

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, July 17, 2017 at 7:00 p.m.

There Were Present:

Mayor: William D. Coleburn

Council Members: Wade Hamner, Lee Scott, Ben Green, Barbara Thompson, Alfred Tucker, Eric Nash, Sam Moncure

Town Staff: Philip Vannoorbeeck, Town Manager; Jennifer Daniel, Clerk; Jennifer Hardy, Finance Director; Gweneth Procise, Treasurer; Nicholas Kuzmiak, Police Chief; Dion Tomer, Fire Chief; Yvonne Wilson, Community Development Director, Joshua Worrell, Transit Director

Town Attorney: Tessie B. Bacon

Those Absent: Chief Tomer, Chief Kuzmiak

Mayor Coleburn called the July Council Meeting to order.

Councilman Nash delivered the Invocation.

Mayor Coleburn led the Pledge of Allegiance.

VISITORS

Mrs. Wilma Townsend and Mr. Howard Townsend

Mrs. Townsend said she was here a month ago and everyone was in agreement that the fence would go up. She called later to find out that Mr. Duncanson had changed his mind. She said her point is this has been going on since October 6, 2016, when the Town cut down the site and sound barrier and she notified the Town immediately. She said here it is July 17th and still nothing has been done.

Mayor Coleburn asked at the recent BZA Meeting was there a vote taken. Manager Vannoorbeeck clarified in 2003 there was a variance made, not an Ordinance. He added there was no vote because we thought it was a gentleman's agreement that it would get done. He added Mr. Duncanson decided he didn't want to build the fence until the BZA would agree to modify the variance removing Mrs. Rutledge as a satisfied adjoining property owner.

Mayor Coleburn said in 2003 Manager Vannoorbeeck nor he were presiding, but thought in 2003 the Board of Zoning Appeals decisions were signed off by legal counsel and now it is being criticized. Manager Vannoorbeeck replied the BZA does not meet very often but does not remember Attorney Bacon attending meetings so was not sure if Mr. Walden was dictating terms and conditions.

Manager Vannoorbeeck said Mr. Ken Walden would like the terminology with the variance to be modified but we cannot guarantee what the BZA will do.

Mr. Howard Townsend expressed his passionate plea. Mrs. Townsend said with all her phone calls and attending meetings she has seen nothing done. Mayor Coleburn replied Mrs. Townsend deserved an A for patience. He added in the packet tonight was a recommendation to proceed with legal action.

Attorney Bacon said their recommendation is to proceed with legal action if the BZA does not do what is satisfactory to everyone involved. She read the motion that was being recommended.

On Motion made by _____, seconded by Board Member _____, it was resolved that the request to modify the variance granted for the property designated as Tax Map Parcel No. 50A-28-1-8 located on Mann Street, adjacent to property owner by Wilma Rutledge Townsend is hereby granted upon the following terms: The 20 foot set back on the rear property line is granted provided that applicant erect and maintain a barrier on applicant's property along the property line of Wilma Rutledge Townsend. The barrier shall be made of white vinyl fencing and shall be uniformly eight feet in height. It shall be located by Town of Blackstone personnel on or near the top of the slope so as to avoid interfering with the underground utilities. Town personnel shall install the barrier at no cost to Applicant. Applicant shall pay for the materials and supplies needed for installation per the estimate provided by the Town.*

Mrs. Townsend said she was ready to sign the agreement and then they changed their mind.

Attorney Bacon recommended Council's authorization to proceed with legal enforcement with the understanding they were trying to convene BZA to get this issue resolved.

Councilman Nash made a motion to authorize proceeding with legal enforcement if the BZA does not get the site and sound barrier issue resolved. The motion was seconded by Councilwoman Thompson.

Councilman Green asked if there was a remedy to bypass the BZA and tax payers from having to keep paying legal fees. Manager Vannoorbeeck replied the BZA adopted the variance and they have to be the ones to vote on this.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

Mr. Waymond Mitchell

Mr. Mitchell said he was here about handicap parking spaces in private parking lots again. He said he and Chief Kuzmiak had looked through the Code and saw where it was a Building Code violation. He said someone needed to present this to the County to make sure it is enforced.

