

Minutes of a Special Meeting of the Council of the Town of Blackstone, Virginia, held in the Council Chambers, located at 100 W. Elm Street, Blackstone, Virginia on Wednesday, September 6, 2023 at 7:00 p.m.

There Were Present:

Mayor: L. Benjamin Green

Council Members: Wesley Gormus, Lloyette Wynn, Christopher Page, Carolyn Williams, Nathaniel Miller, Eric Nash, Jake Allman

Town Staff: Philip Vannoorbeeck, Town Manager; Jennifer Daniel, Town Clerk

Town Attorney: Tessie B. Bacon

Those Absent:

Special Called Meeting of the Council of the Town of Blackstone, Virginia for 7:00 p.m., Wednesday, September 6, 2023.

Pursuant to the authority vested in me as Mayor of the Town of Blackstone, I call a Special Meeting of the Council of the Town of Blackstone, Virginia, to be held in the Town Council Chambers, located at 100 W. Elm Street, Blackstone, Virginia at 7:00 p.m., Wednesday, September 6, 2023, for the purpose of considering the following:

- 1. Public Hearing – FY23 Appropriations*
- 2. Business License Penalties*
- 3. Set Work Session Date*
- 4. Resolution Approval – Chief Kuzmiak*
- 5. Town Manager Report*
- 6. Metal Detecting – Specific Locations*
- 7. Closed Session – Personnel – Town Attorney*

1. Public Hearing – FY23 Appropriations

*NOTICE OF PUBLIC HEARING
TOWN OF BLACKSTONE*

The Town of Blackstone Town Council shall hold a Public Hearing at 7:00 p.m., September 6, 2023, in the Town Council Chambers, 100 W. Elm Street, Blackstone, Va. The purpose of the Public Hearing is to consider amendments to the Town's fiscal year 2023 budget. The aggregate amount of the amendments exceeds one percent of the fiscal year 2023 budget and the Public Hearing is required by Section 15.2-2507 of the Code of Virginia. The proposed amendments and supporting documents are available to review at the Town Manager's Office, 100 W. Elm Street, Blackstone, Va.

Manager Vannoorbeeck asked to suspend this Public Hearing as it is not complete. He said we will hold this Public Hearing at a later date, but it does need to be held before the Audit.

Councilman Gormus made a motion to suspend this Public Hearing. The motion was seconded by Councilman Allman.

Mayor Green asked all in favor or opposed:

VOTE:

- Councilman Gormus - Aye
- Councilwoman Wynn - Aye
- Councilman Page - Nay
- Councilwoman Williams - Absent
- Councilman Miller - Aye
- Councilman Nash - Aye
- Councilman Allman - Aye

2. Business License Penalties

Attorney Bacon said for the June Meeting she provided a list of the different penalties the Town could impose. She said the current Town Code says the Town can levy a penalty of \$10.00 or 10%, whichever is greater. She said the Town can charge interest at 10% a year until paid, and maybe that could be added to the bottom of the form.

Attorney Bacon said the License Tax is an outstanding tax, so there are different things the Treasurer can do as well, such as attaching and selling personal property or enacting Treasurer Liens. She said Virginia State Code does make it unlawful to operate a business without a license. She recommended the Town adopt an Ordinance for businesses operating without a license.

Attorney Bacon said a county does require a Public Hearing, but technically a town does not require a Public Hearing, but she advises her towns to hold one for Ordinances.

Mayor Green asked Attorney Bacon if she was recommending adopting three Ordinances. Attorney Bacon replied correct.

Councilman Nash asked Attorney Bacon if she recommended adopting all the Ordinances included in the packet. Attorney Bacon replied yes, to include the recommended Ordinance she provided, which brings the Town in conformity with State Code.

Councilman Nash made a motion to advertise for Public Hearing the sample Public Hearings that include Sections 9-1-5, 9-1-12, 9-1-13, 9-1-14, 9-1-15 and the recommended Ordinance. The motion was seconded by Councilman Miller.

Attorney Bacon said 9-1-12 will supplement what the Town already has, and 9-1-13 through 9-1-15 will be new.

Councilman Page made a secondary motion that before sending to Public Hearing, these Ordinances be reviewed by the Health and Ordinance Committee.

Mayor Green said there was no second, so that motion failed.

Attorney Bacon said the numbered Ordinances provided were not State Code, they were from Alexandria.

Mayor Green asked all in favor or opposed:

VOTE:

Councilman Gormus	-	Aye
Councilwoman Wynn	-	Aye
Councilman Page	-	Nay
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye

3. Culvert Policy

Attorney Bacon said this has been discussed previously, on whether the Council requires 2/3 vote for an appeal. She said based on the Code, anything over \$10,000.00 would require a 2/3 vote, which is part of the Town Charter. She said at part of the State Code, it says anything over \$500.00 is a simple majority vote.

Mayor Green said his thoughts were, if Council sets a policy and needs 2/3 majority, with four council members passionate about it, those four could make a motion, and the 4-3 vote would rule to eliminate the policy.

Clerk Daniel said she thought this Policy was to approve doing any work, and asked for clarification. She asked if every request would still come to Council. Mayor Green replied, absolutely, and acted on with a 4-3 basis.

