

Minutes of a Regular Meeting of the Council of the Town of Blackstone, Virginia, held in the Council Chambers located at 100 W. Elm Street, Blackstone, Virginia, on Monday, June 27, 2022 at 7:00 p.m.

There Were Present:

Mayor: William D. Coleburn

Council Members: Annie Scott, Shelia Jones, Lonnie Morgan, Carolyn Williams, Nathaniel Miller, Eric Nash, Jake Allman

Town Staff: Jennifer Daniel, Town Clerk; Jennifer Hardy, Finance Director; Brittany Harris, Treasurer; Dion Tomer, Fire Chief; Nicholas Kuzmiak, Police Chief; Jackie Brown, Administrative Assistant; Mary Murphy, Transit Director; Chastiddy Bryant, Community Development Specialist; Carol Lyons, Administrative Assistant;

Town Attorney:

Those Absent: Philip Vannoorbeeck

Mayor Coleburn called the June Council Meeting to order.

Mayor Coleburn said there was a tragedy in our community a week ago, with the loss of a young child in a fire, Cage Pierce. He said lots of people have asked how to help, he said he spoke to the Funeral Home handling the arrangements, and Ms. Peggy Sue Moore has set up a GoFundMe Page.

Mayor Coleburn said he saw in the audience a lot of people there were at the Juneteenth Celebration, he commended the Committee and Town employees who worked non-stop. He thanked Council for having the vision to approve Juneteenth and the awards.

Mayor Coleburn delivered the Invocation.

Mayor Coleburn led the Pledge of Allegiance.

PUBLIC HEARINGS:

1. Conditional Rezoning – Jan’s Residential

NOTICE OF PUBLIC HEARING TOWN OF BLACKSTONE

*The Town of Blackstone Town Council shall hold a Public Hearing on June 27, 2022 at 7:00 p.m., in the Town Council Chambers, 100 W. Elm Street, Blackstone, Va. The purpose of the Public Hearing is to consider a Conditional Rezoning request from **Jan’s Residential** to accommodate a currently operating Assisted Living Facility. The Conditional Rezoning request asks that the property be rezoned from the R-2, Residential District to the R-B, Residential Business District. The subject property is located at 307 N. High Street and is designated as Nottoway County Tax Map Number 50A27-1-M-38. The Town Council may act on this request following this public hearing. Any person desiring to speak for or against the request should attend the Public Hearing at the above stated date and time.*

Mayor Coleburn said there were two Public Hearings tonight that were related, if the first hearing doesn’t move forward, the second Hearing about the Permit is moot.

Mayor Coleburn said Jan’s Residential, and facilities like it are allowed by right in a residential zone, but only for 8 people. He said Manager Vannoorbeeck discovered last year, in consultation with the owner, Ms. Judy Bennett, that there were 12 people residing at the home. He said it is currently a non-conforming venture.

Mayor Coleburn said Manager Vannoorbeeck proposed to the Planning Commission, bringing this facility into compliance by rezoning it to Residential Business. He said this proposal would allow assisted living facilities with a permit, to have up to 12 residents.

Mayor Coleburn said what is being proposed is to have the Code reflect reality. He said the Planning Commission rejected the request, but the applicant was running late and did not have a chance to present her case.

Mayor Coleburn opened the Public Hearing and asked if there was anyone here to speak for or against the rezoning request.

Ms. Judy Bennett said she did not have anything to say, she was just waiting on Council’s decision. She said currently she has 10 residents.

Mayor Coleburn said if this Council follows the Planning Commission’s recommendation, Ms. Bennett could have no more than 8 residents. He said the Town Manager would have the authority to enforce the Ordinance and do so humanely as possible. He said if so, 2 residents would be displaced. Ms. Bennett said she would call DSS and they would place them.

Mayor Coleburn said someone in the neighborhood did write to complain and voice opposition to Ms. Bennett's request.

Mr. Chris Paige asked if Council knew the number of police calls to the location. Mayor Coleburn believed it was around 46 calls over the last 3 years. He said a lot were resolved before police got there, with some being of medical nature.

Mayor Coleburn closed the Public Hearing.

Mayor Coleburn said these facilities can locate anywhere in Town, that is zoned residential, with 8 or less residents.

Councilwoman Scott asked why the Planning Commission denied the request, was it because the zoning requirement states 8. Clerk Daniel believed when the request was first made, it was because it was after the fact.

Mayor Coleburn said a month before the meeting, Commission Member Watkins proposed the zone, but then realized it would be setting a precedent throughout the Business District. Councilman Allman believed another reason was spot rezoning reactively was not looked at favorably.

Mayor Coleburn said if Council legislates after the fact, the next time you discover a zoning violation, you will feel compelled to also bring that into compliance. He agreed there needed to be a place for adults, assisted living facilities. Ms. Bennett said a lot of the residents she has are from Blackstone.

Mayor Coleburn said if Council takes no action, it dies, and Ms. Bennett could not reapply for two years.

Councilman Allman made a motion to follow the Planning Commission's recommendation and deny the rezoning request. The motion was seconded by Councilman Nash.

Councilwoman Williams asked what would happen to the (2) that will be displaced, will we give Ms. Bennett time to get them transferred.

