

**Town of Bluefield
Town Council
Minutes
April 12, 2016**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, April 12, 2016 at 7:30 p.m. in the Council Chambers of the Town Hall located at 112 Huffard Drive, Bluefield, Virginia.

PRESENT

Don Harris, Mayor
Anglis Trigg, Councilmember
Donnie Linkous, Councilmember
Jimmy Jones, Vice Mayor
Lee Riffe, Councilmember
Steve Danko, Councilmember

ALSO PRESENT

Mike Watson, Town Manager
Matt Freedman, Town Attorney
Kim Hernandez, Executive Assistant
Lesley Catron, Town Clerk
Shane Gunter, Police Chief
32 Members of Public

ABSENT

Billie Roberts, Comm. Dev. Coordinator

CALL TO ORDER

Mayor Harris called the meeting to order at 7:30 p.m.

INVOCATION AND PLEDGE

Jim Drake, Parkview Baptist Church led the Invocation. Mayor Harris led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Harris added the swearing in of Officer Channing Mooney to the agenda.

Vice-Mayor Jones made a motion to approve the amended agenda. Councilmember Trigg seconded the motion. The motion passed unanimously by voice vote.

CONSENT AGENDA

Mayor Harris stated that there were no minutes this time due to sickness with staff but that they would be on the next agenda.

CITIZEN REQUESTS & SPECIAL PRESENTATIONS

Swear-In of Officer Channing Mooney – Mike Watson

Mr. Watson asked Channing Mooney to repeat the following after him:

I, Channing Mooney, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Virginia; and that I will faithfully and impartially discharge the duties incumbent upon me as Police Officer of the Town of Bluefield, Virginia to the best of my ability, so help me God.

Mr. Watson congratulated him.

Clinch Valley Community Action Sexual Assault Proclamation – Jennifer Bourne, CVCA

Mrs. Bourne stated that April was Sexual Assault Awareness Month and she was asking for council's support on the proclamation that was included in their packets.

Mr. Linkous made a motion to approve the Sexual Assault Proclamation. Mr. Jones seconded the motion. The motion passed unanimously by voice vote.

Mrs. Bourne thanked the Police Department for their 5 officers who walked in the "Walk a Mile in her Shoes" fundraiser which raised over \$132k.

Community Improvements / Suggestions – Susie Green

Mrs. Green stated that she would like to request 2 things for the community. One located on North Side at the playground. She stated that there were some things at the playground that was not safe including a broken swing, the sliding board was too high for the younger children, the play fort was outdated and the sand area beneath the fort was very small and could only fit about 4 kids. She stated that she would also like to see a walk/run path that followed the circumference of the inside of the playground which was 840ft or 1/6 mile. She asked that there be separate play areas to separate the bigger kids from the little kids. She stated that the walk/run path would benefit adults while watching their children play and would also encourage the older kids to exercise as well. The 2nd thing was having a sidewalk installed going up North Street because right now they had to walk on the street and that it was not safe because they had a lot of speeders. She asked if they still had a Police Substation in Crescent View.

Chief Gunter stated no, that it had not been there for 5-6 years.

Mrs. Green stated that there was a good presence of Police regularly.

Mayor Harris thanked her and stated that her request would be turned over to the Town Manager.

COMMITTEE REPORTS

Cemetery Department Update – Jody Shrewsbury

Mr. Shrewsbury stated that Town Employees had completed the dumpster area along with the steps and handrails going into the chapel from the parking lot. He stated that Lawrence Brothers was designing a new front gate to match the benches and trash receptacles and would be sending him a quote. He stated that they were continuing work on the St. Lukes area of the cemetery and was around 50% complete on the stone alignment and placement of stone pavers marking the unknown graves. He stated that since the last update he had done 12 weekday funeral services, 4 Saturday Funeral Services, 4 Cremation Funeral Services and had sold 9 graves and 6 pre-need open/close sales.

UNFINISHED BUSINESS & REPORTS

None.

NEW BUSINESS & REPORTS

CVCA Sexual Assault Proclamation, VOTE – Lesley Catron

Mrs. Catron stated that it had already been voted on previously when Mrs. Bourne asked for council's support.



