



**TOWN OF BLUEFIELD
TOWN COUNCIL MEETING
September 12, 2017
AGENDA**

7:30 p.m. **Call to Order**

7:31 p.m. **Invocation and Pledge of Allegiance**

- Pastor Steve Branch, Destiny Outreach Ministries

7:33 p.m. **Approval of Agenda**

7:34 p.m. **Consent Agenda**

- [August 22, 2017 Council Meeting Minutes](#)
- [September 5, 2017 Joint Meeting Minutes](#)
- [August Monthly Budget Report](#)

7:35 p.m. **Citizen Requests & Special Presentations**

- Citizen Request: Blessings in a Backpack – Kelly Knowles
- Presentation of [Resolution](#) to Mr. Ed Spurgeon – Mayor Harris
- Presentation of [Resolution](#) to Mr. Ben Muncy – Mayor Harris

7:47 p.m. **Committee Reports**

- Sanders House Update – Gail Cook & Terry Kammer

7:51 p.m. **Unfinished Business & Reports**

7:52 p.m. **New Business and Reports**

- [IDA Member Appointment](#), VOTE – Billie Roberts
- Dilapidated Property: Baptist Hollow Road Discussion – Mike Watson

7:59 p.m. **Citizen Comments**

8:04 p.m. **Town Manager's Report**

- [RFP for Water Project](#) Discussion

- [Fire Department Crash Truck](#) Update
- [Council Meeting Recordings](#)
- [Local Govt. Management Grad. Certificate Program](#) Update
- Tour du Parc – September 27th @ 9 am at Graham Rec. Park
- [VML Conference 2017](#) – October 1st – 3rd in Williamsburg, VA
- Red Cross Blood Drive – Wednesday, Oct. 25th in Town Hall Council Chambers
- [Surplus Properties](#), **VOTE**

8:14 p.m. **Council Comments**

8:26 p.m. **Attorney Report**

- [Noise Ordinance](#), 2nd Reading, **VOTE TO READ BY TITLE ONLY**
VOTE TO ADOPT
- Cable Franchise, **VOTE TO ACCEPT A BID**

8:32 p.m. **Adjourn**



JOINT MEETING MINUTES

September 5, 2017



Bluefield, Virginia Town Council Bluefield, West Virginia City Council

The Bluefield, Virginia Town Council and the Bluefield, West Virginia City Council held a Joint Public Meeting on Tuesday, September 5, 2017 at 6:00 p.m. in the Meeting Room at La Fiesta located at 504 Commerce Drive, Bluefield, Virginia.

PRESENT FROM BLUEFIELD, VA

Don Harris, Mayor
Lee Riffe, Vice-Mayor
Jimmy Jones, Councilmember
Chuck Presley, Councilmember
Ron Holt, Councilmember
Mike Watson, Town Manager
Matt Freedman, Town Attorney
Lesley Catron, Town Clerk

PRESENT FROM BLUEFIELD, WV

Ron Martin, Mayor
Barbara Thompson-Smith, Vice-Mayor
Matt Knowles, Director
Mike Gibson, Director
Rob Williams, Director
Bobbi Kersey, City Clerk
Dane Rideout, City Manager
Colin Cline, City Attorney

ABSENT

Steve Danko, Councilmember
Kim Hernandez, Executive Assistant
Billie Roberts, Community Development Coordinator

CALL TO ORDER

Bluefield, Virginia Mayor Don Harris called the meeting to order at 7:35 p.m.

MEETING

Bluefield, VA Mayor Don Harris welcomed everyone from Bluefield, West Virginia. He congratulated the new City Board Members and thanked everyone for coming out.

Bluefield, WV Mayor Ron Martin thanked the Town for inviting them and that it was an awesome idea. He stated that he wanted both boards to work together more closely to benefit this area.

ADJOURN

The Meeting adjourned at 7:39 p.m.



**TOWN OF BLUEFIELD
RESOLUTION**

“Recognition of Cemetery Commission Member Ed Spurgeon”

WHEREAS, Mr. Ed Spurgeon is a native of southwest Virginia; and

WHEREAS, he was born and raised in Bluefield, Virginia; and

WHEREAS, he proudly served our country in the United States Army from 1945 – 1947 in the Quartermaster Corps.; and

WHEREAS, he was hired by former Town Manager Art Mead to serve as the Town’s Superintendent Salesman at Maple Hill Cemetery from 1987 until his retirement in 1993; and

WHEREAS, upon his retirement from the Town, former Mayor Cecille Barrett presented him with an official Key to the Town; and

WHEREAS, he was appointed to the Bluefield, Virginia Cemetery Commission in 2002, where he is still an active member; and

WHEREAS, during his time serving on the Commission, he and his fellow Commission Members, along with the Cemetery Superintendent, have completed numerous projects at Maple Hill Cemetery including the erection of the new cemetery building, remodeling of the gate, the placement of new benches and trash receptacles, the addition of a cremation garden, the addition of a fence around the perimeter, the revitalization of the older area of the cemetery, and the annexation and maintenance of the African American section of the cemetery, located on the west end.

NOW THEREFORE BE IT RESOLVED, that that Bluefield, Virginia Town Council hereby recognizes the hardwork and dedication of Mr. Ed Spurgeon and his years of service to the Bluefield, Virginia Cemetery Commission for Maple Hill Cemetery.

Adopted the 8th day of August 2017. Presented this 12th day of September 2017.

Donald R. Harris, Mayor of Bluefield, VA

Lesley L. Catron, Town Clerk of Bluefield, VA



TOWN OF BLUEFIELD RESOLUTION

“Recognition of Cemetery Commission Member Ben Muncy”

WHEREAS, Mr. Ben Muncy is a native of southwest Virginia; and

WHEREAS, he was born and raised in Bland, Virginia and has been a resident of Bluefield, Virginia for fifty-three years; and

WHEREAS, he proudly served our country in the United States Navy with four years of active service, as well as four years of inactive service in the Reserves; and

WHEREAS, he worked at McQuail’s Furniture Wholesale store in Bluefield, West Virginia before beginning his career at the Tazewell County Sheriff’s Office; and

WHEREAS, he served as a Police Deputy for the Tazewell County Sheriff’s Office for twenty-one years before retiring in 1998; and

WHEREAS, he left retirement to return to the Sheriff’s Office in 1999, where he worked until 2010 and officially retired at the age of 77; and

WHEREAS, he joined the Bluefield, Virginia Cemetery Commission in 1998; and

WHEREAS, he is the only living member of the Cemetery Commission that served in 1998; and

WHEREAS, he became Chairman of the Cemetery Commission in 2013; and

WHEREAS, during his time serving on the Commission, he and his fellow Commission Members, along with the Cemetery Superintendent, have completed numerous projects at Maple Hill Cemetery including the erection of the new cemetery building, remodeling of the gate, the placement of new benches and trash receptacles, the addition of a cremation garden, the addition of a fence around the perimeter, the revitalization of the older area of the cemetery, and the annexation and maintenance of the African American section of the cemetery, located on the west end.

NOW THEREFORE BE IT RESOLVED, that that Bluefield, Virginia Town Council hereby recognizes the hardwork and dedication of Mr. Ben Muncy and his years of service to the Bluefield, Virginia Cemetery Commission for Maple Hill Cemetery.

Adopted the 8th day of August 2017. Presented this 12th day of September 2017.

Donald R. Harris, Mayor of Bluefield, VA

Lesley L. Catron, Town Clerk of Bluefield, VA



MEMO

TO: Council

FROM: Mike Watson, Town Manager

SUBJECT: IDA Member Appointment

DATE: September 7, 2017

Council,

On May 30, 2017, the Bluefield Industrial Development Authority (BIDA) voted to recommend Brad Ayers to the Bluefield Town Council to serve as a BIDA member with the term beginning September 26, 2017 and ending September 26, 2021. It is my recommendation to appoint Mr. Ayers as a new member of the Bluefield Industrial Development Authority for the term stated.

Thank you!
Mike



Memo

To: Council
From: Mike Watson
Date: September 7, 2017
Re: Water System Capital Improvement Project Engineering Bids

Council,

On September 7th at 2 p.m., Town staff received and opened bids to perform engineering services for the Water System Capital Improvement Project. We will be scheduling interviews in the near future.

