on Danny Sheffield’s building. The motion was seconded by Councilman Wilson and approved unanimously. Vote:

Councilman Quicke	-	Aye
Councilwoman Wynn	-	Aye
Councilman Green	-	Aye
Councilman Wilson	-	Aye
Councilman Hill	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

Castles Trailer Park - Houses are still being built.

2009/10 PRELIMINARY BUDGET

Manager Palmore thanked the Finance Committee for their work on this. He stated that this budget does not have an increase in fees for services. He then reviewed the budget figures with Council. Manager Palmore added that there will be no wage increase for Town employees this year.

Finance Chairman Wilson thanked the Finance Committee and the Town Staff for helping get this budget through.

Manager Palmore stated that we have cut spending every way we can.

Council discussed the budget further.

Councilman Quicke made a motion to advertise the proposed budget for public hearing. The motion was seconded by Councilwoman Thompson. Vote:

Councilman Quicke	-	Aye
Councilwoman Wynn	-	Aye
Councilman Green	-	Aye
Councilman Wilson	-	Aye
Councilman Hill	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

MISCELLANEOUS

Manager Palmore stated that DBI and the people who are administering the funds Downtown, have recommended that Lisa and Joshua Johnson be allowed to use the remainder of the loan pool money from CDBG. He added that DBI recommends that the Town Attorney draw up the necessary documents. Manager Palmore explained that this money would be used to refurbish the old Mercury Cleaners building.

Mayor Coleburn asked Lafayette Dickens, Executive Director of DBI how does this work in other communities.

Lafayette Dickens answered things are done differently everywhere but it is important for all the loan pool money to be used. He added that this is what we want to see happen.

Council discussed this further.

Mayor Coleburn wants to make sure that this money is being put to good use.

Manager Palmore answered that this has been approved by the DBI Board.

Town Attorney Walden suggested maybe there needs to be a second appraisal. He added that as Manager Palmore pointed out, the DBI Economic Restructuring Committee has approved this and has now sent it to the Council for their approval.

Councilman Hill asked what kind of business will it be.

Manager Palmore answered a construction business and a show room.

Councilman Wilson made a motion to transfer the remaining \$20,000 in CDBG loan pool funds to Joshua and Lisa Johnson. The motion was seconded by Councilman Quicke and approved as follows. Vote:

Councilman Quicke	-	Aye
Councilwoman Wynn	-	Aye
Councilman Green	-	Aye
Councilman Wilson	-	Aye
Councilman Hill	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

Manager Palmore informed Council that Chief Kuzmiak was recently notified that they received a grant from the Department of Justice in the amount of \$12,430.00. He asked Council to approve accepting this grant. This would be for replacement of bullet proof vests for all officers and to purchase a towable speed trailer. The Town is not required to provide matching funds.

Councilman Green made a motion to accept the grant money from the Department of Justice in the amount of \$12,430.00, with no matching funds from the Town. The motion was seconded by Councilman Tucker and approved unanimously. Vote:

Councilman Quicke	-	Aye
Councilwoman Wynn	-	Aye
Councilman Green	-	Aye
Councilman Wilson	-	Aye
Councilman Hill	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

MAYOR'S MINUTE

Mayor Coleburn stated that he received a letter from a citizen Eric Nash and he asked Council to look at this letter.

Manager Palmore stated that he would like to sit down and talk to Mr. Nash.

Mayor Coleburn stated that he built one of the few new homes in Blackstone this past year and we appreciate any citizen contacting us.

Manager Palmore stated that we received a letter from the Friends of the Library recently and he wants them to know that we take this letter seriously.

POLICE REPORT

There were no comments on the Police Report.

CITIZEN COMMENTS

There were no citizen comments.

CLOSED SESSION

Councilman Hill made a motion to go into Closed Session according to the following:

- Virginia Code Section 2.1-3711
- Sub Section A
- Acquisition of Real Estate
- Personnel

The motion was seconded by Councilman Quicke and approved unanimously. Vote:

Councilman Quicke	-	Aye
Councilwoman Wynn	-	Aye
Councilman Green	-	Aye
Councilman Wilson	-	Aye
Councilman Hill	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

Mayor Coleburn declared the meeting back in Open Session.

Councilman Green made a motion to certify that to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which the Closed Meeting was convened, were heard, discussed or considered in the meeting. The motion was seconded by Councilman Hill and approved as follows. Vote:

Councilman Quicke	-	Aye
Councilwoman Wynn	-	Aye
Councilman Green	-	Aye
Councilman Wilson	-	Aye
Councilman Hill	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

ADJOURNMENT

There being no further business to bring before Council at this time, Mayor Coleburn declared the meeting adjourned at 9:52 p.m.

MAYOR
OF THE TOWN OF BLACKSTONE, VIRGINIA

APPROVED AND ADOPTED

TOWN CLERK
OF THE TOWN OF BLACKSTONE, VIRGINIA