

**Town of Bluefield
Town Council
Minutes
August 8, 2017**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, August 8, 2017 at 7:30 p.m. in the Council Chambers of the Town Hall located at 112 Huffard Drive, Bluefield, Virginia.

PRESENT

Don Harris, Mayor
Jimmy Jones, Councilmember
Ron Holt, Councilmember
Chuck Presley, Councilmember
Steve Danko, Councilmember
Lee Riffe, Vice-Mayor

ALSO PRESENT

Mike Watson, Town Manager
Matt Freedman, Town Attorney
Shane Gunter, Police Chief
Lesley Catron, Town Clerk
Kim Hernandez, Executive Assistant
Billie Roberts, Comm. Dev. Coordinator
7 Members of Public

ABSENT

Kris Williams, Zoning Administrator

CALL TO ORDER

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

INVOCATION AND PLEDGE

Bill Lykins, Memorial Baptist Church led the Invocation. Mayor Harris led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Harris added the Resolution request for Ed Spurgeon and Ben Muncy to the Citizen Requests & Special Presentation.

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

CONSENT AGENDA

Councilmember Presley made a motion to approve the consent agenda. Vice-Mayor Riffe seconded the motion. The motion passed unanimously by voice vote.

CITIZEN REQUESTS & SPECIAL PRESENTATIONS

Resolution for Ed Spurgeon and Ben Muncy – VOTE

Mayor Harris stated that Mr. Holt had mentioned at the last meeting doing something to recognize Ben Muncy and Ed Spurgeon.

Mr. Holt made a motion to prepare a resolution for Ed Spurgeon and Ben Muncy. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

COMMITTEE REPORTS

None.

UNFINISHED BUSINESS & REPORTS

Downtown Projects – Billie Roberts

Mrs. Roberts handed out a presentation showing the multi-use parking lot. She stated that the 1st page showed the current parking lot which was not being used to the best of its ability and the 2nd page showed what they would like to see happen. She stated that the 1st phase of the project started with the wall that was already in place and the sign thanks to a nice donation from Cathy Payne in honor of her mother. She stated that the picnic tables and umbrellas were made possible because of Mr. Stacy. She stated that you could not put down pavement because it would interfere with the water flow and another option was gravel pave which felt like asphalt and could be painted but it was very expensive. She stated that the tables and umbrellas were a good thing because they were being used more and more over the years. She stated with a new parking lot that you could help the flow of people and they would know where to go. She stated that they were also looking at doing a river walk/sidewalk and would create a Memorial Corner which would be offset from where it currently was to be able to see it better. She stated that the entrance at wvva.net would be a single entrance and the wall would match up to the existing wall. She stated they were looking at putting pavers under the Farmer's Market and could do pavers throughout the entire thing if they wanted to make it an inviting area. She stated that people liked to be near the creek.

Mr. Riffe stated that when you tried to park there now, it was chaotic and he would like to see the sidewalk happen first.

Mrs. Roberts stated that it was the center of our Town.

Mr. Riffe asked if the Visitors Center sign would stay the same.

Mrs. Roberts stated that they would be getting a new sign.

Mayor Harris stated that he could not remember the exact amount but thought it was about \$350k. He stated that his concern was about utilizing it for decorations. He stated that they would be seeing an increase in ATV's coming thru and he thought the way the lot was now would be easier for them to get in and out.

Mrs. Roberts stated that these plans were before the Visitor's Center was put in and would have to be adjusted.

Mr. Holt asked if the Visitor's Center was seeing more traffic.

Mrs. Roberts stated from what she could see, it had increased.

Mr. Riffe stated that he would like to see them move forward with the river walk next year.

Mr. Watson stated that staff was applying for a grant to help and they could prioritize what they wanted to see first. He stated that they were checking on the price of concrete and pavers and the sidewalks would have drainage under them. He stated that he was taking small steps so it did not cost as much.

Mr. Jones asked about the sidewalks near the laundry mat.

Mr. Watson stated that the sidewalk would be raised a little.

NEW BUSINESS & REPORTS

People who Impact the Community Award (PIC) – Lesley Catron

Mrs. Catron stated that the PIC Award could replace the Hometown Hero Award that had previously been mentioned. She stated that it would be given out in place of resolutions and could either be mailed or presented.