Mayor Green gave an example if we were raising taxes, and a quorum of four were present, the vote would have to be 2/3 of the elected officials, and with only four present, there could not be a vote. Attorney Bacon read from the State Code, and Mayor Green was correct. Mayor Green added, five members would have to be present to raise taxes.

Councilman Page said he still had some issues with the Policy, and asked it be discussed further at the Work Session. Mayor Green asked the Policy be on the Agenda for the September Council Meeting.

Councilman Page said he would not be here at the September Council Meeting, and could it be on the Agenda for the October Council Meeting?

4. Set Work Session Date

Manager Vannoorbeeck said he would like to present what things the Town will be facing the next 5-10 years, prioritized.

Mayor Green said he was thinking about a two hour meeting at a roundtable. He said this would include a briefing from the Town Manager, and questions could be asked in a casual environment.

Councilman Nash suggested using the Police Department Conference Room.

Councilwoman Williams asked why the public has to come to a Work Session for Council to build as a group, and learn. Manager Vannoorbeeck believed the State Code says if you talk Town business, and a certain number present, it has to be an advertised public meeting.

Mayor Green suggested Wednesday, October 4, 2023 from 6:00 p.m. to 8:00 p.m., with a boxed dinner.

5. Resolution Approval – Chief Kuzmiak

Clerk Daniel said there were two Resolutions included in the packet, the Police Department usually writes their own. She said Detective Murphy provided one attached, and she wrote the other.

Council preferred adopting only one Resolution, and chose to use Detective Murphy’s version.

Councilman Miller made a motion to adopt the Resolution of Appreciation for Chief Kuzmiak as presented by Detective Murphy, and also apply it to a framed version. The motion was seconded by Councilman Allman.

Mayor Green asked all in favor or opposed:

VOTE:

Councilman Gormus	-	Aye
Councilwoman Wynn	-	Aye
Councilman Page	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye

6. Town Manager Report

Mayor Green said there would be a Closed Session tonight for Personnel; Town Attorney, Town Manager and Council. He said to Manager Vannoorbeeck, anything in the gray area can be reported in Closed Session.

Manager Vannoorbeeck said he had been going to work at Nottoway County for two weeks and two days now. He said there are some things going on that are not right, primarily the Bowling Alley and their activities. He said there is currently a two year lease, and they met with the proposed owner recently. He said according to the lease between the County and the proposed owner, the activities being advertised are not permitted. He said for anything other than bowling, it has to be approved by the Board of Supervisors, according to the lease.

Manager Vannoorbeeck said the County has a Local Reuse Authority, and they supervise all county owned properties at Ft. Barfoot, including the Bowling Alley.

Manager Vannoorbeeck said the gentleman that owns the business leasing the Bowling Alley was remorseful, and if asked by the Board of Supervisors, he would recommend not transferring the property to this business, based on the violations.

Councilman Page asked if it was Council's intention for the Town Manager to report on all County business he is doing, or just the hours he is working. Manager Vannoorbeeck believed it was to report on what he was doing, as well as the hours. Mayor Green said he asked Manager Vannoorbeeck to report on the Bowley Alley because of the proximity to Blackstone.

Councilman Nash asked Manager Vannoorbeeck how much time he had spent at the County. Manager Vannoorbeeck replied, the first two weeks, 10 hours total, with 1 being after hours. He said Mayor Green asked him to include mileage because he uses the Town truck to drive to the County.

Mayor Green said the County knows the Town needs to be made whole for all expenses.

Manager Vannoorbeeck said the pavers were gone, and they did miss Hurt Street. Councilman Nash asked if the street sweeper would be going around now for the loose tar and gravel. Manager Vannoorbeeck said traffic needed to be on it more to push it to the gutter pan. He said it is a poor man's asphalt.

Manager Vannoorbeeck said the County is preparing the Deed for the School Property.

Attorney Bacon asked if the Town had voted to accept the School Property. Clerk Daniel replied no.

Mayor Green said he and the Town Manager have a meeting set for September 19th with the County Treasurer to discuss issuing dog tags.

Manager Vannoorbeeck said the Gators had been using the LCCDC Building, and did not know if that would continue, so they wanted to get the upstairs finished in the new concession stand.

Councilman Nash asked if the LCCDC Building was not available for use anymore. Manager Vannoorbeeck said once the property transfers, the lease is over, and it belongs to the Town.

Councilman Miller said Ms. Yvonne Wilson called LCCDC and told them after September they could not use the building any longer. Councilman Nash believed the decision for the Gators to use the building would be decided by Council.

Mayor Green said he would like to hear Manager Vannoorbeeck's vision, then make it Council's.

Manager Vannoorbeeck said the County was planning to issue debt for roughly \$11 Million. He said he and the Board of Supervisors disagreed with some of the findings, such as tax increases. He said the County was on the verge of spending \$300,000.00 for bond counsel services that were unnecessary, and should have been \$50,000.00. He said this was included through the Virginia Resource Authority, but the Board of Supervisors did not authorize this. He said when queried, they did not get back to him, and this was terminated today.