Town of Bluefield PROCLAMATION

Sexual Assault Awareness Month – April 2016

WHEREAS, Every day, women, men and children across Tazewell County experience the pain and trauma of sexual assault, including verbal harassment and intimidation to molestation and rape; and

WHEREAS, this crime occurs far too frequently, goes unreported far too often, and leaves long-lasting physical and emotional scars; and

WHEREAS, rape, sexual assault, and sexual harassment harm our community, and statistics show one in five women and one in seventy-one men will be sexually assaulted at some point in their lives (Black et al., 2011); and

WHEREAS, child sexual abuse prevention must be a priority to confront the reality that one in six boys and one in four girls will experience a sexual assault before the age of 18 (Dube et al., 2005); and

WHEREAS, young people experience heightened rates of sexual violence, and youth ages 12-17 were 2.5 times as likely to be victims of rape or sexual assault (Snyder & Sickmund, 2006); and

WHEREAS, during Sexual Assault Awareness Month, we recommit ourselves not only to erasing the secrecy and shame surrounding sexual assault, but also to raising awareness, expanding support for victims, and strengthening our response; and

WHEREAS, prevention is possible when everyone gets involved; and

WHEREAS, the first step is increasing education, awareness, and community involvement.

NOW, THEREFORE, THE TOWN COUNCIL OF BLUEFIELD, VIRGINIA, does hereby acclaim April 2016 as Sexual Assault Awareness Month. We encourage Bluefield, Virginia residents to work together to educate our community about sexual violence prevention, to support survivors, and to speak out against harmful attitudes and actions.

BE IT FURTHER RESOLVED, THAT THE TOWN COUNCIL OF BLUEFIELD, VIRGINIA, joins advocates and communities across the country in taking action to prevent sexual violence. We recognize April as Sexual Assault Awareness Month, and each day of the year is an opportunity to create change for the future.

Donald R. Harris, Mayor

April 12, 2016

Lesley L. Catron, Town Clerk

April 12, 2016

Black, M. C., Breiding, M. J., Smith, S. G., Walters, M. L., Merrick, M. T., Chen, J., & Stevens, M. R. (2011). National intimate partner and sexual violence survey: 2010 summary report. Retrieved from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control,; http://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf

Dube, S. R., Anda, R. F., Whitfield, C.L., Brown, D. L., Felitti, V. J., Dong, M., & Giles, W. H. (2005). Long-term consequences of childhood sexual abuse by gender of victim. *American Journal of Preventive Medicine*, 28, 430–438. doi:10.1016/j.amepre.2005.01.015

Snyder, Howard N., and Sickmund, Melissa. 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention: http://www6.montgomerycountymd.gov/content/council/olo/reports/pdf/Serious_Incident_Report/4.pdf

Enterprise Zone Ordinance, VOTE (1st Reading) – Billie Roberts

Mrs. Roberts stated that this would be the 1st reading for the Enterprise Zone Ordinance and that it would be read in its entirety in the back of the room.

Mr. Watson stated that this was the first time the Town has offered it for job creation, new businesses or businesses that expanded in certain districts. He stated that the incentives were not huge. He stated that there was one change to Real Estate Abatement which was approved thru the assessor's office, he stated that the other 2 would come directly thru the IDA.

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 26TH DAY OF APRIL, 2016.

AN ORDINANCE TO CREATE, BY CREATING ARTICLE III (TOWN OF BLUEFIELD ENTERPRISE ZONE ORDINANCE) OF CHAPTER 4 (COMMUNITY DEVELOPMENT), OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Article III of Chapter 4 of the Code of Ordinances, Town of Bluefield, Virginia is hereby created to read as follows:

ARTICLE III. TOWN OF BLUEFIELD ENTERPRISE ZONE ORDINANCE

Sec. 4-150. Purpose.

The purpose of this article is to stimulate business and industrial growth within the corporate limits of the Town of Bluefield and the Tazewell County Enterprise Zone by authorizing the Industrial Development Authority of the Town of Bluefield, Virginia to offer the economic incentives set forth in this article.

Sec. 4-151. Authority.

The Tazewell County Enterprise Zone, located in Tazewell County, Virginia, was established pursuant to the Virginia Enterprise Zone Act and sections 59.1-270 et seq., 59.1-538 et seq., 58.1-3220, 58.1-3221 of the Code of Virginia (1950) as amended.

Sec. 4-152. Boundaries of the Tazewell County Enterprise Zone for the Town of Bluefield.

The boundaries of the Tazewell County Enterprise Zone include portions of the Town of Bluefield. The map entitled "Tazewell County Enterprise Zone (Bluefield Area)", as it relates to the Town of Bluefield, is incorporated herein by reference, and is on file with the Office of the County Administrator of Tazewell County, Virginia at 108 East Main Street, Tazewell, Virginia. The acreage shown on the said map, designated as an enterprise zone, was declared an enterprise zone on January 1, 2016, by the Governor of the Commonwealth of Virginia for a period of ten (10) years in accordance with the Virginia Enterprise Zone Act.