The following engineering firms submitted bids:

- Hurt & Proffitt
- Thompson & Litton

Thank you,
Mike

Memo

To: Town Council

From: Mike Watson

Date: 09-08-17

Re: Crash Truck for Fire Department



Council,

During the August 22, 2017 Town Council Meeting, Council discussed purchasing a new fire truck for the Bluefield, VA Fire Department. Members of staff examined a "crash truck" and determined that the vehicle met the needs of the department. It would cost \$42,000 to purchase this truck. Tazewell County has agreed to provide \$4,500 to assist with the purchase of equipment needed for this truck.

The original estimated cost was \$60,000, which included \$45,000 for the truck cost and \$15,000 for the equipment. The actual final cost is \$52,500, which included \$42,000 for the truck, \$15,000 for equipment, and a donation of \$4,500 from Tazewell County. This makes a savings of \$7,500.

Thanks,

Mike

Memo

To: Town Council

From: Mike Watson

Date: 09-08-17

Re: Video Recording Town Council Meetings



Council,

As you are aware, we have been video recording the Town Council Meetings and uploading them to the Town's website, as voted on by Town Council. Four separate software programs are being used to edit and upload these videos; however, I feel the visual and audio quality is substandard.

I would like to request that Council give staff a more formal direction as to how to proceed with these recordings on issues such as (1) time frame for the video to be posted (2) quality of the video, including visual and sound (3) should these services be conducted in-house or contracted, and lastly, (4) allotted costs for these requirements.

Thanks,

Mike

Memo

To: Town Council

From: Mike Watson

Date: 09-08-17

Re: Local Govt. Management Graduate Certificate Program



Council,

During a recent Town Council Meeting, it was brought to my attention that a Local Government Management Graduate Certificate Program was being offered by the Virginia Tech Center for Public Administration and the Virginia Local Govt. Management Association. The central goal of the program is to offer graduate-level training in local government management. The program consists of four (3 credit hour) courses, for a total of twelve hours of graduate coursework.

Please note that I have forwarded this information, as well as a link to the program (<http://www.cpe.vt.edu/localgov/>) to all department heads within the Town, to see if they, or a member of their department are interested in pursuing the certification.

Thanks,

Mike

Memo

To: Town Council

From: Mike Watson

Date: 09-08-17

Re: Surplus Property



Council,

The Town of Bluefield has various items that are no longer usable by the Town that need to be disposed of. I would recommend disposing of the following items:

1984 International

2001 Jeep Cherokee

2002 Ford Taurus

2008 Ford Crown Vic

Snapper Riding Mower

Thanks,

Mike

VIRGINIA: AT A REGULAR MEETING OF THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA HELD AT THE COUNCIL CHAMBERS OF THE TOWN HALL IN BLUEFIELD, VIRGINIA ON THE 12TH DAY OF SEPTEMBER, 2017.

AN ORDINANCE TO CREATE, BY CREATING ARTICLE IX (NOISE) OF CHAPTER 30 (OFFENSES) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Article IX of Chapter 30 of the Code of Ordinances, Town of Bluefield, Virginia is hereby created to read as follows:

ARTICLE IX. NOISE

Sec. 30-256. Purpose.

The purpose of this article and the sections therein is to provide a means of reasonably regulating certain noise within the corporate limits of the Town of Bluefield in order to preserve the health, safety, and welfare of the citizens of the Town of Bluefield.

Sec. 30-257. Authority.

This article and the sections therein are adopted pursuant to the authority described in sections 15.2-980, 15.2-1102, 15.2-1429, and 15.2-1700 of the Code of Virginia (1950) as amended.

Sec. 30-258. Definitions.

The term "device", when used in this article, shall mean any object which is designed, intended, or in fact does produce any noise when operated or used.

The term "instrument", when used in this article, shall mean any musical instrument, radio, compact disc player, amplifier, television set, or other similar device which produces or reproduces noise of any type.

The term "moped", when used in this article, shall have the same meaning as defined in section 46.2-100 of the Code of Virginia (1950) as amended.

The term "motorcycle", when used in this article, shall have the same meaning as defined in section 46.2-100 of the Code of Virginia (1950) as amended.

The term "motor vehicle", when used in this article, shall have the same meaning as defined in section 46.2-100 of the Code of Virginia (1950) as amended.

The term "noise", when used in this article, shall mean the intensity, frequency, duration, or character of sounds from single or multiple sources.

The term "person", when used in this article, shall mean any individual, partnership, corporation, association, society, club, group of people acting in concert, entity, or organization. The term "person" shall not include any governmental entity, governmental agency, or governmental institution.

The term "plainly audible", when used in this article, shall mean when noise can be heard by the human ear without the aid of any hearing aid or faculty.

The term "public property", when used in this article, shall mean any property maintained by a governmental entity, governmental agency, or governmental institution within the corporate limits of the Town of Bluefield. Such term shall be deemed to include, but not be limited to, streets, highways, alleys, walkways, sidewalks, sitting areas, parks, transits, parking lots, buildings, structures, doorways, and monuments.

The term "public activity", when used in this article, shall mean any activity on behalf of or sponsored by a governmental entity, governmental agency, or governmental institution within the corporate limits of the Town of Bluefield.

The terms "religious service", "religious act", or "religious event", when used in this article, shall mean any service, action, activity, or event connected to any religion which is supported by a sincere belief of any person or persons.

The term "sound", when used in this article, shall mean an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium, and which propagates at a finite speed. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

Sec. 30-259. Prohibited conduct; penalty.

It shall be unlawful for any person, within the corporate limits of the Town of Bluefield, to:

- (1) use, operate, utilize, or play any instrument or similar device, between the hours of 10:00 p.m. and 6:00 a.m. eastern standard time, in such a manner (i) that noise produced or reproduced thereby is plainly audible from the inside of a dwelling of another or (ii) that noise produced or reproduced thereby is plainly audible from a distance of at least one hundred and fifty (150) feet;
- (2) use or operate any instrument from the inside of a moped, motor vehicle, or motorcycle when such instrument produces or reproduces noise and is plainly audible from a distance of at least one hundred and fifty (150) feet;
- (3) yell, shout, whistle, or sing, between the hours of 10:00 p.m. and 6:00 a.m. eastern standard time, in such a manner that such yelling, shouting, whistling, or singing (i) is plainly audible from the inside of a dwelling of another or (ii) is plainly audible from a distance of at least one hundred and fifty (150) feet; or

- (4) use, utilize, or operate any pneumatic hammer, chainsaw, or lawnmower, between the hours of 10:00 p.m. and 6:00 a.m. eastern standard time, in such a manner that such pneumatic hammer, chainsaw, or lawnmower (i) is plainly audible from the inside of a dwelling of another or (ii) is plainly audible from a distance of at least one hundred and fifty (150) feet.

A violation of this section shall constitute a Class 3 misdemeanor.

In lieu of the criminal penalty set forth in this section, a violation of this section may be punishable by a civil penalty of \$50.00.

Each day a violation of this section occurs or continues shall constitute a separate and distinct offense, and may be punishable as such.

Sec. 30-260. Exceptions.

The prohibitions set forth in this article shall not apply to (i) any noise or sound produced or reproduced that is necessary to protect or preserve the property, health, safety, life, or limb of any person; (ii) any noise or sound produced or reproduced that is connected to any public speaking, public assembly, or public expression on public property; (iii) any noise or sound produced or reproduced by any police, fire, emergency, or government employee performing their duties during the course of their employment; (iv) any noise or sound produced or reproduced at a public activity; (v) any noise or sound produced or reproduced during a religious service, religious act, or religious event; (vi) any noise or sound produced or reproduced by a locomotive, railroad equipment, or aircraft; (vii) any noise or sound produced or reproduced by military activities of the Commonwealth of Virginia or the United States of America; (viii) any noise or sound produced or reproduced by a business upon property being actively used for business purposes, manufacturing purposes, or industrial purposes; and (ix) any noise or sound emanating from any area permitted by the Virginia Department of Mines, Minerals and Energy or any division thereof.

Sec. 30-261. Enforcement.

It shall be the duty of the Police Department of the Town of Bluefield to enforce this article.

Sec. 30-262. Severability.

If any section, provision, or portion of this article is held to be invalid by a court of competent jurisdiction, then that decision shall in no way affect the remaining sections, provisions, or portions of this article. The invalid section, provision, or portion thereof shall be severable.

Secs. 30-263—30-293. Reserved.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia adopts this ordinance on this 12th day of September, 2017.