Ms. Judy Bennett said when she opened her business in 2006, Mr. Ellington approved the zoning for 12 people, so she did not know any different. Mayor Coleburn said we have heard that, and we are not suggesting you willfully violated anything. He added Mr. Ellington was the former County Building Inspector, but had no supervision over Town Zoning. He said that is not the fault of Ms. Bennett, she was given inaccurate information.

Mayor Coleburn asked Councilman Allman to amend his motion to September 1, 2022, or as soon as possible, with a report on the Agenda for September's Council Meeting.

Councilman Allman suggested giving Ms. Bennett until January 1, 2023, to find homes for the two extra residents she has.

Councilman Allman amended his motion to allow up to January 1, 2023, to find a home for the two extra residents at Jan’s Residential, and report at the January 2023 Council Meeting. Councilman Nash seconded the amended motion.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

2. Conditional Use Permit – Jan’s Residential

NOTICE OF PUBLIC HEARING
TOWN OF BLACKSTONE

The Town of Blackstone Town Council shall hold a Public Hearing on June 27, 2022 at 7:00 p.m., in the Town Council Chambers, 100 W. Elm Street, Blackstone, Va. The purpose of the Public Hearing is to consider a Conditional Use permit request from Jan’s Residential to permit an Assisted Living Facility. The Conditional Use permit, if approved would allow more than eight adults to reside in a congregate living arrangement. The location of an Adult Living Facility is permitted in the R-B, Residential Business District as a conditional use. The subject property is located at 307 N. High Street and is designated as Nottoway County Tax Map Number 50A27-1-M-38. The Town Council may act on this request following this public hearing. Any person desiring to speak for or against the request should attend the Public Hearing at the above stated date and time.

Mayor Coleburn said because the rezoning request was denied, it makes this request a moot point.

3. Amend & Reenact Section 24-1, Wards Established

NOTICE OF PUBLIC HEARING
TOWN OF BLACKSTONE

*The Town of Blackstone Town Council shall hold a Public Hearing on June 27, 2022 at 7:00 p.m., in the Town Council Chambers, 100 W. Elm Street, Blackstone, Va. The purpose of the Public Hearing is to amend and reenact **Section 24-1 (b), Wards Established** of the Blackstone Town Code. This ordinance as amended, establishes new boundaries for each of the five voting wards and establishes an effective date for these voting wards. The Town Council may act on this ordinance following this public hearing. Any person desiring to speak for or against the request should attend the Public Hearing at the above stated date and time.*

Mayor Coleburn said this is just a legal definition of Wards A, B, C, D and E.

Mayor Coleburn opened the Public Hearing and asked if there was anyone here to speak for or against the Wards.

Mayor Coleburn said these Wards would be in effect for November 8, 2022. He said early voting starts September 25, 2022.

Mr. Wesley Gormus said if the definition includes the description of the boundaries, thence, thence, thence, he hoped Council would consider some other way of defining the lines. He said that is as confusing as a union contract. He said when trying to get signatures, and looking at the map, he said you have to go for the heart of the area to be sure you are getting the correct boundaries. He suggested having a list of just addresses for the Wards.

Mayor Coleburn closed the Public Hearing.

Councilman Nash made a motion to approve Section 24-1, Wards Established, as presented. The motion was seconded by Councilman Miller.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

4. Amend & Reenact Section 24-2, Polling Places

NOTICE OF PUBLIC HEARING
TOWN OF BLACKSTONE

*The Town of Blackstone Town Council shall hold a Public Hearing on June 27, 2022 at 7:00 p.m., in the Town Council Chambers, 100 W. Elm Street, Blackstone, Va. The purpose of the Public Hearing is to amend and reenact **Section 24-2, Polling Places** of the Blackstone Town Code. This ordinance as amended, establishes new polling places for the Town. The Town Council may act on this ordinance following this public hearing. Any person desiring to speak for or against the request should attend the Public Hearing at the above stated date and time.*

Mayor Coleburn said this Ordinance is establishing the Polling Places for the Wards. He said in the past the elections have been in May, and there were five places to go vote. He said this year because it is a General Election, Council is proposing that Wards A, B and E vote at Blackstone Primary School, Wards C and D will vote at the Blackstone Police Station.

Mayor Coleburn said his only concern was there is going to be somebody that normally votes at the Police Station, but in Ward E, so will have to vote in two locations. He said when in doubt call the Registrar's Office.

Mayor Coleburn opened the Public Hearing and asked if there was anyone here to speak for or against the proposed Polling Places.

Councilman Allman said when you go vote for your Congressman, and then go to the second polling place, would there be a ballot with just one question on it. Mayor Coleburn feared that too, will someone vote twice for Bob Goode or his challenger.

Mayor Coleburn believed Council needed more clarification. He wanted to know the number of people this will apply to, and have it identified for the poll workers.

Councilman Nash said we are having the Public Hearing now.

Mayor Coleburn asked that this item be on the July Agenda to review further.

