

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, January 10, 2024 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; Brittany Morgan, Treasurer; Ashley Seamster, Utility Billing Clerk

Town Attorney:

Those Absent:

*Special Called Meeting of the Council of the Town of Blackstone, Virginia for 7:00 p.m., Wednesday, January 10, 2024.*

*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, January 10, 2024, for the purpose of considering the following:*

*1. Collections Enforcement*

**1. Collections Enforcement**

Mayor Green said at the last meeting, he thought it would have been a benign issue to put the situation with Ms. Candy Early behind us, and asked for a motion to rescind the previous motion for services with Hawthorne & Hawthorne. He said that night there were two members not present, and the motion did not carry.

Councilman Nash asked if a motion could come from he or Councilman Allman, since they were on the losing end of the motion. Mayor Green said absolutely, Robert’s Rules of Order states if you are on the losing end of a motion, it cannot be brought up again in that meeting. He said he was not sure about being a Continued Meeting, but this tonight is a Special Called Meeting.

Councilman Nash made a motion to rescind the previous motion to not continue with prosecuting Ms. Candy Early. The motion was seconded by Councilman Allman.

Councilman Page said Point of Procedure, also in Robert's Rules of Order, a motion to rescind can only come after the meeting that the motion was originally passed, and this motion was originally passed in November. He said taking it up in December at a Continued Meeting was technically the same meeting, and now it would have to be worded different. Mayor Green said he would entertain that.

Mayor Green asked Councilman Nash to withdraw his motion. Councilman Nash agreed.

Councilman Miller said he always thought under Robert's Rules of Order, the winning person had to bring a motion back up. Mayor Green said in the same meeting. Manager Vannoorbeeck said that is how we have always functioned, but it does say "that day".

***Councilman Nash made a motion to not proceed with charges against Ms. Candy Early/Herb Cottage due to monies being paid in full. The motion was seconded by Councilman Allman.***

Councilman Page said he advocated earlier in the year for these charges to be brought, and still thought they should have been brought back in February or March, but Council still needs to look at their policies being codified in the Code. He added we need to include on a certain date these will be sent to TACS, a certain date they will be charged, and then the discretion comes away from Council and staff. Mayor Green said we would discuss this later in the meeting, and agreed with Councilman Page.

Councilman Page said he was going to vote to cease, because it has been a two year long issue, and should have been done ten months ago. He said the next person will want two years, we really need to fix the policies and move on from this.

Councilwoman Williams said last week we asked Manager Vannoorbeeck to contact the Commonwealth Attorney, she asked if there was any information on that. Manager Vannoorbeeck said he did not have any information; he was waiting for tonight's meeting. Councilman Gormus said she was supposed to be contacted the next day. Manager Vannoorbeeck said he spoke to the Mayor and several Council members and was asked to stand down on the prosecution. He said he agreed and personally thought it was the right decision. Councilman Gormus said this was voted on twice already.

Councilman Miller said if we go after her. Councilman Gormus said go after her is strong, it should be if we follow the Code.

Councilman Miller said if we go after her, from what he heard, there is no advantage to this, and if the Commonwealth Attorney doesn't prosecute, then the Town will have to spend money. Mayor Green said that is correct, and we have already spent \$2,200.00 with Hawthorne & Hawthorne, and have not done anything.

Councilman Miller said we all fell down on this; it should be a lesson learned. He said we need to stick to the Code.

Councilman Nash said we need to look into all legal fees being applied to those that are delinquent.

Councilman Gormus said we do need to relook at the Code, but changing the Code in the middle of a situation is wrong. He said what is the price to do the right thing, how much is too much to pay to adhere to the Code. He said it is not us that caused the cost, we should not feel the guilt because we choose to follow the Code. Mayor Green said those were great points, and did not disagree.

Mayor Green said the whole thing was botched, by the Council before us, and this Council. He thought it was in the best interest of Blackstone for this to go away, and tonight discuss these items further to prevent it from happening again. Councilman Gormus said two wrongs don't make a right.

Councilman Page did not think the Commonwealth Attorney would ever enforce a Town Ordinance misdemeanor, it is usually done by the Town Attorney, which we don't have one right now. He said we need to figure this in our Ordinances in the future to enforce them. He said businesses are collecting money from people walking in their establishment, just to hand to the Town, and it is not getting handed over.

Mayor Green asked for a Roll Call Vote:

VOTE:

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

Councilman Miller, Councilwoman Wynn and Councilman Page said they voted Aye, with reservations.

### **Meals Tax Collections**

Councilman Allman said he would still like Manager Vannoorbeeck to contact the Commonwealth Attorney for the standard procedure when a Town's Meals Tax is not paid, who normally handles that. Treasurer Morgan said she handles it.

Councilman Allman asked about criminal charges. Councilman Page said the Treasurer files and the Town prosecutes. Councilman Nash said the Commonwealth Attorney was not going to take this on. Councilman Page said she cannot enforce Town Ordinances, the Town has to do it, except when we do not have a Town Attorney.

Treasurer Morgan said the “Meals Tax Collections” information at Council’s desk, is what she currently does. She said she had been told by attorneys that nobody would take on a case without following these steps.

Treasurer Morgan said Ms. Early’s Meals Tax delinquency was for three months in 2023, and sent to TACS. Manager Vannoorbeeck said the majority of her outstanding principal was from the Covid Loan from 2020.

Councilman Miller asked if extensions are made for Meals Tax. Treasurer Morgan replied no, but they are offered payment agreements to help the collections process if a business defaults. Manager Vannoorbeeck added, any time limit placed is null and void if a judge determines something different.

Councilman Page suggested changing the “Meals Tax Collections” procedure to “payment not received within 5 days of notice”. He asked why wasn’t Ms. Early charged last year, and instead being put on Council now, two years later. Treasurer Morgan said Ms. Early went into collections in 2023, and they proceeded with the bank liens and tried to seize equipment, then Council started with charges. Councilman Nash said with the previous Council, there was enough sway, it got washed over.

Councilwoman Williams asked to move forward to 2024, and stop going back to 2022-2023.

Manager Vannoorbeeck suggested making the 3-5 days, “5 business days”.

Councilman Page asked how long once sent to TACS before filing a charge. Treasurer Morgan said we first see if the business owns their equipment, if so, we try to seize that, or if we can get access to their bank account, we try a bank lien. She said with a bank lien, the bank gets 14 days.

Manager Vannoorbeeck said before taking out criminal charges, we will meet with Council first.

Councilwoman Williams said she would like added to the procedures, that when it becomes delinquent, someone other than the Treasurer Department know about it.

Mayor Green said going forward, he would like a public report in the packet every month of any businesses that are not perfect. Clerk Daniel asked if Council wanted the business name. Mayor Green replied yes, but he did not care about the amount owed.

Treasurer Morgan said she would include the name of the business, and what point of the collection process they were in.

Councilman Allman asked for a number of days from TACS to criminal charges.

Manager Vannoorbeeck said at the next Council Meeting we will discuss in Closed Session how to proceed with criminal charges.

Councilman Gormus asked what research can be done for equipment ownership, besides Facebook. Manager Vannoorbeeck said he did not know, but would find out what TACS recommends.

Manager Vannoorbeeck said during the situation with Ms. Early, TACS recommended not being parallel with criminal and civil at the same time. He said they recommended exhausting the civil, then move forward with criminal charges.

Councilman Nash suggested separating civil and criminal, and add to the Treasurer's steps, a sixth bullet point adding criminal processes.

***Councilman Miller made a motion to approve the "Meals Tax Collections" Policy as presented, subject to corrections.***

Councilman Allman said he did not have a substitute motion; however, he did not feel comfortable voting on this at a Special Called Meeting, and asked this be on the next Agenda.

Councilman Miller said he wanted to take care of this tonight.

***Mayor Green asked Councilman Miller if his motion included having Council evaluate criminal charges on a case by case basis. Councilman Miller replied yes.***

***The motion was seconded by Councilwoman Williams.***

Councilman Page said he cannot vote on a Policy that leaves criminal charges open for discretion. He believed there needed to be a Policy that makes criminal charges automatic and takes discretion off of staff and Council.

Mayor Green asked for a Roll Call Vote:

VOTE:

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

### **Utility Extensions**

Manager Vannoorbeeck said the Town has a liberal Policy that was adopted in 2019 regarding payment agreements and extensions. He said a customer can have three payment agreements in a twelve month period, in addition they can have two ten day extensions in a twelve month period.

Manager Vannoorbeeck said this is odious with staff, and looking at cash issues, it is not where it has been. He said we didn't finish paying our bills last month until yesterday. He said included in the packet is information on what other localities do.

Councilman Gormus asked for an explanation on the difference in a payment agreement and an extension. Treasurer Morgan said the Utility Billing Clerk, Ashley Seamster, mails the utility bills out the last business day of the month.

Mayor Green said previously there was talk about payment plans and extensions, so the Town is already 30 days after using the power sending a bill, and the Town has already paid for it. He said then another 15 days was added.

Manager Vannoorbeeck explained if you start buying utilities on January 1<sup>st</sup>, the meter will be read by February 3<sup>rd</sup>, and you won't get a bill until March 1<sup>st</sup>, for January's usage. He said then you have 30 days before it is delinquent, so its April 1<sup>st</sup>, then before cut off, it is still 15 more days. He said the Town floats a tremendous amount of money every month. Treasurer Morgan said if you get a payment agreement, you have until May 5<sup>th</sup>. She added we give close to 20 payment agreements a month.

Councilman Allman asked how much is that a month. Treasurer Morgan said she would not know that. Councilman Allman asked if it could be roughly \$6,000.00. Treasurer Morgan said yes.

Councilman Page said the Policy was adopted in 2019, but he remembered being here in November 2022 and the Policy was brought up to give five extensions. Manager Vannoorbeeck said the five extensions are for payment agreements and extensions.

Councilman Page said according to what other suppliers do, as provided in the packet, the Town is more stringent. He said aren't payment agreements for utilities just part of doing business, we only offer five. Councilman Gormus said paying utility bills is the cost of using utilities.

Councilman Page said this was the first time seeing the proposed Utility Policy. Mayor Green said we don't have to vote on this tonight.

Councilwoman Williams said she did not see anything wrong with the Policy, because we are working with the citizens.

Treasurer Morgan said if Council decided to keep five extensions, at least consolidate them. She said staff has to do three cut offs a month, one for cut off day, one for extensions and another for payment agreements.

Utility Billing Clerk Seamster said you get until the 5<sup>th</sup> of the month to pay your utility bill. She said if someone gets a payment agreement in January due on the 5th, they are paying for November usage, and in ten days they will have another bill due, or they will be disconnected again.

Councilwoman Williams said is the Policy realistic for a working person with a \$900.00 utility bill, and just give me 15 more days. Manager Vannoorbeeck said but you can keep continuing it for five times. Treasurer Morgan said these are the only two options we have to offer.

Councilman Allman said if these policies are causing troubles in the office, and the Town is having cash flow problems, then we do need to look at this.

Treasurer Morgan said payment agreements and extensions are the same thing, but Council needs to decide whether it is going to be 10 or 15 days.

Councilman Allman suggested two 10 day extensions per year, and a payment agreement. He said if your bill is 100% or more over the last bill, then that person qualifies for a payment agreement to be paid over three months, with 50% paid up front, once a year.

Manager Vannoorbeeck said something that would be helpful is having customers pay half up front.

Treasurer Morgan said with utilities we do not use TACS, we take their security deposit and apply it, and then we use IRMS, which collects from their tax returns, and if that does not work, then we put a garnishment on their paycheck.

Councilman Page said he would prefer three 10 day extensions, and after that the customer pay 50% to get another 10 day extension. He said no other providers have a cap.

Councilman Page said those that are not a municipality have to run polices by a state agency. He said there are certain days and times you can cut off, notices have to be provided, and we are comparing ourselves to other people who are not allowed to do this, it may discourage people from living here. Mayor Green said it was his intention to get this policy ready, and conduct a Public Hearing.

Councilwoman Williams said she liked three 15 day extensions, and suggested for the payment agreement anything over \$500.00. She said she wanted us to continue to work with the citizens as much as we can.

Councilman Miller said he preferred two 10 day extensions. Councilwoman Williams said she would be ok with two.

Mayor Green asked staff to provide a Policy that Council can agree with, and then advertise for Public Hearing.

Councilman Nash believed all discussed tonight puts the customer in a bind, because ultimately that final pay date is coming.

Manager Vannoorbeeck said this discussion is good, but all is moot if legislation passes through the General Assembly, which will require all utilities, including municipals, to wait three delinquent light bills of no payment whatsoever, before cut off can happen. He said if that is approved it will be devastating for us.

Councilman Nash said he had a business come to him recently about their utility bill, he had a late fee of \$6.00 and was cut off because of the late fee. He said the customer pays from his current charges. Treasurer Morgan said we would not have cut anyone off for \$6.00. Councilman Nash said the bill is confusing because if you don't pay before the bills are printed it shows a past due amount. Treasurer Morgan said to correct that, the Town would need new accounting software.

Councilman Allman said he wants a Policy so we don't have people coming here asking for a payment agreement that we give anyway.

Councilman Page said the Town didn't finish paying their bills from December until January 9<sup>th</sup>, did we ask for any extensions or were any late. Manager Vannoorbeeck replied no, everything is net 30.

Councilman Page asked if we have ever asked Dominion for an extension. Manager Vannoorbeeck said we do not pay Dominion, we pay VMEA, and there are no extensions. He said nor do they give us 45-60 days, we get the bill on the 14<sup>th</sup> each month, and is due the 24<sup>th</sup> of the month. Councilman Page said the current Policy really hasn't hurt the Town from paying their bills.

Councilman Page said the Town is paying their bills on time. Manager Vannoorbeeck said no we are not, we need to pay everything by the 30<sup>th</sup> of the month, and we were in the red until the 9<sup>th</sup> of this month. Councilman Page said we needed an extension until the 9<sup>th</sup>, but we are not going to afford that to our customers.

Mayor Green asked staff when working on this Policy, try to cut down on the cut off days a month. He said one week advertising is sufficient for the Public Hearing, to be held on January 22, 2024, and asked that copies of the polices prepared be sent to Council.

Clerk Daniel asked for clarification, the new Policy would include two 10 day extensions per year, and one payment agreement per year with a \$500.00 minimum and a 100% increase in the bill.



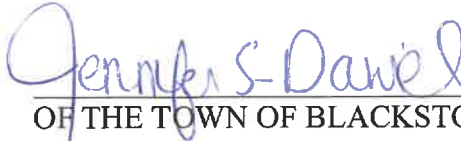
There being no further business to bring before Council, Mayor Green declared this Special Called Meeting adjourned at 8:07 p.m.



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MAYOR  
OF THE TOWN OF BLACKSTONE, VIRGINIA

January 22, 2024

APPROVED AND ADOPTED



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TOWN CLERK  
OF THE TOWN OF BLACKSTONE, VIRGINIA