Mr. Riffe stated that they could keep a record of the names and put them on a plaque. He stated that it would be good to mail instead of having them come in. He stated that a resolution should be for those who had accomplishments above and beyond.

Mayor Harris asked if they would be framed.

Mr. Riffe stated no, that they would be put on nice paper and mailed out in a nice envelope.

Mayor Harris stated that a frame only costs \$3-\$4 and that some may not have access to get a frame. He stated that council should be the ones who delivered it to them.

Mr. Holt suggested that they give them the opportunity to come to the council meeting if they wanted to.

Mr. Riffe stated that he was trying to distinguish between the two.

Mr. Danko stated that when mailed, it would mean nothing and that by being at a council meeting, it would mean more.

Mr. Riffe stated if they were going to do that, they did not need the plaque.

Mr. Watson stated that the plaque would be to recognize them. He asked that they allow staff to talk to the individuals and let them decide.

Police Department Budget Amendments, VOTE – Mike Watson

Mr. Watson stated that the following budget amendments needed to be voted on:

BUDGET AMENDMENTS
 2017 / 2018

PURPOSE: Folding Chairs & Tables

Revenue		Original Budget	Amended Budget	Change
Line Item				
0400-0413	Misc. State Law Enforcement	\$76,758.32	\$77,856.32	\$1,098.00
		\$76,758.32	\$77,856.32	\$1,098.00
Expenditure		Original Budget	Amended Budget	Change
Line Item				
3110-8106	Grants	\$0	\$1,098.00	\$1,098.00
		\$0	\$1,098.00	\$1,098.00

PURPOSE: Grant Funds to Supplement Overtime Budget

Revenue		Original Budget	Amended Budget	Change
Line Item				
0100-0509	Prior Year Reserves	\$181,610.40	\$192,440.79	\$10,830.39
		\$181,610.40	\$192,440.79	\$10,830.39
Expenditure		Original Budget	Amended Budget	Change
Line Item				
3110-8106	Grants	\$10,000.00	\$20,830.39	\$10,830.39
		\$10,000.00	\$20,830.39	\$10,830.39

Mr. Jones made a motion to approve the Police Department Budget Amendments.
Mr. Holt seconded the motion.

ROLL CALL VOTE

Vice-Mayor Riffe:	Yes
Councilmember Presley:	Yes
Councilmember Holt:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Danko:	Yes

The motion passed unanimously by Roll Call Vote.

CITIZEN COMMENTS

David Wohlford, Fairway St. stated that he was visiting a friend next to Chuck Presley's house and there was a deep hole on College Drive that had been there 3-4 years. He asked that a plate or something be put over it and that it had a cone that had been on it for the last 2-3 years. He stated that the paving from the entrance at Sedgewood to Graham High School had not been done right which created holes where it had not been put together correctly. He stated that the upper part of Sedgewood was bad and that it had only been paved twice.

Mr. Watson stated that we would be paving both roads.

Mayor Harris asked Mr. Wohlford how long the pothole had been there.

Mr. Wohlford stated 2-3 years.

Mayor Harris asked him if he had ever made an attempt to call and notify the Town about it.

Mr. Wohlford stated that it was not his position to do so.

Mayor Harris stated that it would be nice if he had made staff aware of it.

George Leedy, Mountain Lane stated that he viewed the 1st Council Meeting video and understood that it was a work in progress. He stated that it would be better if council would speak into the microphones. He stated that he forwarded it to 200 of his Facebook friends and had heard positive feedback. He asked about the Draft for the Noise Ordinance and stated that the jake brake on trucks were loud but not as loud as motorcycles. He stated that if a truck happened to be in an accident because they could not use their jake brake, that it may be a problem.

TOWN MANAGER'S REPORT

Upcoming Events

Mr. Watson stated that a copy of upcoming events was in council's packet. He stated that he hoped by winter to have a calendar that had all of the events in one place so you did not have to go to each site and see what was going on in the area.

Paving Update

Mr. Watson stated that he received 3 bids for paving and it was the lowest cost since he had been here. He stated that some of the roads that would be paved included: the upper part of the Townhouses, Spring Street, Tazewell Avenue, West Graham and a couple of roads on East End. He stated that he would be adding 5-6 more roads since the bids came in so low.