Councilman Allman asked Manager Vannoorbeeck if he would report on the Water.

Councilman Page asked to make a procedural note. He said Councilman Allman pointed this out earlier in the year, this is a Special Called Meeting from August 30th, and had an Agenda. He said according to the Town's Charter, only items that were called, can be discussed. He said late this afternoon, three items were added, Committee Referral, Billboards, report on Crewe Water issues, and in Closed Session, Town Manager and Council. He believes discussing these added items would go against the Charter.

Manager Vannoorbeeck believed an Agenda could be changed with a unanimous attendance.

Manager Vannoorbeeck said he received from Mayor Green that the State Budget was going to include allowing the Department of General Services to have water lines constructed and turned over to another county, inside Nottoway County. He said Senator Ruff and Delegate Wright said they were voting for the Budget because they could not pick out items to vote for. He said this is more of the same, and sleazy the way it has been done.

Manager Vannoorbeeck said during the Work Session he would discuss costs associated with running water lines.

7. Metal Detecting – Specific Locations

Clerk Daniel said the day after Council voted not to allow metal detecting in the museum block, that gentleman brought her items from that area. She believed specific locations needed to be designated.

Mayor Green referred Metal Detecting locations and the Billboards to the Buildings, Property and Cemetery Committee.

Councilman Page asked for a Point of Order.

Attorney Bacon said what she had looked up was in 3.4 section B, no business may be transacted except for which it is called. She said in Virginia Code Section 15.2-1418, it says no matter that is not specified in the Notice can be discussed, unless all are present. She asked Councilman Page what Charter section he was referring to. Councilman Page replied, 2.27, Special Meeting of Council under the Charter.

Councilman Allman said if we are not making motions, does that make it ok, since no business is being transacted.

Councilman Gormus asked what the purpose of the Call Sheet was.

Councilman Page said this meeting was called on the 30th, and sent to the public, and cannot be changed at the last minute. He said that does not notify the public, and items being added, are they reasonable under the circumstances to call an Emergency Meeting.

Councilman Miller said he has been on this Council for five years, and it has been the same meetings, and things come up, what is the problem. Councilman Page said he was not on Council then.

Councilman Page said Council members and the public should not find out two hours before a meeting that new items have been added, unless they are emergency items.

Councilman Allman said until we get further clarification, the items added should be skipped, and add to the next Agenda. He said he would like clarification if it is items being talked about or business being conducted.

Councilman Page said the issue was the two items added for Closed Session. Councilman Gormus said the public would not be in Closed Session. Councilman Page said the public has the right to know why Council is going into Closed Session.

Mayor Green said he had a circumstance that has just arisen and he needed to talk to Council, and it is of utmost importance. He asked if he was allowed to brief Council on something that came up today. He said he would never allow something backdoor, and make decisions without proper notice.

Councilwoman Williams asked why we have to specify what Closed Sessions fall under. Clerk Daniel said that is what the State Code says. Attorney Bacon said it doesn't have to be a specific person; it can be administration for example.

Mayor Green said he would get in front of Council, and if he had to call an Emergency Meeting tomorrow, that was just shameful. He said he needed to talk to his Council about a situation that has come up and is vital to the functioning of this Town. Councilman Nash believed Mayor Green would just have to call each individual Council member.

Clerk Daniel asked for clarification on metal detecting.

Councilman Allman made a motion that the only location for metal detecting be in Seay Park until the Committee meets. The motion was seconded by Councilman Miller.

Mayor Green asked all in favor or opposed:

VOTE:

Councilman Gormus	-	Aye
Councilwoman Wynn	-	Aye
Councilman Page	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye

CLOSED SESSION:

Virginia Code Section 2.2-3711

1/ Personnel – Town Attorney

Councilman Nash made a motion to go into Closed Session for Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. The motion was seconded by Councilman Gormus.

Mayor Green asked all in favor or opposed:

VOTE:

Councilman Gormus	-	Aye
Councilwoman Wynn	-	Aye
Councilman Page	-	Aye
Councilwoman Williams	-	Aye
Councilman Miller	-	Aye
Councilman Nash	-	Aye
Councilman Allman	-	Aye

Councilman Gormus 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 Councilwoman Wynn.

Mayor Green asked for a Roll Call Vote:


VOTE:

Councilman Gormus	-	Certify
Councilwoman Wynn	-	Certify
Councilman Page	-	Nay
Councilwoman Williams	-	Certify
Councilman Miller	-	Certify
Councilman Nash	-	Certify
Councilman Allman	-	Certify

Councilman Page did not respond, so Mayor Green asked him if his vote was a no. Councilman Page said no, we discussed other things, we discussed frustration with each other, just to be clear. He said if say no, you have to say why. Councilman Gormus said right now we are just certifying.

Mayor Green continued the vote and said the motion carried 6-1.

There being no further business to bring before Council, Mayor Green declared this Special Called Meeting adjourned at 8:34 p.m.



MAYOR
OF THE TOWN OF BLACKSTONE, VIRGINIA

October 16, 2023 APPROVED AND ADOPTED



TOWN CLERK
OF THE TOWN OF BLACKSTONE, VIRGINIA