MINUTES:

Councilman Nash made a motion to dispense with reading and approve as presented minutes from the Regular Council Meeting on April 18, 2022. The motion was seconded by Councilwoman Jones.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

VISITORS:

Mrs. Jean Lacks

Mrs. Lacks said she has talked with Mr. Eppes from VDOT, and he was waiting for the report to be submitted, then the Town can start putting them in. Clerk Daniel said the report had been received, and after speaking to Mrs. Lacks, she now wants five speed bumps.

Councilman Morgan made a motion to start with 4 traffic calming devices on Pickett Court. The motion was seconded by Councilwoman Williams.

Mayor Coleburn said his position was very clear, when residents of a street in Blackstone, wherever they are, want a speed bump, and willing to drive over it every day, maybe 3 or 4 times a day, that tells him there is a speed bump need.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

Mr. Ray Armes

Mr. Armes said last month Council approved repairing a ditch on N. West Avenue. Mayor Coleburn replied yes, \$87,000.00.

Mr. Armes said his dad had been trying to get his ditch fixed right at 20 years, and Council keeps ignoring it. He said the ditch in his dad's yard comes from the runoff of Main Street. He said when he was a child, he and his sister could step over the ditch, he said you can now park a tractor trailer in it. He said it is the Town's water, what if he fills it up with concrete, the Town will come after him for blocking the waterway.

Ms. Cindy Armes said there are two drains in the area that the Town installed, because of the drainage from Garrett, Moon & Pool.

Mayor Coleburn said Council rated and got pricing for the ditches on N. West Avenue. He said Mr. Somerville has been corresponding with the Town Manager, not 20 years. He said the argument was made that Mr. Robert Evans' home was in jeopardy.

Mr. Armes asked to take a portion off the tax bill from his dad's property because a ¼ of the yard has been lost due to the ditch. He said we are asking advice from Council.

Councilman Nash said both estimates were presented that night, and Mr. Armes' ditch was not discussed.

Councilman Miller said when he first got on Council, Mr. Armes' ditch was discussed.

Councilman Morgan said it has been talked about more than once. Mr. Armes said he saw Mr. Ben Green last month, who said the ditch hasn't been fixed yet.

Mayor Coleburn said the previous Council, on which Mr. Green served, made a Policy that Council would not go on private property for ditches. He said this Council has chosen to take things on a case by case basis.

Mr. Armes asked about the Sixth Street ditch. Mayor Coleburn replied, Ms. Linda Blevins' house. Mr. Armes said that was when you didn't go on private property, but it was still fixed. Mayor Coleburn said Council used the rationale that the Town put the drain in her yard years ago. Mr. Armes said the Town had installed two drop inlets, with one going to a culvert installed by the Town on his dad's property. Mayor Coleburn said it is a valid argument.

Ms. Armes said her dad is a Volunteer Firefighter and gets treated like this.

Councilman Nash said the \$51,000.00 estimate only included piping the ditch 100'.

Councilman Nash said the ditch that was approved, he is 100% against private property, and against the one that was recently approved. He said this is just opening a can of worms.

Councilman Morgan said the N. West Avenue ditch was approved because of structural damage. Councilman Allman said why is that the Town's problem, it is not the Town's ditch or water.

Mayor Coleburn asked if Council would agree in concept, the next ditch to be repaired would be behind the Armes' residence.

Councilwoman Jones asked this be on the Agenda for next month to talk more about it when Manager Vannoorbeeck is here.

Councilman Miller asked that Street and Light meet before the next Council Meeting.

FIRE CHIEF'S REPORT:

Chief Tomer said they would be voting tomorrow night on a countywide records management system through a zoom meeting. He said this will update how fire reports are being put in for the State. He said the Town currently pays for this system, but will now be taken over by the County, if approved in their Budget.

Chief Tomer thanked the Mayor for speaking during the Engine 3 push in. He said it has served its first fire call.

Chief Tomer said they continue to have a Reflective Band Project.

Chief Tomer said Will West, Jr. passed his EVOC Test, and is certified to drive an apparatus now. He said a few others have passed their HazMat Operations Test. He said Dante Brown passed his EMT.

Chief Tomer said they would be hosting a Pump Operations Course in September.

Chief Tomer said Ryan Nash is now a life member, with 20 years of service. He said that puts 18 current members with over 20 years of service. He said Assistant Chief Ben Haug has 18 years of service.

Chief Tomer said we need to start back with rental inspections and smoke detectors. He believed Jan's Residential had to have a Fire Marshall inspection to be licensed.

Councilman Nash said this is an Ordinance the Town has and needs to be enforced to be sure people have quality living.

Chief Tomer said Fire Code, for smoke detectors, is one outside per bedroom. He said new construction has to be wired.

Councilman Nash asked how Town staff knows about rental inspections, he thought when utilities are changed over, it was too late. Finance Director Hardy believed when Ms. Yvonne Wilson was handling it, it was the landlord's responsibility to contact the Town when someone moved out, to allow time for the inspection.

Councilman Nash suggested having staff set up the rental inspection when utilities are changed over.

Mayor Coleburn said 65% of units in Blackstone are rentals. Clerk Daniel suggested sending letters to the landlords again.

Councilman Allman suggested having a packet for new utility customers listing the things a rental should have, if not, let the Town know and we will have the property inspected. Treasurer Harris said if a house has been without service for six months or more, then an electrical inspection has to be done.