Mr. Holt asked if the underpass would be included.

Mr. Watson stated yes that they would be doing from Pemco to where you turn in at Doe Meadows.

Mr. Riffe asked about in front of the middle school.

Mr. Watson stated that it was a small job and would be done thru patching.

Mr. Holt asked about the piece that had been cut out turning off of Tazewell Avenue into Pinehill Park. He asked that something be put over it.

Mayor Harris stated that they took care of it today.

Mr. Riffe stated that it had been graveled over.

Mr. Watson stated that he would check on patching it.

Spring Street Update

Mr. Watson stated that the sidewalk on Spring Street was done and they had one hiccup to fix on Spruce Street which was a water fix. He stated that it would look good in the next few months.

Field Fest

Mr. Watson stated that the last field fest would be on Thursday, August 10th at 6 p.m.

Ribbon Cutting Ceremony

Mr. Watson stated that the Visitor's Center Ribbon Cutting would be held on Friday, August 11th at 1 p.m. and invited everyone to attend.

American Red Cross Blood Drive

Mr. Watson stated that the American Red Cross would be holding a blood drive at Town Hall on Tuesday, August 29th from 1 p.m. – 6 p.m. in the Council Chambers.

The Two Virginias 5k Challenge

Mr. Watson stated that the 5k Challenge would be held on Saturday, August 26th at 9 a.m. in downtown Bluefield, WV. He stated that every employee who participated would receive a paid day off. He stated that staff was working on a health incentive for Town employees.

Autumn Jamboree

Mr. Watson stated that the Autumn Jamboree would be held on Saturday, September 9th at 9:30 a.m. in downtown Bluefield, VA.

Tour du Parc

Mr. Watson stated that Tour du Parc would be held on September 29th at Graham Rec Park. He stated that he would like to recognize Joyce Buchanan on this day as well.

VML Conference

Mr. Watson stated that VML would be held in Williamsburg this year on October 1st – 3rd. He asked council to let staff know if they planned to attend.

COUNCIL COMMENTS

Mr. Jones asked about the spaces in front of Margaret's to park.

Mr. Watson stated that the problem was site distance.

Mr. Jones stated that there could be at least 2 parking spaces there.

Mr. Watson stated that he would check on it.

Mr. Danko stated that they were moving quickly on things and asked that they come up with a plan for where the Town was going to be in 10-15 years. He stated that they needed to bring in more recreation, etc.

Mayor Harris asked staff to work on it.

Mr. Jones stated that it needed to be short and long range.

Mr. Holt stated that there were some issues in Sedgewood and Deerfield with break-ins and suggested having cameras put in throughout the Town. He stated that cameras were valuable in another case they had because they could use the camera footage. He stated that a lot of folks were concerned. He agreed on the health incentive because it would cut down on sick days taken. He stated on another note that in other jurisdictions that they sent their employees to Virginia Tech to participate in a certificate program. He stated that the Town would pay for it and it would be for those with a bachelor's degree.

Mr. Presley stated that he had talked to Mark Stowers and DW Perdue and Sedgewood was willing to put up some cameras. He asked for a Budget Work Session so they could talk about where the extra meals tax money was going. He stated that he talked to some of the trash guys and they really liked the new trash truck. He stated that he would also like to have another Executive Session so they could discuss what has previously been talked about. He asked if Animal Control was in place.

Chief Gunter stated that they were in place and they were fixing up an old explorer they had. He stated that both employees had been to training and had been vaccinated for rabies. He stated that Officer Horn would be doing the day shift and Officer Mooney would be working the night shift and call outs. He stated that so far it was working out good and that they wanted to work thru this year's budget before setting aside a certain amount of money for a veterinarian.

Mr. Presley stated that the video of the last council meeting had been a big hit.

Mr. Riffe thanked staff for working on the PIC Award and thanked Mrs. Roberts for the update on the downtown design. He stated that it was part of a 10 year plan. He stated on August 21st, everyone needed to be downtown for the Eclipse Party at the Visitor's Center at 1 p.m. He stated that he thought it was a good idea to do the community calendar and asked staff to move forward on it.

Mr. Watson stated that staff was looking at redoing the website as well.

Mayor Harris stated that if anyone had street light outages to call Brittnie who handle them and sent them directly to AEP. He stated that he had missed the Noise Ordinance and had spent some time with Mr. Freedman and told him his only concern which he would address.

ATTORNEY REPORT

Draft Noise Ordinance Discussion (attached at end of the minutes)

Mr. Freedman stated that Section 54-35. Unnecessary noise in the operation of motor vehicles; loudspeakers. (c) It shall be unlawful for any person in operating a motor vehicle or motorcycle within the town to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise. He stated that it was not addressed in this noise ordinance and the civil penalty for it was \$25-\$100. He stated that they could repeal it and address it in the new ordinance using the decimal system. He stated that the 2 issues that were brought to his attention were exhausts and revving engines and the time frame. He asked if there was anything else.

Mr. Riffe stated that 9 p.m. was too early and he did not want to see neighbors fighting because of this.

Mr. Holt agreed that 9 p.m. was too early and suggested 10 p.m. because of school kids going to bed earlier. He suggested 10 p.m. – 6 a.m. He stated that they did not need to get caught up in the details because the Police Department had good determination as to what was considered a problem or not.

Mr. Riffe asked if the county had a noise ordinance.

Mr. Holt stated no because most people lived far enough away from each other.

Mayor Harris asked Chief Gunter what timeframe they received most of their calls.

Chief Gunter stated that he could not narrow it down but that 9 p.m. would be too early especially in the summer. He stated that this ordinance would allow the Police Department to enforce.

Mayor Harris stated that it occurred in one particular area more than others. He asked Chief Gunter which time he liked 10 p.m. or 11 p.m.

Chief Gunter stated that 10 p.m. would be ok.

Mr. Presley stated that he was good with 10 p.m.

Mr. Holt asked if it had to be plainly audible from inside the house.

Mr. Watson stated that it was wall to wall so if it could be heard between Townhouse A & B, then this could be enforced.

Mr. Freedman stated yes.

Mayor Harris asked council what time they would like.

Mr. Danko stated 10 p.m.

Mr. Jones stated 10 p.m. – 6 a.m.

Mr. Holt agreed 10 p.m. – 6 a.m.

Mr. Presley also agreed with that time.

Mayor Harris stated that the majority was 10 p.m. – 6 a.m.

Mr. Freedman asked if everything else was good.

Mr. Jones stated that it was against the law to feed wildlife and that he had neighbors feeding animals including skunks. He stated that he had to pay to have a trapper come put out traps. He stated that they needed to know it was against the law.

Mr. Freedman stated that they could include it as a nuisance for wildlife animals but it would also include wild birds which council would probably not want to enforce as a nuisance.

Mayor Harris suggested putting something in the next newsletter about feeding animals.

Mr. Presley asked if council could see it before it went out.

Mr. Watson stated that we were not allowed to trap animals and that he was unaware that you could hire trappers. He stated by law, if you trapped an animal then it had to be put down and we were not certified to do so.

Mr. Freedman addressed Mr. Danko's comment concerning a 10-15 year plan. He stated that they adopted a Comprehensive Plan about 1 ½ years ago which was a plan for movement in the future.

ADJOURN

Mr. Holt made a motion to adjourn the meeting at 8:43 p.m. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Don Harris, Mayor

Lesley Catron, Town Clerk

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 _____ DAY OF _____, 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 the 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 9:00 p.m. and 7:00 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 9:00 p.m. and 7:00 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 9:00 p.m. and 7:00 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 _____ day of _____, 2017.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall be effective on the _____ day of _____, 2017.

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 _____ day of _____, 2017.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

ADOPTION DATE:

EFFECTIVE DATE:

FINAL RECORDED VOTE: _____

MEMBERS PRESENT: _____

MEMBERS ABSENT: _____

RESULT OF VOTE:

AYES

NAYES

ABSTENTIONS

COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

BY: _____

DONALD R. HARRIS, MAYOR

DATE

TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

ATTEST:

LESLEY CATRON, TOWN CLERK

DATE

TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION