

**Town of Bluefield
Town Council
Minutes
October 10, 2017**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, October 10, 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
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
Kris Williams, Zoning Administrator
4 Members of Public

ABSENT

Steve Danko, Councilmember

CALL TO ORDER

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

INVOCATION AND PLEDGE

Dr. Jay Ferguson, First United Methodist Church led the Invocation. Mayor Harris led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Harris removed the Executive Session #7 from the agenda and the Bailey Log House Committee Update.

Councilmember Holt made a motion to approve the amended agenda. Councilmember Presley seconded the motion. The motion passed unanimously by voice vote.

CONSENT AGENDA

Councilmember Jones made a motion to approve the consent agenda. Councilmember Holt seconded the motion. The motion passed unanimously by voice vote.

CITIZEN REQUESTS & SPECIAL PRESENTATIONS

None.

COMMITTEE REPORTS

None.

UNFINISHED BUSINESS & REPORTS

EMS Appreciation Dinner Update – Lesley Catron

Mrs. Catron stated that she had spoken with Charlie Stacy concerning the EMS Appreciation Dinner and it would be held on Thursday, November 9th at 5:30 p.m. She stated that the large tent would be set up outside of the Visitor's Center and they would have BBQ, hamburgers, etc. She stated that it would be limited to the Rescue Squad and an ad would be placed in the paper to let those who worked there know about it.

PIC Award Discussion & Nomination, POSSIBLE VOTE – Lesley Catron

Mrs. Catron stated that the PIC Award was a way for Town Council to recognize individuals without having to do a resolution each time. She stated some of the criteria would be if they have had a direct impact on the community. Example would be a volunteer who did something for the community. She stated that was a way to separate it from a resolution and an example would be someone who had received an award for something.

Mr. Riffe thanked staff for putting in the time to research this. He stated that he liked that they would be able to distinguish between the two. He made a motion to approve the PIC Awards.

Mr. Holt seconded the motion.

Mr. Presley stated that it was hard to distinguish between the two and asked for examples.

Mrs. Catron stated that an example of a resolution would be a team winning state for the first time and an example of the PIC Award would be for someone retiring that had been in business for many years.

Mr. Presley stated that he did not see the difference and they needed to come up with a better definition between the two.

Mr. Riffe asked if the state only allowed a certain number of resolutions.

Mr. Watson stated no, but they could not get any work done because they were doing so many. He stated that in the past they had used a resolution for Dr. Chopra and Dr. Kovach, both who were members of the Planning Commission and also owned a business. He stated that resolutions were usually passed for funding or for a team who won a state championship, or individuals who had served on a board. He stated that the PIC Award would be like Business of the Quarter where you would put something in the newsletter, etc.

Mr. Freedman stated that it would be something council would vote on case by case. He stated that a resolution would be like giving someone the key to the Town, the highest honor whereas a PIC Award would be a certificate of achievement.

Mr. Holt stated that a one-time good deed would not be considered resolution worthy but would be a PIC Award and that council would be able to determine between the two.

Mr. Jones stated that each one had its own merit.

Mayor Harris stated that it should be awarded for those who contributed back to the Town of Bluefield such as Ben Muncy and Ed Spurgeon who had done a lot for the cemetery. He stated that 20 years ago it did not look like it did today and it was because of them giving back to the community. He stated that they had also cleaned up the old part of the cemetery that the Town did not know they owned. He stated that another person who had given back to the community was Mrs. Smith who was an employee of Kroger and lived in Pinehill Park. He stated that she would pick up trash throughout Town on her lunch hour. He stated that another individual was Keith Janovec who also picked up trash. He stated that these were people contributing back to the betterment of the Town of Bluefield.

Mr. Holt stated that council would be able to determine on a case by case basis.

The motion passed unanimously by voice vote.

NEW BUSINESS & REPORTS

Police Department Budget Amendments, VOTE – Lesley Catron

Mrs. Catron went over the following budget amendments.

PURPOSE: Refund for VA Code Book Lexis Nexis

Revenue

Line Item		Original Budget	Amended Budget	Change
0400-0413	Misc. State Law	<u>\$77,856.32</u>	<u>\$77,917.74</u>	<u>\$61.42</u>
	Enforcement	<u>\$77,856.32</u>	<u>\$77,917.74</u>	<u>\$61.42</u>

Expenditure

Line Item		Original Budget	Amended Budget	Change
3110-6012	Books &	<u>\$700.00</u>	<u>\$761.42</u>	<u>\$61.42</u>
	Subscriptions	<u>\$700.00</u>	<u>\$761.42</u>	<u>\$61.42</u>

Mr. Jones made a motion to approve the Refund for VA Code Book Lexis Nexis Amendments. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Mrs. Catron stated there were some more amendments.

PURPOSE: Payment for Security details at GHS and Graham Rec. Park

Revenue

Line Item		Original Budget	Amended Budget	Change
0400-0413	Misc. State Law	<u>\$77,917.74</u>	<u>\$79,586.24</u>	<u>\$1,668.50</u>
	Enforcement	<u>\$77,917.74</u>	<u>\$79,586.24</u>	<u>\$1,668.50</u>

Expenditure

Line Item		Original Budget	Amended Budget	Change
3110-1200	Salaries	<u>\$20,830.39</u>	<u>\$22,498.89</u>	<u>\$1,668.50</u>
	Over Time	<u>\$20,830.39</u>	<u>\$22,498.89</u>	<u>\$1,668.50</u>

PURPOSE: Byrne Justice Tech. Grant to replace Interview Room DVR & Monitor

Revenue

Line Item		Original Budget	Amended Budget	Change
0400-0413	Misc. State Law	<u>\$79,586.24</u>	<u>\$80,876.24</u>	<u>\$1,290.00</u>
	Enforcement	<u>\$79,586.24</u>	<u>\$80,876.24</u>	<u>\$1,290.00</u>

Expenditure

Line Item		Original Budget	Amended Budget	Change
3110-3310	Repair &	<u>\$5,000.00</u>	<u>\$6,290.00</u>	<u>\$1,290.00</u>
	Maintenance Services	<u>\$5,000.00</u>	<u>\$6,290.00</u>	<u>\$1,290.00</u>

Mr. Holt made a motion to approve the Payment for Security details at GHS and Graham Rec. Park and the Byrne Justice Tech. Grant to replace Interview Room DVR & Monitor Amendments. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

CITIZEN COMMENTS

David Wohlford stated that there was a horrible sewer odor that needed to be addressed in the Twin City Shopping Center near Hardees.

George Leedy thanked them for the paving and stated that it was looking better.

TOWN MANAGER'S REPORT

Upcoming Events

Mr. Watson stated that there was a list of upcoming events in council's packet.

Fall Leaf Pickup

Mr. Watson stated that the Fall Leaf Pickup will begin the week of October 23rd.

Red Cross Blood Drive

Mr. Watson stated that the Red Cross would be set up on Wednesday, October 25th in the Council Chambers.

Student Government Day

Mr. Watson stated that Student Government Day would be on Thursday, October 26th.

Thank You

Mr. Watson stated that staff had received a thank you letter from Joyce Buchanan and encouraged everyone to go down and look at the area that had been dedicated to her.

COUNCIL COMMENTS

Mr. Riffe stated that it was interesting to see what others were doing at VML and that we were competing well. He stated that he would like to see our volunteers get back in to helping the Town and all they had to do was ask. He stated that he was still working on the drum to go under the Christmas tree.

Mr. Presley stated that he had a few people asking about what was going on at the Pinehill Park Playground.

Mr. Watson stated that staff was working on it but was waiting to get some guidance.

Mr. Presley stated that he liked getting the upcoming events. He stated that Jason from Dominion Energy would like to come to the next council meeting to let them know what they were going to do in Bluefield, VA. He stated that VML was good.

Mr. Holt asked if anyone had asked about the certification program.

Mr. Watson stated no, but he would send it out again.

Mr. Jones stated that the School Board would be in Williamsburg for a state school board meeting in November so the next scheduled meeting here would be on December 6th.

Mayor Harris agreed about VML and said that this was one of the nicer ones he had attended. He stated there was a large attendance and that Williamsburg went out of their way to entertain them. He stated that he had the opportunity to speak in front of the VML attendees and was introduced as the Mayor of the Town of Bluefield. He stated that the speech he gave was on the Legislative Committee to be handed to the General Assembly. He stated that it made him proud to be from the Town of Bluefield and he felt honored and privileged to represent the Town. He stated that the Opioid Abuse Seminar was full and he was honored to introduce the speaker.

Mr. Presley stated that it was an awesome workshop and he wished they could bring them here to talk about it.

ATTORNEY REPORT

Cable Franchise Ordinance, VOTE to Authorize 1st Reading (attached at the end of the minutes)

Mr. Freedman stated that there was a letter attached to adopt the Cable Franchise Ordinance. He stated that this would be the 1st Reading and would be read in its entirety in the back of the room after he finished the attorney's report.

Mr. Presley made a motion to authorize the 1st Reading of the Cable Franchise Ordinance. Mr. Holt seconded the motion. The motion passed unanimously by voice vote.

Resolution to Condemn Certain Structures, VOTE (attached at the end of the minutes)

Mr. Freedman stated that he hoped council had looked over those structures to be condemned. He stated that there had to be a confirmative vote to condemn them and that the Building Official would go thru the notice process once they were condemned.

Mr. Riffe made a motion to approve the Resolution to Condemn Certain Structures. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Resolution to Authorize Town Manager to Execute & Accept Easements, VOTE (attached at the end of the minutes)

Mr. Freedman stated this was a resolution to authorize the Town Manager to execute and accept easements for the Town of Bluefield to streamline the process of accepting all easements that council may not need to get involved with.

Mr. Jones made a motion to approve the Resolution to Authorize Town Manger to Execute and Accept Easements. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

EXECUTIVE SESSION

Mayor Harris stated that he would like to ask for a Roll Call Vote to enter into Executive Session to match up with the way it was done at VML.

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.

Mrs. Catron read the following Executive Session: *Code of Virginia Section 2.2-3711-A-1.6.*

The investing of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the government unit would be adversely affected.

Council entered into Executive Session at 8:09 p.m.

Councilmember Holt made a motion to enter out of Executive Session. Councilmember Presley seconded the motion. The motion passed unanimously by voice vote.

Councilmember Presley made a motion to adopt the following resolution certifying the Executive Session and Mrs. Catron read:

WHEREAS, the Town Council of Bluefield, Virginia has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with provisions of the Virginia Freedom of Information Act; and WHEREAS, Section 2.2-3712-D of The Code of Virginia requires a certification by the Town Council of Bluefield, Virginia that such session was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Bluefield, Virginia hereby certifies that, to the best of each members knowledge, (I) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) 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 by the Town Council.

Adopted this 10th day of October.

Councilmember Riffe seconded the motion.

ROLL CALL VOTE

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

The motion passed unanimously by Roll Call Vote.

ADJOURN

Mr. Holt made a motion to adjourn the meeting at 9:00 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 24TH DAY OF OCTOBER, 2017.

AN ORDINANCE GRANTING A NON-EXCLUSIVE CABLE FRANCHISE TO COMCAST OF THE SOUTH TO PERMIT SUCH FRANCHISEE TO CONSTRUCT AND OPERATE A CABLE SYSTEM IN THE PUBLIC RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN OF BLUEFIELD, VIRGINIA, AND TO PERMIT SUCH FRANCHISEE TO PROVIDE CABLE SERVICES OVER SUCH CABLE SYSTEM

WHEREAS, notice of this ordinance, notice of a non-exclusive cable franchise agreement with Comcast of the South, and an invitation for bids regarding such a franchise agreement were duly published on the 9th day of August, 2017, and on the 17th day of August, 2017, in the Bluefield Daily Telegraph, a newspaper having general circulation in Bluefield, Virginia; and

WHEREAS, on the 12th day of September, 2017, the Council of the Town of Bluefield, Virginia, by an affirmative majority vote, accepted a bid from Comcast of the South for a non-exclusive cable franchise, which was submitted in the form of an executed franchise agreement and entitled "CABLE FRANCHISE AGREEMENT BETWEEN TOWN OF BLUEFIELD AND COMCAST OF THE SOUTH"; and

WHEREAS, a public hearing regarding the adoption of this ordinance was held on the 10th day of October, 2017, before the Council of the Town of Bluefield, Virginia, after notice was duly published on the 22nd day of September, 2017, and on the 29th day of September, 2017, in the Bluefield Daily Telegraph, a newspaper having general circulation in Bluefield, Virginia.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia accepts and adopts the franchise agreement attached hereto and entitled "CABLE FRANCHISE AGREEMENT BETWEEN TOWN OF BLUEFIELD AND COMCAST OF THE SOUTH".

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Comcast of the South is hereby granted a non-exclusive cable franchise as described in the franchise agreement attached hereto and entitled "CABLE FRANCHISE AGREEMENT BETWEEN TOWN OF BLUEFIELD AND COMCAST OF THE SOUTH".

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Mayor of the Town of Bluefield, Virginia shall execute the franchise agreement attached hereto and entitled "CABLE FRANCHISE AGREEMENT BETWEEN TOWN OF BLUEFIELD AND COMCAST OF THE SOUTH" on behalf of the Town of Bluefield, a Virginia Municipal Corporation.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance is hereby adopted on this 24th day of October, 2017.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall become effective on the 24th day of October, 2017.

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

IT IS SO ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA on this 24th day of October, 2017.

PUBLIC HEARING:	OCTOBER 10, 2017			
FIRST READING:	OCTOBER 10, 2017			
SECOND READING:	OCTOBER 24, 2017			
ADOPTION DATE:	OCTOBER 24, 2017			
EFFECTIVE DATE:	OCTOBER 24, 2017			
FINAL RECORDED VOTE:	_____			
MEMBERS PRESENT:	_____			
MEMBERS ABSENT:	_____			
RESULT OF VOTE:	_____			
	<table><tr><td>AYES</td><td>NAYES</td><td>ABSTENTIONS</td></tr></table>	AYES	NAYES	ABSTENTIONS
AYES	NAYES	ABSTENTIONS		

COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

BY _____ DATE _____
DONALD R. HARRIS, MAYOR
TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

ATTEST:

LESLEY CATRON, TOWN CLERK DATE
TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION