

**Town of Bluefield
Town Council
Minutes
September 11, 2018**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, September 11, 2018 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
Anglis Trigg Jr., Councilmember
Lee Riffe, Vice-Mayor

ALSO PRESENT

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

CALL TO ORDER

Mayor Harris called the meeting to order at 7:31 p.m.

INVOCATION AND PLEDGE

Raymond McHone, Words of Deliverance Church led the Invocation. Mayor Harris led the Pledge of Allegiance.

APPROVAL OF AGENDA

Councilmember Holt made a motion to approve the 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

Graham Historical Society Update – Eva Saunders

Mrs. Saunders stated that they had been working hard. She stated that on October 9th would be the annual bean dinner for the Town Employees and Council. She stated that they had a meeting that morning and talked about the Twisted History and stated that the Historical Society would be serving refreshments. She stated that the annual Open House would be the first Sunday in December. She stated that they had some new members who attended today's meeting and they met the 2nd Tuesday of every month at 10:15 a.m. She stated that they were grateful to the Town for all of their help with everything.

Mayor Harris thanked her for all of her hard work and stated that it was a joy to see her at the Warhawks Ceremony.

UNFINISHED BUSINESS & REPORTS

None.

NEW BUSINESS & REPORTS

None.

CITIZENS COMMENTS

David Wohlford, Sedgewood asked that Council do a PIC Award for Randy Carter and his wife who was not doing well. He stated that he had talked to Mr. Presley concerning small rocks in the roads for those who rode motorcycles. He asked that the Street Sweeper sweep the roads. He stated that Fairway and a lot of Sedgewood did not get swept.

Donnie Linkous, Hickory Hills stated across the railroad tracks in Pinehill Park there was a stop sign that was near Mr. Presley's parents' house that the trees needed to be cut back.

TOWN MANAGER'S REPORT

Tazewell Avenue School Traffic Update

Mr. Watson stated that he went to Dudley School concerning the Tazewell Avenue traffic and the houses the citizens were concerned about. He stated that people were parking on the street and they were going to put up some signs that stated no school traffic parking. He stated that he also spoke with the School Resource Officer and asked

him to advise the traffic not to block driveways. He stated that Mrs. Maupin called and staff talked to her.

Mr. Jones stated that he went out the first 3 days and people were blocking the driveways and the officer made them go all the way around.

Mr. Watson stated that they were trying to find a way of fixing it but the first 2 weeks of every year would be hard to do anything.

Mr. Holt stated that he spent 2 days out there in the evenings and there was no alternate route. He stated that all they could do was to put up signs and educate and write a few tickets.

Virginia Water Fund Supply Revolving Fund Project Public Hearing

Mr. Watson stated that a Public Hearing was scheduled for September 25th at 7:15 p.m. for the Virginia Water Fund Supply Revolving Fund Project. He stated that it had been advertised in the Bluefield Daily Telegraph for the Water Plant Upgrades and he planned on using money in the Sanitary Surcharge to buy all of the materials with.

Sanders House "Twisted History" Donation Request, POSSIBLE VOTE

Mr. Watson stated that they had received a request for a donation for the Sanders House "Twisted History" project with a total cost of \$2,200. He stated that they had received over \$350 in donations and were still short \$1,900. He asked them to contact Charlie Stacy to see if he would donate and suggested giving them a donation of \$850.

Mr. Holt made a motion to approve a donation of \$850 to the Sanders House "Twisted History". Mr. Presley seconded the motion.

Mr. Riffe stated that he would give the whole \$2,200 but that he was on the board. He stated that he thought giving the money and asking Charlie Stacy was a good thing.

Mr. Jones agreed.

Mr. Presley asked Mr. Watson to let Mrs. Johnson know that he would give \$200 for them to contact him.

Mr. Trigg agreed.

Mayor Harris voted yes as well.

The motion passed unanimously by voice vote.

VML Conference

Mr. Watson stated that the VML Conference would be September 30th – October 2nd in Hampton, VA. He asked council to let staff know as soon as possible concerning riding situations, etc.

International Food Festival

Mr. Watson stated that the International Food Festival would be held on September 15th. He stated that it was a nice event and was located at the church near Harbor Freight.

COUNCIL COMMENTS

Mr. Trigg stated that the Autumn Jamboree was really nice and there were quite a few people there. He stated that they need to look into ramps, bridges, pavers, etc. because folk were having a tough time getting through the gravel with strollers, walkers, etc. He suggested they look into some type of grants.

Mr. Presley asked if Mrs. Roberts had mentioned a project like that already for downtown and asked for an update on it.

Mrs. Roberts stated that it could be brought back up if council wanted to do so but that it was really expensive.

Mr. Watson stated that they could not put an impervious surface back in because they must allow water to come through. He stated that they were looking at around \$200k to do it on each side.

Mr. Trigg asked about a bridge.

Mr. Watson stated that they had looked at a curved bridge about 6 ft. wide and with the Town doing the work it would still cost around \$30k.

Mr. Trigg stated that it would help a handicap person.

Mr. Watson asked Donnie Linkous about pavers.

Mr. Linkous stated that pavers were out now and less expensive.

Mr. Watson stated that staff would look back into it.

Mr. Presley asked if Mrs. Maupin could send home letters to give to the parents regarding parking on the road.

Mr. Holt stated that there was an issue in Town with folks not taking care of property and they needed to be more proactive in their efforts with it. He encouraged staff to look into it more.

Mr. Jones gave an update on the East River Mountain and stated that they did 5 ft. of digging holes and would be doing 150 more.

Mr. Riffe stated that at the Planning Commission Meeting last night there were some concerns about how to set an ordinance with trash. He stated that Mr. Freedman mentioned there was one already in place but Planning Commission did not always know where they stood and vice versa with Council. He asked if there was a new renter's ordinance.

Mr. Watson stated that the Town had looked into it but he was not sure about the status and would look into it further.

Mr. Riffe asked that next year they sit down with Planning Commission and IDA and see who did what and how it was being done and to continue to sit down every so often. He stated concerning the bridge that he Mr. Danko started it 6 years ago and he would love to see it. He stated that it was a necessity for the events downtown and that it needed to be done and they needed to move forward with it. He stated that he had some complaints about the Autumn Jamboree all being on one side of the street and nobody going down to the businesses. He suggested for the school traffic having an officer at the bottom of the church and that it was first come first serve and teaching people what to do.

Mr. Watson stated that if they voted to stop the traffic then he would do it but that would not be his recommendation. He stated that the bridge started out years ago and that over the last 10 years we had spent more and more money and now we had walls, shelter, etc. downtown. He stated that we would probably have to find a local foundation to help with this. He stated that the next project would be sidewalks going up South College. He stated that we did look at these things but slowly.

Mr. Holt stated that by trying to keep the school traffic out of there it would move the mess down to Virginia Avenue. He stated that the signs would be the best solution.

Mayor Harris stated that it was best to wait before doing something. He stated that the sidewalk estimate at Bluefield College was around \$200k.

Mr. Watson stated that our match was around \$90k (20%) and we spent about \$30k-\$40k on staff labor.

Mayor Harris stated that he and Mrs. Roberts applied for numerous grants which saved the Town a lot of money. He stated that the building downtown looked like a

bomb hit it. He stated that it looked terrible and Mr. Williams was on them to cut the grass but that it was in the courts now.

Mr. Presley asked if he was talking about the Old Eclipse Building.

Mayor Harris stated yes.

Mr. Freedman stated that the owner was making efforts to finish cleaning it up. He stated that he hoped to give an update and they should have a better resolution to fix the problem in the next month.

Mr. Watson stated that he would discuss it with council at a later time.

Mayor Harris stated that there was a crew that was hired to clean it up but was not paid.

Mr. Freedman stated that was correct.

EXECUTIVE SESSION

Councilmember Holt made a motion to enter into Executive Session pursuant to *Code of Virginia Section 2.2-3711-A-1.7 and 2.2-3711-A-1.3* and Mrs. Catron read:

Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Councilmember Presley seconded the motion. The motion passed unanimously by voice vote.

Council entered into Executive Session at 8:16 p.m.

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

Councilmember Holt 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 11th day of September.

Councilmember Trigg seconded the motion.

ROLL CALL VOTE

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

The motion passed unanimously by Roll Call Vote.

ATTORNEY REPORT

Special Events Ordinance Discussion (attached at end of minutes)

Mr. Freedman stated that he would like to get some input from council concerning a Special Events Ordinance.

Mr. Presley stated that he liked it just as when someone used an ABC License that we needed to have some input and asked if they needed to have permission from the Town.

Mr. Freedman stated that they did require all permits to be satisfied by the locality.

Mr. Holt stated that the ABC man was now calling our Town Manager directly.

Mr. Presley stated that he liked the idea of it.

Mr. Trigg agreed.

Mr. Holt stated that he thought it was great.

Mr. Jones agreed.

Mr. Riffe stated that it looked like it would cover everything.

Mr. Presley asked about the costs.

Mr. Freedman stated that Mr. Watson would work on it.

Mr. Presley stated that a sheet with a generalization of costs would be good.

Mr. Watson stated that one issue was that each event was different. He stated that local churches did a trunk or treat and he had never charged anyone for having an event downtown.

Mr. Freedman stated that it was Section 2-539 that Mr. Watson was referring to. He stated if there were any other suggestions to let him know and he would bring it back next time for the 1st Reading.

Corrected Deed Acceptance Resolution-129 Depot Street, VOTE (attached at end of minutes)

Mr. Freedman stated that the packet included the Corrected Deed Acceptance Resolution for 129 Depot Street. He stated that the corrections were to Wells Fargo Bank, N.A. and an additional lot that was added with the corresponding tax map number. He stated that he would need a motion to accept the Corrected Deed.

Mr. Presley made a motion to approve the Corrected Deed Acceptance Resolution-129 Depot Street. Mr. Holt seconded the motion.

ROLL CALL VOTE

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

The motion passed unanimously by Roll Call Vote.

ADJOURN

Mr. Presley made a motion to adjourn the meeting at 9:13 p.m. Mr. Holt 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 _____, 2018.

AN ORDINANCE TO CREATE, BY CREATING ARTICLE VII (SPECIAL EVENTS) OF CHAPTER 2 (ADMINISTRATION) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Article VII of Chapter 2 of the Code of Ordinances, Town of Bluefield, Virginia is hereby created to read as follows:

ARTICLE VII. SPECIAL EVENTS

Sec. 2-531. Purpose.

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

Sec. 2-532. Authority.

This article is adopted pursuant to the authority described in section 15.2-1700 of the Code of Virginia (1950) as amended.

Sec. 2-533. Definitions.

The term "building official", when used in this article, shall mean the building official of the Town of Bluefield.

The term "fire chief", when used in this article, shall mean the fire chief of the Town of Bluefield.

The term "police chief", when used in this article, shall mean the police chief of the Town of Bluefield.

The term "special event", when used in this article, shall mean any event conducted within the corporate limits of the Town of Bluefield for the purpose of entertainment, celebration, competition, cultural recognition, or freedom of speech that is reasonably expected to involve the presence of fifty (50) or more persons. A special event shall be deemed to include, but not be limited to, circuses, carnivals, races, parades, marches, festivals, demonstrations, celebrations, performances, dances, and tailgates.

The term "town clerk", when used in this article, shall mean the town clerk of the Town of Bluefield.

The term "town manager", when used in this article, shall mean the town manager of the Town of Bluefield.

The term "treasurer", when used in this article, shall mean the treasurer of the Town of Bluefield.

The term "zoning administrator", when used in this article, shall mean the zoning administrator of the Town of Bluefield.

Sec. 2-534. Permit required; penalty.

A special event permit shall be required for a special event to be conducted within the corporate limits of the Town of Bluefield.

It shall be unlawful to conduct a special event within the corporate limits of the Town of Bluefield without a valid special event permit.

A violation of this section shall constitute a Class 2 misdemeanor.

Sec. 2-535. Application for special event permit; issuance of permit.

Any individual, group, organization, or entity desiring to obtain a special event permit from the Town of Bluefield shall 1) apply in writing with the town manager; 2) pay a \$20.00 application fee to the Town of Bluefield; and 3) where requested, submit a special event plan as described under section 2-536 of this article.

All applications for a special event permit shall be filed with the town clerk at least thirty (30) days before the proposed date(s) of the special event. Such applications shall include, in addition to any other information requested, the following: 1) the name and contact information of the applicant; 2) the sponsorship of the special event; 3) the proposed location(s), date(s), and time(s) of the special event; 4) the number of expected attendees; 5) whether alcohol will be allowed or served; 6) proof of permission to use the property where the special event is located; and 7) proof of adequate insurance coverage.

The town manager shall issue a special event permit on behalf of the Town of Bluefield within fifteen (15) days of the requirements for such permit being fully satisfied. Such permit shall only be issued for a single special event occurring on a single date or on multiple dates.

Sec. 2-536. Special event plan.

The town manager may require that a special event plan accompany an application for a special event permit. Such plan shall account for the provision of medical and emergency services, firefighting services, police and security services, crowd and traffic control services, parking, road/sidewalk/park usage and closures, lighting, food and water, noise control, and sanitation facilities and receptacles. All required special event plans shall be in writing, and approved by the

police chief, fire chief, building official, zoning administrator, and town manager prior to a special event permit being issued.

The town manager may request a modification to an applicant's special event plan prior to its approval in order to protect the health, welfare, and safety of the citizens of the Town of Bluefield. Additionally, the town manager may deny the issuance of a special event permit in the event the requested modifications to a special event plan are not made to his/her satisfaction.

Sec. 2-537. Certification.

An applicant for a special event permit shall certify to the Town of Bluefield that they will ensure the special event, and its accompanying activities, comply with all applicable laws and regulations.

Sec. 2-538. Cancellation of special events under certain circumstances.

The police chief, or his/her designee, may cause a special event to cease and desist in the event 1) a valid special event permit has not been issued for the special event; 2) the special event is substantially in violation of the approved special event plan; or 3) he/she determines the activities taking place at the special event are unlawful or threaten the health and safety of the citizens of the Town of Bluefield.

Sec. 2-539. Monetary deposits and surety bonds.

As a condition to the issuance of a special event permit, the town manager may require an applicant deposit sufficient funds with the treasurer to pay the cost of municipal services necessary to meet the requirements of a special event plan. The actual cost of such services shall be paid to the general fund of the Town of Bluefield out of the deposit, and the difference, if any, shall be refunded to the applicant within ten (10) business days of the conclusion of the special event.

Alternatively, as a condition to the issuance of a special event permit, the town manager may require the applicant deposit a surety bond with the treasurer in an amount necessary to insure against an applicant's failure to adhere to the requirements of a special event plan.

Secs. 2-540. Exempt events.

A special event conducted by a public school system, local government, or organization whose primary purpose is for religious worship shall be exempt from the requirements of this article when such special event occurs exclusively on property not owned or maintained by the Town of Bluefield.

Secs. 2-541—2-580. Reserved.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that section 54-32 of Article II of Chapter 54 of the Code of Ordinances, Town of Bluefield, Virginia is hereby repealed.

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 _____, _____.

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

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 _____, _____.

PUBLIC HEARING: _____
FIRST READING: _____
SECOND READING: _____
ADOPTION DATE: _____
EFFECTIVE DATE: _____
FINAL RECORDED VOTE: _____
MEMBERS PRESENT: _____
MEMBERS ABSENT: _____
RESULT OF VOTE: _____

<u>AYES</u>	<u>NAYES</u>	<u>ABSTENTIONS</u>
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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

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 11TH DAY OF SEPTEMBER, 2018.

A RESOLUTION AUTHORIZING THE TOWN MANAGER OF THE TOWN OF BLUEFIELD, VIRGINIA TO ACCEPT A DEED ON BEHALF OF THE TOWN OF BLUEFIELD, VIRGINIA

WHEREAS, section 15.2-1803 of the Code of Virginia (1950) as amended states in part that “[e]very deed purporting to convey real estate to a locality shall be in a form approved by the attorney for the locality . . . [, and that no] such deed shall be valid unless accepted by the locality, which [such] acceptance shall appear on the face thereof or on a separately recorded instrument and shall be executed by a person authorized to act on behalf of the locality.”

WHEREAS, the resolution previously adopted on August 28, 2018, regarding this matter contained errors which need correction.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town Manager of the Town of Bluefield, Virginia, is hereby authorized to execute and accept any deed, on behalf of the Town of Bluefield, which conveys the following described real estate, and its accompanying improvements, from WELLS FARGO BANK, N.A. to the TOWN OF BLUEFIELD:

*129 DEPOT STREET
BLUEFIELD, VIRGINIA 24605*

*LOTS 11, 12, & 13 IN SEC 37
TOWN OF BLUEFIELD
TAZEWELL COUNTY, VIRGINIA
TAXMAP ID(S): 024A327370011 & 024A327370012-0013*

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town Manager of Town of Bluefield, Virginia, is hereby authorized to perform, on behalf of the Town of Bluefield, any actions necessary that ensure the lawful acceptance of the previously described real estate and its accompanying improvements.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the aforesaid deed shall be in a form approved by the Town Attorney of the Town of Bluefield, Virginia.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this resolution shall be recorded among the land records of the Clerk's Office of the Circuit Court of Tazewell County, Virginia, and indexed therein under the names of the TOWN OF BLUEFIELD & WELLS FARGO BANK, N.A.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the resolution previously adopted on August 28, 2018, regarding this matter shall not be recorded among the land records of the Clerk's Office of the Circuit Court of Tazewell County, Virginia.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this resolution is hereby adopted on this 11th day of September, 2018, and shall be effective upon adoption.

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

IT IS SO RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA on this 11th day of September, 2018.

PUBLIC HEARING:	NONE
ADOPTION DATE:	09/11/2018
EFFECTIVE DATE:	09/11/2018
RECORDED VOTE:	6-0
MEMBERS PRESENT:	<u>Angie Ingram, Charles Presley, Ron Holt, Don Harris, Jimmy Jones, Lee Rife</u>
MEMBERS ABSENT:	
RESULT OF VOTE:	<u>6</u> <u>0</u> <u>0</u>
	AYES NAYES ABSTENTIONS

COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

BY: Donald R. Harris 9-11-18
DONALD R. HARRIS, MAYOR DATE
TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

ATTEST:

Lesley Catron
LESLEY CATRON, TOWN CLERK 9/11/18
TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION DATE