Manager Vannoorbeeck said the newer structures should be Code Compliant but was not sure of the policy for older businesses. Manager Vannoorbeeck said he was not sure how far back we could enforce with older businesses but would find out.

Councilman Nash suggested Manager Vannoorbeeck talk with the current building inspector.

Councilman Moncure asked if we could talk with the individual businesses.

Mayor Coleburn asked staff to contact the businesses.

Mr. Mitchell said the cookouts would start in September again.

Mr. Mitchell advised the Ministerial Association would be having a service on July 30th.

Mr. John Kessler – 302 Fourth Street

Mr. Kessler said had been living at 302 Fourth Street since September 2014. He said he put down his \$300.00 deposit but because of his and his mother's health issues bills were not paid on time, but now they have been paid on time within the twelve-month period. He explained the information he was provided by staff and was advised Council had to vote on it so that is why he was here tonight.

Mayor Coleburn asked Mr. Kessler to come to the Town Hall tomorrow at 10:00 a.m. to see Brenda Bryant or Gwen Procise.

Mr. Lewis Johnson

Mr. Johnson said Nottoway Avenue looked good, but his concern was the parking. He said Manager Vannoorbeeck advised him that VDOT would have to approve parking on the street.

Manager Vannoorbeeck said he recently met with VDOT and asked them to look at parking on Nottoway Avenue. He said there was a problem with tractor trailers but asked VDOT to differentiate between tractor trailers and cars parking on the street.

Councilman Nash said he rode down Nottoway Avenue and enjoyed seeing the kids use the sidewalk but there was one truck parked in a driveway that blocked the sidewalk. He said he would like to see police help with this.

Councilman Nash said the Rotary had submitted for a grant to put a bus shelter at Cole Harbor.

Transit Director Worrell said he would check into changing the route to go to Cole Harbor.

Mr. Nathaniel Miller

Mr. Miller asked if there were set times for the basketball court. Mayor Coleburn replied we have a limit where the lights cut off at 9:00 p.m.

Ms. Julia Alaric

Ms. Alaric asked if there was a set schedule for the street sweeper. Manager Vannoorbeeck replied there is only a set schedule for Main Street. He said if you and your neighbors pick a day to have the cars off the street then let us know.

MINUTES

Councilman Green made a motion to dispense with reading and approve as presented the Regular Council Meeting Minutes from June 19, 2017 and the Continued Meeting Minutes from June 28, 2017. The motion was seconded by Councilman Tucker.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

FIRE CHIEF'S REPORT

Mayor Coleburn advised Chief Tomer was out of state.

Councilman Nash said we just approved the Procurement Policy but asked since this was such a bizarre request, can we advertise on eVA in order to be seen by more than just local vendors.

Councilman Nash made a motion to allow the Fire Department to solicit bids this one time through eVA to outfit the Command Vehicle. The motion was seconded by Councilwoman Thompson.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

PAYMENT OF BILLS

Mayor Coleburn stated the bills that have already been paid are in the amount of \$549,700.82.

Councilman Green made a motion to approve the bills that have already been paid in the amount of \$549,700.82. The motion was seconded by Councilman Nash.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

Mayor Coleburn stated the bills not yet approved but to be paid are in the amount of \$265,664.31.

Councilman Nash made a motion to approve as presented the bills not yet approved but to be paid in the amount of \$265,664.31. The motion was seconded by Councilman Tucker.

Councilman Nash asked about the Police Department, coloring books for \$350.00. Finance Director Hardy replied that was all that was on the invoice. Mayor Coleburn added that may have been from Halloween. Manager Vannoorbeeck added this comes from the Police Department's Youth Program income.

Councilman Hamner asked about David Hite for \$1,039.00. Finance Director Hardy replied it was for materials and labor. Manager Vannoorbeeck added it was for work at the Police Department to help transfer lines to the County since there is no dispatching anymore.

Councilman Nash asked about Railroad Management for \$485.00, is that the lease. Manager Vannoorbeeck replied that is for leases and /or easements for utilities.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

COMMITTEE REPORTS

Street & Light – met on 7-10-17 – minutes included in July's Council Packet

South Main Street Revenue Share Project

Chairman Tucker said the Committee recommended awarding the contract to Biggs Construction in the amount of \$654,561.39 for the South Main Street Revenue Share Project.

Councilman Tucker made a motion to award the South Main Street Revenue Share Project to Biggs Construction in the amount of \$654,561.39. The motion was seconded by Councilman Green.

Councilman Green asked if this would take of care of the storm drain on South Main that floods. Manager Vannoorbeeck replied yes, that is the plan.

Manager Vannoorbeeck said at the Committee Meeting there was not a formal figure, but since then, there had been some negotiation with Biggs Construction and the revised price is \$642,609.39.

Councilman Nash asked what streets. Manager Vannoorbeeck replied this project would be from Bagley Street to the nursing home on Sixth Street.

Mayor Coleburn asked how many sidewalks would be widened. Manager Vannoorbeeck replied only on the side of the Grey Swan.

Councilman Green made a substitute motion to award the contract to Biggs Construction in the amount of \$642,609.39. The motion was seconded by Councilman Nash.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

Happy Café – Sidewalk / Curb and Gutter and High Street Sidewalk / Curb and Gutter

Chairman Tucker said the Committee voted to replace the sidewalk on South Main Street from Maple to Irvin.

Mayor Coleburn asked if this was just on the west side of the street. Manager Vannoorbeeck replied yes because the sidewalk in front of the Happy Café is broken. He said in the interim there had been a request to replace sidewalk on High Street on the west side.

Manager Vannoorbeeck thought the property owner on High Street would be agreeable to moving a water meter for right now because neither project is going to be cheap. He said the property owners are wanting to construct a driveway.

Manager Vannoorbeeck advised the water meter would be moved by the same terms and conditions typically used, with materials being the property owner's responsibility and the labor is provided by the Town.

Manager Vannoorbeeck said when the Committee was asked to choose they chose South Main Street from Maple to Irvin Street.

Councilman Nash asked if any of this project would be paid for with a portion from the property owners. Manager Vannoorbeeck replied no.

Mayor Coleburn asked if it would be paid with VDOT money. Manager Vannoorbeeck replied it is eligible to be used.

Councilman Moncure made a motion to replace the sidewalk on South Main Street from Maple to Irvin Street and to move the water meter on High Street as per the recommendation from the Street and Light Committee. The motion was seconded by Councilman Tucker.

Councilman Green advised he walked High Street and it is retched, he said some have driveways and some have different heights of curb and gutter. He said he didn't see why the homeowner should bear any cost for moving the water meter. Manager Vannoorbeeck replied we have moved meters previously because of trees growing around them and the property owners paid according to the terms.

Councilman Green said he agreed with the Committee to fix Main Street but asked if the motion included fixing High Street next year or budget for it. Manager Vannoorbeeck replied he would like to budget for it.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

Reducing Speed Limits

Manager Vannoorbeeck said we have two options, request a traffic study from a certified engineer for about \$1,500.00 per street. He said the other option is traffic calming, which is speed bumps. He said VDOT advised it is legal because the Town manages their streets. Manager Vannoorbeeck advised snow plows don't do well with speed bumps.

Mayor Coleburn said if we go with speed bumps, there will be requests all over Town.

Councilman Nash asked if we were solving the problem with reducing speed limits, are our officers writing tickets.

Councilman Moncure said the way to stop people from speeding is get the ticket books out.

Councilman Moncure made a motion that requested the Police Chief actively aggressively enforce speed limits in the particular areas, Maben, Gravatt and downtown between Irvin and Division Streets. The motion was seconded by Councilman Green.

Councilman Nash asked if we could get a blanket from the General Assembly instead of having to do a study for each street.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

Councilman Green made a motion to proceed with the traffic study on Maben, Gravatt and Main Street from Irvin to Division Street. The motion was seconded by Councilwoman Thompson.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Nash	-	Nay
Councilman Moncure	-	Nay
Councilman Hamner	-	Nay
Councilman Scott	-	Nay
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Nay

Mayor Coleburn clarified the motion failed by a vote of 5-2.

Mayor Coleburn asked to have traffic calming on the October Agenda.

Councilman Nash also asked Manager Vannoorbeeck to report back in August on traffic studies town wide.

Taylor Street & Jap Hawkes

Manager Vannoorbeeck advised the Town could put some deflectors in the drop off to help with the problem. He said he and Mr. Ostrander would work on this.

Manager Vannoorbeeck advised the year is up that earmarked proceeds from parking tickets, the Town will be sending a check for \$440.00 to HELP. He said this was per Mr. Waymond Mitchell's request previously.

Councilman Nash said he had a constituent ask him about what the Town did on Second and Brunswick. Manager Vannoorbeeck replied when we put curb and gutter in front of Betty Wood's house, it was intended to be a handicap ramp from Brunswick Avenue to the house. He said in order for that to work, there needed to be a significant amount of grading and she didn't want her yard torn up. He said we still owed her a handicap ramp, so instead Mrs. Wood preferred steps, which is what the Town did recently.

Councilman Green thanked Finance Director Hardy and Manager Vannoorbeeck for their hard work on the budget.

Manager Vannoorbeeck advised department heads are now responsible for procurement for their departments as well as coding the purchases.

CONSENT AGENDA

There were no items for the Consent Agenda.

UNFINISHED BUSINESS

1. Rural Homeowner Rehab Grant

Mayor Coleburn advised the Town was unsuccessful with the Rural Homeowner Rehab Grant, which means the weatherization planned will not be as many. Manager Vannoorbeeck added it will only be four homes now.

2. Fire Department Command Vehicle

Discussed earlier in the meeting.

3. Burn Building

Mayor Coleburn said we received word from Prince Edward and asked if we had heard from Dinwiddie. Manager Vannoorbeeck replied no, this may work out not having so many different opinions but may be a little more expensive.

4. Mann Street Variance

Discussed earlier in the meeting.

ON-GOING PROJECTS

1. Dilapidated Buildings

Manager Vannoorbeeck advised there was a house overgrown with vines on Mann Street. He said WACO will be doing the asbestos sampling.

Councilman Green asked if the Town had a contract with WACO, is this a yearly price. Manager Vannoorbeeck replied WACO would do the sampling and then he would bid this out.

2. Meals Tax

Mayor Coleburn advised there were two establishments behind in Meals Tax, one is the Huddle House, which is going through bankruptcy. He asked about the other establishment, is there any development there. Treasurer Procise replied they paid at 3:00 p.m. today.

Mayor Coleburn said that was due June 20th, did they get assessed the penalty and interest. Treasurer Procise replied yes.

Mr. Lewis Johnson asked about having a food truck. Mayor Coleburn replied restaurants charge their consumers 6.5% tax on meals. He said this is being collected for the Town, they are not paying money, so there is no excuse to be late.

Mayor Coleburn said in order to have a food trailer there would need to be a sales tax report filled out and subject to Meals Tax. Manager Vannoorbeeck added there would have to be Meals Tax collected and an Itinerant Merchants License for \$500.00 a year and a surety bond.

3. Street Improvement Projects

There was nothing to report.

4. Church Street Project

Mayor Coleburn advised the Town had received agreements for four additional homes.

Manager Vannoorbeeck advised we should be tearing down the old church on Second Street anytime.

5. Wigglesworth Sports Complex

Councilman Green asked for the meeting on playground equipment be in August.

6. East End Planning Grant

Manager Vannoorbeeck said he had not heard anything yet on the grant.

7. Nottoway Avenue – Revenue Share Project

Mayor Coleburn advised this project is near completion and would be done on or before September 1st, which includes the paving.

8. Utility Upgrade Project

There was nothing to report.

NEW BUSINESS

1. Surplus Items

Councilman Green made a motion to declare surplus the attached list and put on GovDeals. The motion was seconded by Councilman Nash.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

2. Town Shop – Renew Listing Agreement

Mayor Coleburn advised the attached agreement had the same terms as previous. Manager Vannoorbeeck added it expired in June.

Councilman Nash made a motion to approve the renewal of the listing agreement for the Town Shop. The motion was seconded by Councilman Moncure.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Abstain
Councilman Tucker	-	Aye

3. Zoning Permit Fee

Manager Vannoorbeeck said the majority of the Zoning Permits are required only because the County will not issue a Building Permit without one. He said we charge \$25.00 for the permits and some things really aren't zoning.

Manager Vannoorbeeck said he would like to continue charging the \$25.00 when he and Clerk Daniel have to leave the office.

Councilman Green made a motion that if town staff is not required to leave the building then the fee be waived.

Manager Vannoorbeeck said he would prefer if it is an electric, plumbing or mechanical permit there is no fee.

Mayor Coleburn said the only good thing about this is it is \$25.00 for everybody, there is no fairness issue.

The motion was seconded by Councilwoman Thompson.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

4. Seek Bids – Leaf Machine

Manager Vannoorbeeck advised this is in the Budget in the Capital Improvement Plan. He said specs had been worked out and should be between \$30-\$45 Thousand.

Mayor Coleburn asked how many leaf machines does the Town own right now that works wonderfully. Manager Vannoorbeeck replied one.

Councilman Nash made a motion to authorize Manager Vannoorbeeck to seek sealed bids for a leaf machine. The motion was seconded by Councilman Green.

Mayor Coleburn asked for a Roll Call Vote:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

5. Nottoway Babe Ruth (Age 13-15) Donation

Manager Vannoorbeeck said the coach approached him asking if the Town would make a donation to assist with travel costs. He said some kids did not have means for hotels and the coaches are fronting the costs, it is not every child, just some.

Mayor Coleburn said when you start at the beginning of the year, these possibilities exist, as coaches, they should be aware of this.

Councilman Moncure made a motion to say no to the contribution but encourage Council and any citizens of the Town to make a private contribution and this motion cover future requests. The motion was seconded by Councilman Nash.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

COMMITTEE REFERRALS

There were no referrals.

MAYORS MINUTE

Mayor Coleburn said we are starting another fiscal year with probably the best financial footing he could recall since being Mayor.

Councilman Moncure asked to please not lose sight of the fact that the Town is still climbing and we have not reached the recommended Reserves.

POLICE REPORT

There were no comments.

CITIZENS COMMENTS

Mayor Coleburn apologized for those that were here earlier and the profanity, he said he did the best he could, he didn't see it coming but did gavel them. He said he had been told there had been profanity before that he did not hear and apologized for that as well.

CLOSED SESSION

Virginia Code Section 2.2-3711

3/ Acquisition of Real Property
 Town Shop

Councilman Green made a motion to go into Closed Session for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The motion was seconded by Councilman Nash.

Mayor Coleburn asked all in favor or opposed:

VOTE:

Councilman Nash	-	Aye
Councilman Moncure	-	Aye
Councilman Hamner	-	Aye
Councilman Scott	-	Aye
Councilman Green	-	Aye
Councilwoman Thompson	-	Aye
Councilman Tucker	-	Aye

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 Tucker.

VOTE:

Councilman Nash	-	Certify
Councilman Moncure	-	Certify
Councilman Hamner	-	Certify
Councilman Scott	-	Certify
Councilman Green	-	Certify
Councilwoman Thompson	-	Certify
Councilman Tucker	-	Certify

There being no further business to bring before Council, Mayor Coleburn declared the meeting adjourned at 8:34 p.m.

MAYOR
OF THE TOWN OF BLACKSTONE, VIRGINIA

APPROVED AND ADOPTED

TOWN CLERK
OF THE TOWN OF BLACKSTONE, VIRGINIA