Mayor Coleburn said there was no active fire marshal. He asked Chief Tomer if that was something he would like Council to pursue. Chief Tomer said with the growth, there was no way Dean Lewis would be able to accommodate the Town of Blackstone in its entirety, in addition to all the other services he does. He said you would then be looking at another position, which qualifications are demanding.

Mayor Coleburn asked staff to consult with the Virginia Municipal League on rental inspections, and if towns our size have a fire marshal.

Chief Kuzmiak entered the meeting.

PAYMENT OF BILLS:

Mayor Coleburn stated the bills that have already been paid are in the amount of \$1,340,544.51.

Councilwoman Jones made a motion to approve the bills that have already been paid in the amount of \$1,340,544.51. The motion was seconded by Councilman Nash.

Councilman Nash said the paving was \$643,000.00.

Councilman Nash pointed out there was a \$172,805.00 that was reimbursable from VUMAC for storm/sewer done by S. Walker Construction.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

Mayor Coleburn stated the bills not yet approved, and to be paid, are in the amount of \$239,873.94.

Councilman Nash made a motion to approve as presented, the bills not yet paid in the amount of \$239,873.94. The motion was seconded by Councilwoman Jones.

Councilman Nash pointed out the annual dues of \$2,200.00 to VML.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

APPROPRIATIONS:

There were no appropriations this month.

COMMITTEE REPORTS:

1. Employment & Police – met 5-25-22 – minutes included in June’s Council Packet

Dispatching Positions

Mayor Coleburn said this was taken care of earlier, these are now in the Budget and will be addressed when it is adopted later tonight.

Job Classifications

Mayor Coleburn said Councilman Miller asked to have the DBi position description referred to Employment & Police.

Mayor Coleburn believed the job classifications were part of the Budget process and would be approved later tonight when adopting the Budget.

2. Account & Finance – met 5-25-22 – minutes included in June’s Council Packet

FY23 Budget Presentation

Mayor Coleburn said the Budget would be adopted later tonight.

DBi Position Classification

Mayor Coleburn said Employment & Police would review the job description.

3. Airport & Transportation – met 6-21-22 – minutes included in June’s Council Packet

Airport Hangar Rent

Mayor Coleburn said after much discussion, the Hangar Rent would remain at \$100.00.

4. Buildings, Property & Cemetery – met 6-21-22 – minutes included in June’s Council Packet

Update on Mr. John Neal’s Bench/Plaque

Mayor Coleburn said family members of the late Mr. John Neal want to have him honored. He said Mr. Neal died in 2010, and was the lead plaintiff in the historic Neal vs. the Town of Blackstone lawsuit in 1986, that resulted in the Ward System.

Mayor Coleburn said the family wants a bench outside and plaque inside the Chambers. He said the Committee was recommending these items not exceed \$2,000.00, with the Town paying no more than \$1,000.00.

Mayor Coleburn said the Committee discussed for those that want to honor a loved one, there be an application process to set criteria.

Councilman Nash said the Committee discussed, once the Armory is up and running, have a Wall of Honor or brick pavers.

Clerk Daniel clarified, for the Neal Family, they wanted a bench, plaque on the bench, and a separate plaque on the wall of the Chambers. She believed the Committee recommended having the bench with a plaque on the bench, and save the wall plaque for if the Chambers are moved to the Armory.

Councilman Miller made a motion to approve Council spending up to \$1,000.00 towards a bench for Mr. John Neal, and include a plaque on the bench. The motion was seconded by Councilwoman Jones.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

Mayor Coleburn referred the application process for honoring loved ones to the Buildings, Property and Cemetery Committee.

Tour of Seay Park

Mayor Coleburn said the Committee toured Seay Park.

Councilwoman Jones made a motion to advertise for bid, the landscape clean-up at Seay Park. The motion was seconded by Councilman Allman.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

CONSENT AGENDA:

Councilman Nash asked Council to approve the Fourth of July Motorless Parade being put on by the Rotary. He asked to have Chief Kuzmiak coordinate closing Main Street on July 4th at 10:00 a.m. from the Military Monument to Seay Park.

Mayor Coleburn said this was approved by Common Consent.

UNFINISHED BUSINESS:

1. Award Collections Attorney Bid

Mayor Coleburn said this is to award the bid for delinquent tax collections.

Mayor Coleburn asked how the Town currently collects. Treasurer Harris replied, Personal Property is collected through DMV Stops, which is on the registration and a \$50.00 removal fee. She said we also use IRMS, which includes taking tax returns.

Treasurer Harris said Real Estate is either collected in office, or by a collection's attorney, and is currently Mr. James Elliot.

Treasurer Harris requested authorization to start using TACS (Taxing Authority Consulting). She said they teach the Treasurer of Virginia classes. She said they were good to work with and easy to contact. She said their fees were the same as any collection fees.

Treasurer Harris said she and Manager Vannoorbeeck met with TACS last week to discuss Real Estate Collections, and found out they can do all collections, such as Meals Tax, Utilities and Business Licenses. She said their process is from start to finish, they track payment plans and provide quarterly reports.

Councilman Nash asked if there was an issue currently with Mr. Elliott. Treasurer Harris replies yes. She added, Real Estate collections will still take about a year, even with TACS. She said TACS offers hybrid auctions for real estate, so people can bid online.

Treasurer Harris said TACS fees are 25%, but Attorney Bacon said the cap in Virginia is 20%. Councilman Nash said it worried him that TACS knows the State Law, but still put 25% in the Agreement.

Councilman Nash said he did not want to approve the Real Estate portion tonight because he wanted the percentage clarified. He said he would like to know Mr. Elliot's process, and what the issues are, and what the process would be with this company. Mayor Coleburn added, having reports.

Treasurer Harris said this bid process was through an RFP, and TACS was the only company that responded.

Councilman Nash made a motion to award collections to Taxing Authority Consulting, with the exception of Real Estate; pending the percentage collection. The motion was seconded by Councilwoman Jones.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

2. BABS Lane – Sale of Property

Mayor Coleburn said this is for the sale of 45 acres, the last part of the Town’s Industrial Park. He said Mr. Jason Walker, who has purchased land from the Town out there previously, would like to buy it. He said an appraisal was done and came back at \$2,000.00 an acre.

Mayor Coleburn said this Council received another offer as a lease agreement from a company wanting to install solar panels. Councilman Nash said we have not heard from the solar panel company lately, so that offer is off the table.

Councilman Morgan made a motion to sell the remaining acreage on BABS Lane to SWCI Investments at \$2,000.00 an acre. The motion was seconded by Councilman Miller.

Councilman Nash said there were some discrepancies with the acreage, the Purchase Agreement says 39.39 acres, and the Appraisal says 45.51 acres. He asked what are we going off of. He added we need to sell the property for the new appraised value at \$2,000.00 an acre.

Finance Director Hardy said Mr. Walker is offering \$2,000.00 an acre, but the acreage is less than the appraisal.

Mayor Coleburn asked to make the motion contingent on the remaining acreage, and report back to Council.

Councilman Morgan amended his motion to include the remaining acreage being cleared up, and report back to Council. Councilman Miller seconded the amended motion.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

Clerk Daniel reminded Council that if SWCI does not fulfill the Performance Agreement within a year, that the Town would have the option to buy it back at the same price.

Councilman Nash said SWCI has sold their building downtown, and if he had to guess, he believed something would be built out there.

Councilman Nash made a motion to split the closing costs between the Town and SWCI, for the remainder of the BABS property. The motion was seconded by Councilwoman Jones.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

Councilman Morgan made a motion to hold the buyer to the Performance Agreement as outlined attached. The motion was seconded by Councilwoman Jones.

Councilman Nash said this property will only have single phase power.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

3. Board of Zoning Appeals Nomination

Mayor Coleburn said there is a pending vacancy, a very good Board of Zoning Appeals member, Mrs. Sally Beale, will be resigning.

Mayor Coleburn said he would present a name at the July Council Meeting.

4. Award Annual Concrete Bid

Mayor Coleburn said only one bid was received from S. Walker Construction, Inc. He said if all the work was completed, the cost would be \$721,000.00. Clerk Daniel added, Manager Vannoorbeeck did not believe all this work would be completed.

Councilman Nash asked what last year's price was. Clerk Daniel believed last year's price was honored from the year before.

Finance Director Hardy said \$721,000.00 was not included in the Budget.

Councilman Miller said curb and gutter would be going in the East End. Councilman Nash said that would be separate.

Councilman Morgan asked to wait until next month to award this bid, when Manager Vannoorbeeck would be back.

Clerk Daniel said the bid from 2020 was \$599,000.00.

5. Leachate Rates – Ordinance / Agreement

Mayor Coleburn said this would put in writing what the Town is trying to work out with the County.

Clerk Daniel said Manager Vannoorbeeck received an email from Mr. Costin.

Councilman Nash said Councilman Allman made a good point, they would like to hold off on this until we hear more about the possible water deal that is being worked up, without the Town. He said he would like to wait and see if the County will support the Town retaining services at Pickett and FASTC.

Mayor Coleburn said by Common Consent there will be no action on this tonight.

6. Blackstone Intermediate School Building Agreement

Mayor Coleburn said the School Board has approved this agreement, which basically says the Town intends to demolish by January 2023, the one story school building. He said we are asking the School Board to support our efforts to have the County waive the landfill fees for non-hazardous materials. He said by 2025, the Town will identify a potential use of the two story building, or demolish it. He said the School Board has to approve any uses. He said basically this is an agreement of what we are striving for.

Mayor Coleburn said he told the County the Town has spent \$100,000.00 on a football field for the Gators. Councilman Miller added, a field they cannot even use, and it may not be ready next year, if the field is not sifted. Councilman Nash disagreed, he believed the field was perfectly content to be played on, maybe not this year, but easily feasible for next year.

Mayor Coleburn said this agreement is a good faith exercise. Councilman Nash said it is also 100% backed by the Town with good faith, and 0% from the County, except letting the Town dump for free, the Town is doing all the labor and providing all the services, for a building that is blighted by our own County. He said the Town is having to fund the recreation facilities in this area, because our County does not do it. He said he would not agree to do any of this at our cost. Councilman Allman added, it should be a shared cost.

