

**Town of Bluefield  
Town Council  
Minutes  
January 3, 2019**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, January 3, 2019 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  
Chuck Presley, Councilmember  
Anglis Trigg Jr., Councilmember  
Ron Holt, Councilmember  
Jarrod Bailey, Councilmember

**ALSO PRESENT**

Mike Watson, Town Manager  
Lesley Catron, Town Clerk  
Billie Roberts, Comm. Dev. Coordinator  
Matt Freedman, Town Attorney  
19 Members of Public

**ABSENT**

Shane Gunter, Police Chief

**CALL TO ORDER**

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

**INVOCATION AND PLEDGE**

Steve Branch, Destiny Outreach Ministries led the Invocation. Mayor Harris led the Pledge of Allegiance.

**OATHS OF OFFICE - Tammy Allison, Clerk of the Tazewell County Circuit Court**

Ms. Allison administered the Oath of Office to the following councilmembers: Jimmy Jones, Anglis Trigg, Jr. and Jarrod Bailey. She then administered the Oath of Office to IDA Member David Skidmore.

**APPROVAL OF AGENDA**

Mayor Harris asked to move the appointment of Vice Mayor to after the Executive Session.

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

### **CONSENT AGENDA**

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

### **CITIZEN REQUESTS & SPECIAL PRESENTATIONS**

None.

### **COMMITTEE REPORTS**

None.

### **UNFINISHED BUSINESS & REPORTS**

#### ***Resolution Authorizing Lease of 501 VA Avenue to IDA, VOTE – Billie Roberts (attached at end of minutes)***

Mrs. Roberts stated that she was there asking for an approval of a Resolution Authorizing the Lease of 501 VA Avenue to the IDA in council's packet. She stated it was formerly known as the Bank of Graham.

Mr. Trigg made a motion to approve the Resolution Authorizing the Lease of 501 VA Avenue to the IDA.

Mr. Presley asked if there was anything that would affect the lawyers lease.

Mrs. Roberts stated that she had spoken with Melanie Menefee and Jessica Gunter and they were working up a lease agreement for them.

Mr. Presley seconded the motion.

Mayor Harris asked for a Roll Call Vote.

#### **ROLL CALL VOTE**

Councilmember Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

### **NEW BUSINESS & REPORTS**

None.

### **CITIZENS COMMENTS**

David Wohlford, Sedgewood congratulated his opponents. He stated that he thought the appointment of Vice-Mayor was supposed to take place in the open. He suggested Mr. Trigg be nominated for Vice-Mayor because he had been in the position for many years and the others only a couple of years. He stated that he was not “dissing” Mr. Jones but that he already had enough on his plate and had served us well. He stated that the next thing he wanted to discuss was the Bluefield Sanitary Board and he had gone to the Public Hearing which he was told we would have a Public Hearing on our side. He stated that council knew where he stood and that the Bluefield Board answered his questions while he was standing there. He stated that the Sanitary Board was requesting a 50% rate increase over the next 3 years and he still had no idea what they were fixing. He stated that if we were paying for the past then the Bluefield Board failed to do their due diligence in observing the Sanitary Board. He stated that we had an opportunity to condemn it and take control of it on our side. He stated that a rate increase was totally unjustifiable and they said it would be for the development of Leatherwood. He stated that he did not care if Leatherwood was ever developed that we had been waiting 40 years and nothing had been done. He stated that we still needed an audit of the Sanitary Board on our side because he did not know where the money was going. He stated that the Bluefield Board had no reason to tell us what to do and they let criminal actions take place and failed their due diligence. He stated that it was time for council to do something because they were paid to take care of the Town.

Mayor Harris stated that they had a lot of business to take care of.

Mr. Wohlford stated that he had one more thing concerning the water rate increase and he did not know if the money was dedicated to go to the water fund. He stated that it was time to take action on some of this stuff and that it needed to be observed.

### **TOWN MANAGER'S REPORT**

#### ***Organizational Meeting/Possible Term(s) Renewal***

Mr. Watson stated that the following members that served on Town of Bluefield Boards or Commissions had terms set to expire and were up for re-appointment.

PLANNING COMMISSION

Don Scott	3-Year Term Expires	December 31, 2018
Harry Kammer	3-Year Term Expires	December 31, 2018

CEMETERY COMMISSION

Bill Marrs	3-Year Term Expires	December 31, 2018
Ed Spurgeon	3-Year Term Expires	December 31, 2018
Ben Muncy	3-Year Term Expires	December 31, 2018
Nancy Buchanan	3-Year Term Expires	December 31, 2018

Mr. Presley made a motion to approve the re-appointment of the above members. Mr. Bailey seconded the motion. The motion passed unanimously by voice vote.

***Appointment of Town Council Rep to Planning Commission Discussion, POSSIBLE VOTE***

Mr. Watson asked council if they wanted to make an appointment for a Town Council Rep to be on the Planning Commission.

Mr. Holt made a motion to nominate Jarrod Bailey to the position. Mr. Presley seconded the motion.

Mayor Harris stated that he had spoken with Mr. Bailey earlier and he was excited to get into doing things.

The motion passed unanimously by voice vote.

***High Street Update***

Mr. Watson stated that we had bought all of the property without having to go through condemnation but we did have to leave the house at the top going up on the left. He stated that it should go to bid in June and that it was Revenue Sharing money so we would get half of it from VDOT and the other half was budgeted to make yearly payments.

***COI Forms***

Mr. Watson stated that the COI Forms were due by February 1, 2019.

### *Newly Elected Officials Conference*

Mr. Watson stated that the newly elected official's conference would be held in Richmond, VA on January 8<sup>th</sup>.

### **ATTORNEY REPORT**

None.

### **COUNCIL COMMENTS**

Mr. Trigg wished everyone a Happy New Year's.

Mr. Presley gave a shout out to the EMS, Fire Department and Police Departments.

Mr. Bailey thanked his family and stated that he was looking forward to the next four years.

Mr. Jones congratulated everyone.

Mr. Holt welcomed Mr. Bailey and congratulated the other councilmembers for being re-elected. He addressed Mr. Wohlford's comments and stated that they had two voting members on the Bluefield Sanitary Board and one was sitting there with them. He stated that they looked out for our Town.

Mayor Harris thanked staff for the work they did on the dinners and stated that he looked forward to the upcoming events being planned.

### **EXECUTIVE SESSION**

Councilmember Presley made a motion to enter into Executive Session pursuant to *Code of Virginia Section 2.2-3711-A-1.1, 2.2-3711-A-1.3 and 2.2-3711-A-1.7* and Mrs. Catron read:

Discussion or consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body; and evaluation of performance of departments.

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.

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.

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

Council entered into Executive Session 7:53 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 3<sup>rd</sup> day of January.

Councilmember Trigg seconded the motion.

**ROLL CALL VOTE**

Councilmember Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

**CITIZENS COMMENTS**

Arthur Clark, citizen on the mountain gave Council a copy of some pictures. He stated that he moved there in 2005 and had an address of Bastian but did all of his business in Bluefield, VA. He stated that he was an electrician/plumber and shopped at Lowes quite a bit. He stated that he had talked to Pete about concerns he had on the road

and was assured that it would be taken care of. He stated 6 months later there was still nothing done to it so he came back to Pete and was told he would get to the road when he wanted too. He stated that Pete was a good guy and he had worked with him on other issues and was not trying to bring him down but there seemed to be an attitude about this road that it was like the red-headed step child. He stated that Todd actually had the road fixed and brought in someone to do it because Pete did not want to fix it. He stated after that the road lasted for quite some time but he had asked Mike to keep the ditches clean because if you don't clean out all of the ditches then the leaves would come down and clog the culvert. He stated that Mike mentioned if you spent every day up there that you still could not keep that road clear but Todd did and he did it right. He stated that he had talked to Mike back in the spring and was told they would get to it but nothing happened until the fall. He stated that they did the work in October/November and only came once a year unless it was an emergency. He stated that the road was a mess and needed to be addressed. He stated that he did not have confidence in Mike because he did not do what he said he was going to do.

#### **APPOINTMENT OF VICE-MAYOR DISCUSSION, POSSIBLE VOTE**

Mayor Harris opened the floor up for nominations for Vice-Mayor.

Mr. Holt made a motion to nominate Mr. Trigg for Vice-Mayor. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Mayor Harris stated that the gentleman apparently had a grudge against Mr. Watson for some reason.

Mr. Watson stated that you had to have thick skin.

Mr. Jones stated that they might work on that road when they put in the hydroelectric tower.

Mr. Presley asked if they should make some kind of drainage in those ditches to drain the water out.