Sec. 4-153. Definitions.

The following definitions shall apply to this article:

The term "Applicant" shall mean a Business Firm that applies for an economic incentive set forth in this article.

The term "BIDA" shall mean the Industrial Development Authority of the Town of Bluefield, Virginia.

The term "Business Firm" shall mean any corporation, or corporations electing small business (subchapter S) corporation designation by the Internal Revenue Service, partnership, limited liability company, or sole proprietorship, authorized to do business in the Commonwealth of Virginia, subject to taxation as a for profit enterprise, and subject to state and local taxation as permitted by the Code of Virginia. However, Business Firm shall not include businesses or organizations which are exempt from state income tax on all income except unrelated business taxable income as defined in the Federal Internal Revenue Code, sections 512 or 501C; nor does it include homeowners associations as defined in Federal Internal Revenue Code, section 528.

The term "Equivalent Employment" or "Equivalent Job" shall mean a person or persons employed by a Business Firm for at least forty (40) hours per week at an hourly wage or salaried equivalent. A Single Equivalent Job may mean one employed individual, or multiple employed individuals, whose aggregate hours of employment, at the required wage or salaried equivalent, equals at least forty (40) hours per week. The Council of the Town of Bluefield, Virginia may modify the meaning of Equivalent Employment or Equivalent Job by requiring a minimum hourly wage or salaried equivalent. Until such designation is made, the required hourly wage shall be the federal minimum wage.

The term "Existing Business Firm" shall mean a Business Firm operating or located within Tazewell County, Virginia on January 1, 2016, or more than twelve months prior to applying for an economic incentive set forth in this article. A Business Firm which retains substantially the same ownership and which operated or was located within Tazewell County, Virginia on January 1, 2016, shall be considered an Existing Business Firm, even if the name of the Business Firm has changed.

The term "mixed use" shall mean a building used for both commercial/office/industrial use and residential use and at least thirty percent (30%) of the total usable floor space is used for the commercial/office/industrial operations of a Business Firm.

The term "New Business Firm" shall mean a Business Firm operating within the corporate limits of the Town of Bluefield and the Tazewell County Enterprise Zone after January 1, 2016, that had no prior business location within Tazewell County, Virginia.

The term "Qualified Business Firm" shall mean a Business Firm that (1) has applied for an economic incentive set forth in this article; (2) meets either of the following employment criteria: (a) is a New Business Firm that employs five (5) new Equivalent Jobs more than the Business Firm employed at the time the Business Firm applied for an economic incentive set forth in this article or (b) an Existing Business Firm that expands its existing operations to a location within the Tazewell County Enterprise Zone and the corporate limits of the Town of Bluefield and maintains its employment levels equal to the number of Equivalent Jobs employed by the Business Firm at the time the Business Firm applied for an economic incentive set forth in this article; and (3) meets either of the following investment criteria: (a) the Business Firm has invested at least twenty five thousand dollars (\$25,000.00) in improvements to real property located in the corporate limits of the Town of Bluefield and the Tazewell County Enterprise Zone including, but not limited to, new construction, renovation, rehabilitation, or expansion of a taxable structure, which serve to facilitate the business operations of the Business Firm or (b) the Business Firm has invested at least twenty five thousand dollars (\$25,000.00) in purchasing machinery, tools, and business personal property not previously assessed by the Commissioner of Revenue for Tazewell County, Virginia, which will be located within the corporate limits of the Town of Bluefield and the Tazewell County Enterprise Zone, and will further serve to facilitate the business operations of the Business Firm within the corporate limits of the Town of Bluefield and the Tazewell County Enterprise Zone.

The term "Qualifying Improvement" shall mean the improvements to real property made by a Business Firm which constitutes the basis of a Business Firm qualifying for an economic incentive set forth in this article. For purposes of calculating a Real Estate Grant, such improvements shall be funds expended by the Business Firm externally for labor or materials to construct, demolish, renovate, or add to real property. No more than fifty percent (50%) of expenditures considered a Qualifying Improvement may be payments to persons or Business Firms affiliated with or a subsidiary of the Applicant Business Firm; expenditures made to such affiliated persons or subsidiary Business Firms must be reasonable.

The term "Qualifying Investment" shall mean the investments in machines, tools, or other taxable business personal property made by a Business Firm which constitutes the basis of a Business Firm qualifying for an economic incentive set forth in this article. No more than fifty percent (50%) of expenditures considered a Qualifying Investment may be payments to persons or Business Firms affiliated with or a subsidiary of the Applicant Business Firm; expenditures made to such affiliated persons or subsidiary Business Firms must be reasonable.

Sec. 4-154. Authorized by the Council of the Town of Bluefield, Virginia.

The Council of the Town of Bluefield, Virginia authorizes the BIDA to participate in the Tazewell County Enterprise Zone by offering the economic incentives set forth in this article.

Sec. 4-155. Procedures to be developed.

The BIDA shall develop procedures and documents to ensure a fair and lawful process for those who apply for an economic incentive set forth in this article.

The BIDA shall develop procedures and documents to ensure the lawful handling, calculating, accounting, and disbursement of money associated with the award of an economic incentive set forth in this article.

The BIDA shall develop procedures and documents to ensure continued compliance for those who receive an economic incentive set forth in this article. In the event there is a failure to maintain compliance with the requirements of an economic incentive set forth in this article, then the receipt thereof shall be terminated unless otherwise authorized by this article. Unless otherwise authorized by this article, the BIDA shall exercise no discretion in awarding a Qualified Business Firm an economic incentive set forth in this article when the applicable requirements have been satisfied.

Sec. 4-156. The Rehabilitated Real Estate Tax Exemption.

A.

Definition. The Rehabilitated Real Estate Tax Exemption, hereinafter referred to as the "RRETE", is a three (3) year partial exemption from taxation on the increase in the assessed value of rehabilitated real estate, as authorized by section 58.1-3221 of the Code of Virginia (1950) as amended and, for the residential portion of any mixed use building, pursuant to section 58.1-3220 of the Code of Virginia (1950) as amended.

- B. **Incentive.** The incentive under the RRETE is eighty percent (80%) of the increase in the assessed value of rehabilitated real estate, resulting from the Qualifying Improvement, shall be exempted from taxation in the first tax year following the completion of the Qualifying Improvement, sixty percent (60%) in the second tax year, and forty percent (40%) in the third tax year. The RRETE shall expire after three (3) tax years.
- C. **Qualifications for the RRETE.** The following factors are the requirements necessary for a Business Firm to qualify for and receive the RRETE:
- (1) To be eligible for the RRETE, the subject property shall a) be at least fifteen (15) years old; b) be located within the Tazewell County Enterprise Zone; c) be located within the corporate limits of the Town of Bluefield; and d) be dedicated to commercial, industrial, or mixed use.
 - (2) To be eligible for the RRETE, the assessed value of the subject property after the completion of the Qualifying Improvement must equal or exceed one hundred and twenty five percent (125%) of the assessed value of the subject property prior to the commencement of the Qualifying Improvement.
 - (3) An Applicant for the RRETE shall not be eligible for the RRETE if the Applicant, or a legal entity under the control of the Applicant, or an immediate family member of the Applicant, as defined in section 2.2-3101 of the Code of Virginia (1950) as amended, or a tenant of the Applicant is receiving, has received, or has applied for a Real Estate Grant for the same Qualifying Improvement on the same property.
 - (4) An Applicant shall not be eligible for the RRETE if the Applicant is delinquent on any tax or fee levied by Tazewell County, Virginia or any incorporated town within Tazewell County, Virginia.
 - (5) Increased assessments resulting from rebuilding or repair after a flood, fire, or natural disaster shall not be considered a Qualifying Improvement for purposes of the RRETE.
 - (6) To receive the RRETE, a Business Firm shall apply to the BIDA prior to performing any demolition, addition, or rehabilitation that amounts to a Qualifying Improvement upon the subject property.
- D. **Qualification Process for the RRETE.**
- (1) The BIDA shall evaluate all applications for the RRETE. Upon finding that an Applicant is eligible, the BIDA shall approve the application. Upon approval of an application, the BIDA shall issue a Notice of Qualification to the Applicant.
 - (2) Within twelve (12) months of completion of the Qualifying Improvement, the Qualified Business Firm shall present a copy of the Notice of Qualification from the BIDA to the Commissioner of Revenue of Tazewell County, Virginia and the Treasurer of the Town of Bluefield. If the said Commissioner and the said Treasurer are both satisfied the requirements of this article have been met and that the Applicant was approved by the BIDA, then the said Commissioner, pursuant to sections 58.1-3221 and 58.1-3220 of the Code of Virginia (1950) as amended, shall apply the RRETE, starting with the first tax year after approval.

Sec. 4-157. Local property tax grants.

- A. **Real Estate Grant.** A Qualified Business Firm shall receive a Real Estate Grant, hereinafter referred to as a "REG", from the BIDA equal to twenty five percent (25%) of the increase in real property taxes paid to the Town of Bluefield by the Qualified Business Firm by reason of an increase in tax liability from a Qualifying Improvement made to real property located within the corporate limits of the Town of Bluefield and the Tazewell County Enterprise Zone and owned by the Qualified Business Firm. The value of the Qualifying Improvement shall be the increase in tax liability upon the subject property, resulting from the Qualifying Improvement, as determined by the Commissioner of Revenue of Tazewell County, Virginia so long as the

Treasurer of the Town of Bluefield concurs. A Qualified Business Firm may receive a REG for a maximum of three (3) tax years.

- B. **Tangible Personal Property Grant.** A Qualified Business Firm shall receive a Tangible Personal Property Grant, hereinafter referred to as a "TPPG", from the BIDA equal to twenty five percent (25%) of the increase in local machinery, tool, and business personal property taxes paid to the Town of Bluefield by the Qualified Business Firm by reason of an increase in tax liability from the Qualifying Investment made upon machinery, tools, and business personal property located within the corporate limits of the Town of Bluefield and the Tazewell County Enterprise Zone and owned by the Qualified Business Firm. The value of the Qualifying Investment shall be the amount reflected on the Qualified Business Firm's machine, tools, and business personal property tax return filed with the Commissioner of Revenue of Tazewell County, Virginia so long as the Treasurer of the Town of Bluefield concurs. A Qualified Business Firm may receive a TPPG for a maximum of three (3) tax years.
- C. **The REG and TPPG enhancements.** The amount of a REG and/or a TPPG may be enhanced to fifty percent (50%) of the tax liability increase if any one of the following circumstances exists:
- 1) The Qualifying Investment and/or Qualifying Improvement of the Business Firm is being undertaken to diversify its product or customer base as determined at the sole discretion of the BIDA. Diversification shall mean at least fifty percent (50%) of the Qualifying Investment and/or Qualifying Improvement expands the Business Firm's capacity to produce a product for an industry sector which constitutes less than twenty five percent (25%) of the Business Firm's current customer base or to serve customers in an industry sector which constitutes less than twenty five percent (25%) of the Business Firm's current customer base.
 - 2) The Business Firm is technology-driven as determined at the sole discretion of the BIDA. A technology-driven Business Firm develops advanced technology or employs advanced technology integral to the production process, whether of information or physical goods. Technology-driven Business Firms include, but are not limited to, Business Firms in advanced manufacturing, agro-tech, clean energy and clean energy equipment research and production, computer and computer device manufacturing, data centers, information processing, information technology, medical device manufacturing, research and development, pharmaceutical manufacturing, scientific instrument manufacturing, software development, and telemarketing/teleservice centers. Technology-driven does not include using computers or office or medical equipment in the normal course of business or distributing, retailing, installing, or servicing technology equipment, unless a majority of customers are national or international.
 - 3) The Business Firm supports tourism as determined at the sole discretion of the BIDA. A Business Firm supports tourism if their primary customers are tourists and include, but are not limited to, hotels, bed and breakfasts, timeshares, gift shops, arts and crafts stores, antique dealers, galleries, outdoor recreation retailers, outdoor recreation service providers, museums, tourist attractions, and restaurants offering unique fare.
- D. **Guidelines to be adopted.** The BIDA shall adopt written guidelines for a REG and a TPPG for purposes of determining when a Business Firm is diversifying its product or customer base, technology-driven, and/or supporting tourism.
- E. **Requirements of a REG and a TPPG.** The following factors are requirements for a Business Firm to be eligible for and receive a REG and/or a TPPG:
- 1) In order to qualify for and receive a REG, a Business Firm shall be located within the corporate limits of the Town of Bluefield and the Tazewell County Enterprise Zone. Additionally, the Business Firm shall make, or cause to be made, a minimum capital investment in real property of at least twenty five thousand dollars (\$25,000.00). Capital investment in real property is herein defined as funds expended externally for labor or materials to construct, demolish, renovate, or add to real property. Furthermore, a New Business Firm shall create a minimum of five (5) new jobs within the corporate limits of the Town of Bluefield and the Tazewell County Enterprise Zone. Lastly, an Existing Business Firm must retain the number of permanent full-time Equivalent Jobs located within Tazewell County, Virginia and the Tazewell County Enterprise Zone at the time of its application for a REG. The BIDA shall increase the amount of capital

investment in real property required by three percent (3%) annually without filing an incentive amendment application.

- 2) In order to qualify for and receive a TPPG, a Business Firm shall be located within the corporate limits of the Town of Bluefield and the Tazewell County Enterprise Zone. Additionally, the Business Firm shall make, or cause to be made, a minimum capital investment in tangible personal property of at least twenty five thousand dollars (\$25,000.00). Capital investment in tangible personal property is herein defined as the purchase of tangible personal property. Furthermore, a New Business Firm shall create a minimum of five (5) new jobs within the corporate limits of the Town of Bluefield and the Tazewell County Enterprise Zone. Lastly, an Existing Business Firm must retain the number of permanent full-time Equivalent Jobs located within Tazewell County, Virginia and the Tazewell County Enterprise Zone at the time of its application for a TPPG. The BIDA shall increase the amount of capital investment in tangible personal property required by three percent (3%) annually without filing an incentive amendment application.
- 3) If the total amount of a TPPG is estimated to be more than fifty thousand dollars (\$50,000.00), then the Qualified Business Firm shall sign a performance agreement with the BIDA in which it agrees to return all or a portion of the amount of a TPPG payment it received if the Qualifying Investment is removed within five (5) years after the Qualified Business Firm receives its final TPPG payment. The amount required to be returned would be pro-rated for the number of years, after the final TPPG payment, that the Qualifying Investment remained within the corporate limits of the Town of Bluefield and the Tazewell County Enterprise Zone with a twenty percent (20%) credit being given for each full year in which the Qualifying Investment remained within the corporate limits of the Town of Bluefield and the Tazewell County Enterprise Zone.
- 4) To qualify for and receive a TPPG and/or a REG, a Business Firm must not be delinquent in any tax or fee levied by Tazewell County, Virginia or any incorporated town of Tazewell County, Virginia.
- 5) A Business Firm shall not receive a REG if the Business Firm or the owner of the property which the Business Firm occupies is receiving or has applied for the Rehabilitated Real Estate Tax Exemption ("RRETE") on the same property.
- 6) A Business Firm shall not receive a REG and/or a TPPG if the Business Firm is a retail or food service establishment.
- 7) The BIDA, at their sole discretion, without regard for past awards, and without setting a precedent for future awards, may further augment the amount and/or duration of a REG and/or a TPPG and may also adjust the qualification criteria for such augmented feature. The BIDA may also, at their sole discretion, without regard for past awards, and without setting a precedent for future awards, may waive any qualification requirement of a REG and/or a TPPG, or any portion thereof. The BIDA may not add any qualification requirements nor diminish a REG and/or a TPPG for which a Business Firm qualifies.
- 8) If a Business Firm fails to meet any qualification requirement during the grant period, then the grant period may be extended by up to two (2) years and the Business Firm may receive a REG and/or a TPPG in any subsequent year for which it meets the qualification requirements, except that a REG and/or a TPPG payment shall be limited to a maximum of three (3) tax years.
- 9) A REG shall be paid within three (3) months from the first and subsequent dates that real estate taxes are paid by the Qualified Business Firm to the Town of Bluefield after the Qualifying Improvement in real property is made, or as mutually determined by the Qualified Business Firm and the BIDA through a performance agreement. A Business Firm must apply for a REG within twelve (12) months of the Qualifying Improvement.
- 10) A TPPG shall be paid within three (3) months from the first and subsequent dates that personal property taxes are paid by the Qualified Business Firm to the Town of Bluefield after the Qualifying Investment in tangible personal property is made, or as mutually determined by the Qualified Business Firm and the BIDA through a performance agreement. A Business Firm must apply for a TPPG within twelve (12) months of the Qualifying Investment.

Secs. 4-158.---4-190. 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 26th day of April, 2016.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall be effective on the 26th day of May, 2016.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia authorizes Donald R. Harris, the Mayor of the Town of Bluefield, Virginia to execute this ordinance on behalf of said Council.

IT IS SO ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA on this 26th day of April, 2016.