Councilman Nash said the Town cannot fund the whole County's goals. Councilman Allman believed Blackstone paid 60% of the County's taxes.

Mayor Coleburn said we got the lease in 2007, and were so excited to build a stadium, we overlooked language in the agreement. He said the Agreement says the Town will be responsible for the general maintenance of the buildings.

Councilman Nash said it was discussed at the last meeting that the Town could get cut out of up to \$500,000.00 a year of water costs. Mayor Coleburn said that is not the School Board's fault.

Council agreed to table this.

7. Nottoway County Water Supply

Mayor Coleburn said Manager Vannoorbeeck is asking that this Town present to the County a Resolution, very similar to what has been presented by Prince Edward County. He said Prince Edward County wants Nottoway's permission to run water lines wherever it sees fit in Nottoway County. He said Nottoway was seriously considering this. He said we want to give the Board of Supervisors a Resolution that says Blackstone would like to same opportunity. He said this would include Cox Road, where people have been begging for clean water for three years, or wherever we so choose.

Mayor Coleburn believed this would be presented to the Board at their July Meeting. He said Nottoway could say yes to both, and then have a water race.

Councilman Allman said, legally he did not think you could say no to that. He said how can you say one county has sole source of water rights over another county. He said in local government you have to get a bid to buy anything.

Councilman Morgan said it is sad when you have a water source in your County that can provide. Councilman Nash interrupted and said it is undermining the Town.

Councilman Nash made a motion to present the Resolution to Nottoway County as presented. The motion was seconded by Councilman Morgan.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

8. Adopt & Appropriate FY23 Budget

Mayor Coleburn said the Town has a \$19,764,835.00 proposed Budget and is balanced. Finance Director Hardy said there were a few Use of Fund Balances included, but they were for Capital purchases.

Mayor Coleburn said there were no tax increases. He said the current Personal Property tax rate is \$.85 per 100, and the County's rate is \$3.75, but they may lower it because the value of used cars have gone so high, they want to make it revenue neutral. He said Manager Vannoorbeeck said previously, if the Town did nothing, it would be a \$30,000.00 gain to the Town, but the Town wants to be revenue neutral.

Mayor Coleburn said there is 4% raises across the board, with 22 merit raises. He said a Public Hearing was held and nobody spoke for or against.

Councilman Miller made a motion to adopt the Budget as presented. The motion was seconded by Councilman Morgan.

Councilman Allman said it appears we are keeping both dispatching positions and the private property ditches. Mayor Coleburn said yes, that is what was advertised.

Councilwoman Jones made a motion to rescind a motion by this Council in 2018 to phase out the dispatching positions. The motion was seconded by Councilwoman Williams.

Councilman Nash said the total amount with benefits is roughly \$90,000.00.

Mayor Coleburn said the reason Council made the decision to phase the two dispatching positions out was because they do not dispatch anymore, it is done by Nottoway County. He said Chief Kuzmiak and others have said they still provide a valuable service, and it keeps the Police Station staffed Monday through Friday, 8:00 a.m. to midnight.

Councilman Nash pointed out in tonight's bills; the Town voted to pay \$22,500.00 to the County for dispatching.

Mayor Coleburn asked all in favor or opposed to rescind the dispatching motion:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Nay
Councilman Allman	-	Nay
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

Councilman Nash asked about VMEA rates. Finance Director Hardy said she had not heard anything yet. He said the pass through True-Up will be going away after July 1, 2022.

Mayor Coleburn asked for a Roll Call Vote to adopt the Budget:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Nay
Councilman Allman	-	Nay
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

Councilman Miller made a motion to appropriate the Budget that begins July 1, 2022. The motion was seconded by Councilwoman Williams.

Councilman Nash said his nays were because of the two positions and the private property, the rest of the Budget looks good. Councilman Allman said his were the same, mainly the private property.

Mayor Coleburn asked for a Roll Call Vote to appropriate the Budget:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Nay
Councilman Allman	-	Nay
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

9. Accounting Software Bids

Finance Director Hardy and her assistant, Ms. Jackie Brown, bid out the software, and currently use Bright. She said they liked Edmunds and believed they could do everything needed, but have since decided to reject the bids and try again once the audit was completed. She said there were a few kinks in the utilities we are trying to get worked out.

Councilman Nash asked about RDA, who was substantially cheaper. Finance Director Hardy said they were not as familiar with Bright, so the transfer would be difficult. She said the Town is unique, not everybody has utilities, electric, airport, cemetery, and fuel sales.

Councilman Nash asked how much was included in the Budget. Finance Director Hardy said there is \$40,000.00 in the Budget as a down payment.

Councilman Nash made a motion to reject the bids received, due to the current audit taking place. The motion was seconded by Councilman Morgan.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

ON-GOING PROJECTS:

1. Dilapidated Buildings

There was nothing to report.

2. Meals Tax / Lodging Tax

Treasurer Harris said she received a partial payment today for the outstanding Meals Tax for April and May.

Councilman Allman asked how far behind does someone need to get before the attorney gets involved. Mayor Coleburn said we get a little nervous at 2-3 months. He said restaurants collect the Meals Tax from the patrons, and by law they are supposed to hold in escrow. He said it is supposed to be remitted with a report by the 20th of each month.