PUBLIC HEARING:	NONE
FIRST READING:	APRIL 12, 2016
SECOND READING:	APRIL 26, 2016
ADOPTION DATE:	APRIL 26, 2016
EFFECTIVE DATE:	MAY 26, 2016
FINAL RECORDED VOTE:	_____
MEMBERS PRESENT:	_____
MEMBERS ABSENT:	_____
RESULT OF VOTE:	_____
	AYES NAYES ABSTENTIONS

BY: _____
DONALD R. HARRIS, MAYOR

COMMONWEALTH OF VIRGINIA
COUNTY OF TAZEWELL, to wit:

The foregoing ordinance was acknowledged before me by Donald R. Harris, the Mayor of the Town of Bluefield, a Virginia Municipal Corporation, on this _____ day of _____, 2016.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
REGISTRATION NUMBER: _____

ATTEST:

LESLEY CATRON, TOWN CLERK DATE _____

COMMONWEALTH OF VIRGINIA
COUNTY OF TAZEWELL, to wit:

The foregoing ordinance was acknowledged before me by Lesley Catron, the Town Clerk of the Town of Bluefield, a Virginia Municipal Corporation, on this _____ day of _____, 2016.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
REGISTRATION NUMBER: _____

Mr. Jones made a motion to approve the 1st Reading of the Enterprise Zone Ordinance. Mr. Riffe seconded the motion. The motion passed unanimously by voice vote.

Property Maintenance Nuisance Extension-College Plaza, VOTE – Kris Williams

Mr. Williams stated that on March 31st, he had sent a letter to Gemini concerning property nuisance (1) shopping center needed to be painted and (2) the parking lot needed to be repaired. He stated that they were given 10 days to fix it or 2 days to appeal it. He stated that they had sent in a letter appealing it and asked for a 30 day extension to fix it. He asked that council approve the 30 day extension.

Mr. Trigg made a motion to approve the 30 day extension. Mr. Jones seconded the motion. The motion passed unanimously by voice vote.

VDH Water Plant Upgrade Resolution, VOTE – Mike Watson

Mr. Watson stated that we had received money from the Cumberland Plateau and that we were applying for another grant thru the Virginia Department of Health to update our mapping system and to design a backup generator system at the Water Plant. He stated that the money would be for engineering and that it would not be matching money. He asked council to approve the Water Treatment Plant Upgrade Project Resolution that was in their packet.



TOWN OF BLUEFIELD

RESOLUTION

“Water Treatment Plant Upgrade Project”

WHEREAS, the Town of Bluefield has determined it necessary to provide backup power at the water treatment plant and to improve mapping and GIS data for the Town of Bluefield Water System to better inventory assets, track leakage, and reduce water loss and contamination potential, and

WHEREAS, the Virginia Department of Health-Office of Drinking Water Planning Grant Program provides funding for projects such as this one; and

WHEREAS, the Town Council of Bluefield, Virginia has reviewed the project planning material and found that the pre-requirements for the Planning Grant Program have been met for submitting a funding application; and

THEREFORE, BE IT RESOLVED, the Town of Bluefield’s Town Council does hereby vote to seek funding from the Office for the following project;

Mapping and Backup Power Design

\$25,000

THEREFORE, BE IT FURTHER RESOLVED, that the Town Manager immediately begin to process a grant application for this project and be authorized to sign any and all documents to accept such funding contingent upon review and concurrence by the Town Attorney.

Motion by: _____ Seconded by: _____

Aye ___ Nay ___ Absent

Adopted this 12th day of April 2016.

Donald R. Harris, Mayor

Attest:

Lesley L. Catron, Clerk

Mr. Trigg made a motion to approve the Water Treatment Plant Upgrade Project Resolution. Mr. Danko seconded the motion. The motion passed unanimously by voice vote.

TOWN MANAGER'S REPORT

Free Spring Clean Up 2016

Mr. Watson stated that there was a copy of the Free Spring Clean Up in council's packet and that call-ins would start on April 18th. He stated that this was something that we did for the citizens every year free of charge.

VRWA Conference

Mr. Watson stated that he, Pete Sleeman and 2 of the water operators would be attending the Virginia Rural Water Association Conference April 18th – 20th in Roanoke.

CITIZEN COMMENTS

Mr. Harvey stated that he had seen a lot of work being done throughout Town but that the guys did not have any caution signs up. He asked that they be told to put signs up so that they did not get hurt.

Mr. Drake invited everyone to attend the Hometown Heroes Celebration at Parkview Baptist Church on April 24th.

COUNCIL COMMENTS

Mr. Danko had none.

Mr. Trigg stated that it was good to see the big crowd that they had.

Mr. Linkous asked that some gravel or asphalt be put over the pipe that was put in at Pleasant View. He stated that they needed to enter into discussion soon concerning the school system and to come up with a way to help financially. He stated regarding the rezoning talk that they had approved Bluefield College but was sending the other back to Planning Commission. He stated that if he were in the audience that he would like to hear more because as it appeared, it was going back to the Planning Commission to review the language. He stated that he would make a motion to leave as is.

Mr. Danko seconded the motion.

Mayor Harris stated that it was in Mr. Watson's court.

Mr. Watson stated that he had 2 concerns (1) he stated that they did not need to look at it now but by not voting, it would bring up problems for a future council. (2) he stated that the other issue that could be addressed in the E-1 districts was that you could add uses allowed by educational institutions. He stated that in R-2 districts there were some uses that they may not like and that he was looking at a way to control use in the future. He stated that the ideal use would be a community center or to doze it down and build residential homes. He stated that if council wanted to table it then that was ok but to keep in mind the issues.

Mr. Linkous stated that it could be stopped now and not let anything happened around them. He stated that he would like to completely stop the issue now because he would not want to see businesses go in those areas.

Mr. Riffe asked what the schools were currently zoned.

Mr. Watson stated that Graham High was zoned R-2 and Graham Intermediate was zoned R-3. He stated in R-2 districts it allowed anything in the R-1 as well and that right now it would not come to council for such uses.

Mr. Linkous stated that they would not be allowed without a special use permit.

Mr. Jones stated that it would have to go back to the Board of Supervisors to approve what they would do with it.

Mr. Riffe stated that the problem he was seeing was if they closed tomorrow, then any of those uses would be acceptable but if they approved the E-1 district, then they could fix it to what would be allowed in there.

Mr. Linkous asked Mr. Watson if right now he could put in a nursing home in his home because of the current zoning.

Mr. Watson stated yes but if they were to rezone the schools to the E-1 district that they could fix the language to allow only educational type things.

Mr. Linkous stated that right now residents who lived across from Graham High School could sell their homes and a clinic could be put in.

Mr. Watson stated yes but of course we would try to fight it. He stated that we may need to look at it all.

Mr. Linkous suggested that they come up with a comprehensive plan. He stated that these were issues where they reacted and did not act and that they needed to protect the residence dwellings around the schools.

Mr. Freedman asked if council was moving to examine the E-1 District language in the future.

Mr. Linkous stated yes but that they needed to look at the others as well.

Mayor Harris stated that Harry Kammer from the Planning Commission was in the audience and asked that they work with the Town Attorney to try and correct the issues that had been brought up.

Mr. Kammer stated that they would.

Mr. Linkous stated that his motion was to leave as is but during the discussion, there were more problems that came out.

Mr. Riffe asked what happened in the West Graham area with Presley's property.

Mr. Watson stated that it was left as B-1.

Mr. Kammer stated that if GHS were to close that it would be a vacant building just like the old National College building. He stated that the building would have no use and could not be used for anything else and what they were doing was trying to keep from having a vacant building. He stated that the R-2 concerns could be addressed and cleaned up but to have future use for the GHS building you would need spot zoning which would be E-1.

Mr. Jones stated that he would like to get to the bottom of this and wanted to protect the people but that they needed to research it and get it right first before voting.

Mr. Danko suggested that they take one at a time and address it.

Mr. Linkous stated that right now it was R-2 and that he wanted those residents that were here to know that it was dead and that they were going to work on the zoning and pick areas at a time to work on. He stated that his motion was to stop the E-1 zoning and to revisit the R-2.

Mr. Riffe stated that his only concern was if they stopped the E-1 zoning then what about Bluefield College.

Mr. Linkous stated that it was a separate entity.

Mr. Watson explained that Mr. Linkous' motion was to no longer rezone the schools.

The motion passed unanimously by voice vote.

Mayor Harris stated that they wanted to do it correctly and protect the citizens. He thanked council and staff and talked about the victory in Richmond concerning SB767 which was passed but vetoed by the Governor. He stated that they would be sending a letter to the Governor thanking him for vetoing it.

Mr. Riffe stated that we do good recognizing people in our area and stated that he was approached by someone who thought we should recognize Otis in some way along with another individual who swept the sidewalks and suggested doing something ourselves like the Hometown Heroes recognition.

Mayor Harris stated that was a great idea and asked staff to look into it.

ATTORNEY REPORT

None.

ADJOURN

Mr. Jones made a motion to adjourn the meeting at 8:44 p.m. Mr. Danko seconded the motion. The motion passed unanimously by voice vote.

Don Harris, Mayor

Lesley Catron, Town Clerk