Councilman Nash said this should be left up to the Treasurer's discrepancy, because she knows each situation. Treasurer Harris suggested 90 days behind.

3. Street Improvement Projects

Councilman Nash said some of the utility work had begun between Sixth to Tenth Street.

4. Wigglesworth Sports Complex / TAP 21

Mayor Coleburn said the concession stand would be completed within the next week.

Councilman Nash commended all the volunteers from the past two weekends helping with the tournaments.

5. East End Neighborhood Project

There was nothing to report.

6. Taylor Bottom Block Grant

Mayor Coleburn said the Town was in the middle of getting a Planning Grant to improve the Taylor Bottom area.

7. Weatherization

Mayor Coleburn said included is an Agreement between the Town and Nottoway County to utilize \$50,000.00 worth of County Weatherization Funds, which have been sitting idly by for roughly 15-20 years.

Councilman Nash said we are taking last year's \$50,000.00, plus there is \$50,000.00 in the FY23 Budget, then possibly receive \$50,000.00 from the County.

Councilman Nash said he hoped we could impact as many people as possible with \$150,000.00. He said he knew there were houses that needed to be rebuilt, but he wanted it stretched. Finance Director Hardy suggested earmarking some of the money for small projects.

Councilman Miller said right now there are two projects that are pressing.

Councilman Miller made a motion to approve the Agreement as presented. The motion was seconded by Councilman Nash.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Morgan	-	Absent
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

NEW BUSINESS:

1. Virginia State Police Waste Collection Agreement

Mayor Coleburn said this is the annual agreement at the Driver Training Facility, and there is no change. He said the cost to them is \$4,982.40 annually, or \$415.20 a month.

Councilman Nash asked if the tipping fees were going up this year. Finance Director Hardy replied, not that she was told. Councilman Nash said this amount is far greater than what citizens of Blackstone pay.

Councilman Nash made a motion to approve the Agreement as presented. The motion was seconded by Councilman Miller.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

2. DMV Renewal Agreements – License Agent / Extranet User

Mayor Coleburn said this is the annual agreement and Treasurer Harris recommended approval.

Councilman Morgan made a motion to approve the DMV Agreements as presented. The motion was seconded by Councilwoman Jones.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

3. Commonwealth Regional Council – Armory – Brownfields Grant Agreement

Mayor Coleburn said the grant amount is \$250,000.00 for the asbestos abatement at the Armory. He said the administrative fee from CRC is \$8,000.00.

Clerk Daniel said the Agreement was not here yet, but Manager Vannoorbeeck was asking authorization to execute, once received.

Councilman Nash said it should be executed as soon as possible, because he and others were anxious to get something done at the Armory.

Finance Director Hardy said she would like clarification if the \$8,000.00 will come from the \$250,000.00.

Councilman Morgan made a motion to execute the Brownfields Grant Agreement once received. The motion was seconded by Councilwoman Jones.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

4. Request to Seek Bids for Asbestos Abatement - Armory

Councilman Nash said hopefully the bids will come in less than the \$250,000.00, and we can use the remainder for the administrative fee to CRC.

Councilman Nash made a motion to approve seeking sealed bids for the asbestos abatement at the Armory. The motion was seconded by Councilman Morgan.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

5. Use of Armory Grounds – Juneteenth Committee

Mayor Coleburn said the Juneteenth Celebration was an amazing event.

Ms. Chastiddy Bryan said she was speaking on behalf of Ms. Ellen Eppes. She said Mr. Eppes had been in contact with Promoter of Shows, who is a carnival company that does the carnivals at Southpark Mall.

Ms. Bryant said the Juneteenth Committee is asking to have a Back to School Carnival from August 4th – 21st. She said they were told it has to be a three week process. She asked Council to waive the Noise Ordinance and have additional trash pick-up. She said no money is being asked for from the Town, but they are requesting use of the Armory grounds. She said she was told the State picks the rides the first year, then if all goes well, they can pick the rides the following year.

Ms. Bryant said they wanted to do this to give children something to do, because realistically there is nothing going on in the County the months of June and July for kids. She said this would offer the churches that do back to school supplies, an area to setup.

Councilman Nash asked if other non-profits could set up as well, such as Rotary. Ms. Bryant replied, yes.

Ms. Bryant said she attended the DBi Meeting and they discussed trying to get local businesses to take part in this.

Ms. Bryant said there would be an entry fee, but she did not know what the price was, then you purchase tickets for the rides. She said they were trying to do their 3 on 3 basketball tournament with the winner getting a wrist band to get into the carnival for one full day.

Mayor Coleburn asked if Juneteenth would get a percentage of sales. Ms. Bryant replied, that was discussed, but that is not what they were trying to do, they just wanted to give kids something to do. She said they discussed if the entry fee was \$3.00, the carnival people would charge \$4.00, and the proceeds from that \$1.00 would be given to Juneteenth. She said the extra \$1.00 would pay for the fencing needed for the carnival. She said the temporary fencing costs \$3,785.00.

Councilman Morgan asked about insurance requirements. Ms. Bryant said all the documentation would be handled.

Councilman Allman asked if Southpark Mall charged a rental fee. Ms. Bryant replied, she did not know.

Mayor Coleburn said this would be a 15 day carnival, he was concerned about waiving the Noise Ordinance with the hours being from 12:00 p.m. – 10:00 p.m. Sunday through Thursday, and 12:00 p.m. – 11:00 p.m. on Friday and Saturdays. He said this would be noises from the carnival.

Finance Director Hardy asked if the Carnival carried their own insurance, or would it be TULIP, because that could be pricy for 21 days.

Mayor Coleburn said if Council approves this request, make it contingent on insurance review.

Councilman Nash believed 11:00 p.m. would be too late on the weekends. Mayor Coleburn said there are people that work shift work during the day, and can only sleep during certain times, he was sensitive to that.

Councilman Nash said with the trash collection, that should be done by the carnival people, but we can provide dumpsters.

Councilman Morgan suggested 9:00 p.m. during the week. Councilman Miller suggested 10:00 p.m. on the weekends.

Mayor Coleburn said years ago there was a carnival set up in the Bevell's parking lot, and they had games that involved gambling, that were rigged. He said if there are any games involved, he wanted the police to get a run down.

Clerk Daniel asked if there would be any street closures. Ms. Bryant said maybe just the weekends for handing out school supplies. Ms. Pritchett said churches may want to pick a certain day to set up.

Councilwoman Jones made a motion to approve the Juneteenth Committee's request for a carnival from August 4th – August 21st, contingent on insurance requirements, weekday hours until 9:00 p.m. and weekend hours until 10:00 p.m., use of the Armory grounds, and street closures on the weekends.

Councilwoman Williams asked if the Police Department was being asked to do walk throughs. The Committee replied yes.

Councilman Allman said this is a good idea, but if there was going to be a carnival in his neighborhood for three weeks, he would want a chance to speak on it. He asked if this could be on the Agenda in July for neighbors to have a chance to know what is going on. Mayor Coleburn believed it would have to be sooner than that, because the carnival would be the first week of August. He suggested canvassing the neighborhood.

Councilman Miller said that was in his area, and he would go around the neighborhood.

The motion was seconded by Councilwoman Williams.

Clerk Daniel asked about parking. Ms. Bryant said they were going to use the Armory grounds and the Bevell's parking lot.

Councilman Nash said he would like trash pick-up be the responsibility of the carnival people.

Mayor Coleburn said the carnival people would be providing port-a-potties as well.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

COMMITTEE REFERRALS:

There were no referrals.

MAYORS MINUTE:

Mayor Coleburn said the President of Virginia State University and the President of VCU Health Community Memorial Hospital, who is retiring, both attended the Juneteenth Celebration.

Mayor Coleburn asked Clerk Daniel to text Attorney Bacon for a Closed Session tonight for consultation with Legal Counsel, to discuss the RFP for the Workplace Cultural Audit.

Mayor Coleburn said Mr. Bobby Thomas kindly gave Council a tour of the museums last Wednesday. He said he would be sending him a letter.

POLICE REPORT:

Councilman Nash thanked the Police Department, they are constantly working, and caught two thieves that stole stuff from the Garden Center and neighboring businesses.

Mayor Coleburn said the officers were out in full force on Saturday. He said last week Officer Ruppert observed and made an arrest on a larceny at a local convenience store, and found out this person was wanted in three counties, including meth distribution.

CITIZEN COMMENTS:

Mr. Chris Page said we have a water fight in the County, and could affect the Town. He asked if now was the time to annex Cox Road, we need to be proactive. Mayor Coleburn replied, the first step in a boundary adjustment is asking permission, if the answer is no, annexation would be the legal fight. He said that area does have some tax base to it.

Councilman Allman believed one of the main barriers with the waterline on Cox Road is the inflated cost of construction. He believed the request was worth considering.

CLOSED SESSION:

Virginia Code Section 2.2-3711

7/ Legal Matters – Consultation with Legal Counsel

Councilman Morgan made a motion to go into Closed Session for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. The motion was seconded by Councilman Miller.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Morgan	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye
Councilwoman Scott	-	Aye
Councilwoman Jones	-	Aye

Councilman Morgan 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 Nash.

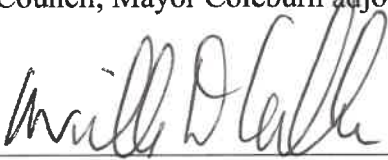
Mayor Coleburn clarified; Attorney Bacon joined the meeting by phone for Legal Matters in Closed Session.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Morgan	-	Certify
Councilwoman Williams	-	Certify
Councilman Miller	-	Certify
Councilman Nash	-	Certify
Councilman Allman	-	Certify
Councilwoman Scott	-	Certify
Councilwoman Jones	-	Certify

There being no further business to bring before Council, Mayor Coleburn adjourned this meeting at 9:31 p.m.


MAYOR
OF THE TOWN OF BLACKSTONE, VIRGINIA

August 15, 2022 APPROVED AND ADOPTED


TOWN CLERK
OF THE TOWN OF BLACKSTONE, VIRGINIA