Mr. Watson stated that they did have those and every so many feet there was a pipe with an elbow that came across. He stated the ditches had leaves in them on both sides of the road all the way up the mountain.

Mr. Jones asked who used that road.

Mr. Presley stated that the majority was Bland County people.

Mr. Watson stated that there were a lot of walkers as well. He stated that there was a lot to that road and if it were paved and you did not have a guard rail then there would be safety issues.

Mayor Harris asked if it was a state road.

Mr. Watson stated that it was but since it was in the Town that we maintained it but got no funding for it because it was not up to state code.

Mr. Jones suggested having Bland and Tazewell Counties to fix it together.

Mr. Presley stated then they would want us to help them on the Bland side.

Mr. Watson stated that he would try to get up there and do some more work but he could not put gravel on it right now. He stated the main thing was cleaning the sticks, etc. out of the ditches. He stated that he understood their problem but that it was not an easy fix but he told the Clarks he would go up and look at it tomorrow.

### **ADJOURN**

Mr. Holt made a motion to adjourn the meeting at 8:52 p.m. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

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Don Harris, Mayor

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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 3RD DAY OF JANUARY, 2019.

**A RESOLUTION AUTHORIZING A LEASE OF CERTAIN REAL PROPERTY OWNED BY THE TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION, TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF BLUEFIELD, VIRGINIA**

WHEREAS, the Council of the Town of Bluefield, Virginia desires to authorize the Town of Bluefield, a Virginia Municipal Corporation, to let and demise all the hereinafter described real estate, including the improvements thereon and the appurtenances thereunto belonging, unto the Industrial Development Authority of the Town of Bluefield, Virginia, a political subdivision of the Commonwealth of Virginia; and

WHEREAS, the Industrial Development Authority of the Town of Bluefield, Virginia is anticipated to lease the aforesaid property from the Town of Bluefield, a Virginia Municipal Corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town of Bluefield, a Virginia Municipal Corporation, is hereby authorized to let and demise all the hereinafter described real estate, including the improvements thereon and the appurtenances thereunto belonging, unto the Industrial Development Authority of the Town of Bluefield, Virginia, a political subdivision of the Commonwealth of Virginia, the said real estate being located in the Town of Bluefield, Tazewell County, Virginia, and being described herein this resolution as follows:

*501 VIRGINIA AVENUE – BLUEFIELD, VIRGINIA*

*TAX MAP ID NO. 024A324410006-0007*

*SEE THAT CERTAIN DEED DATED DECEMBER 3, 2018, AND OF RECORD IN THE LAND RECORDS OF THE CLERK'S OFFICE OF THE CIRCUIT COURT IN TAZEWELL COUNTY, VIRGINIA IN DEED BOOK 2018 AT PAGE 18055 FOR A DETAILED PROPERTY DESCRIPTION.*

BE IT FURTHER 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 the lease, on behalf of the Town of Bluefield, a Virginia Municipal Corporation, that lets and demises all the aforesaid real estate, including the improvements thereon and the appurtenances thereunto belonging, unto the Industrial Development Authority of the Town of Bluefield, Virginia, a political subdivision of the Commonwealth of Virginia, a copy of such lease being attached hereto as Exhibit A for informational and reference purposes.

## **A LEASE BETWEEN THE TOWN OF BLUEFIELD AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF BLUEFIELD, VIRGINIA**

THIS LEASE is made and entered into on the 3rd day of January, 2019, by and between the TOWN OF BLUEFIELD, a Virginia Municipal Corporation, LESSOR, and the INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF BLUEFIELD, VIRGINIA, a political subdivision of the Commonwealth of Virginia, LESSEE.

WHEREAS, LESSOR owns property in Bluefield, Virginia known as 501 Virginia Avenue, with a tax map identification number of 024A324410006-0007, and being more particularly described in a deed dated December 3, 2018, and of record in the land records of the Clerk's Office of the Circuit Court in Tazewell County, Virginia in Deed Book 2018 at Page 18055; and

WHEREAS, LESSEE wishes to lease and LESSOR wishes to let the aforesaid property for a term of two (2) years on a self-renewing basis.

NOW, THEREFORE, WITNESSETH; that for and in consideration of a total sum of TEN DOLLARS AND 00/100 (\$10.00), cash in hand paid by LESSEE to LESSOR, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, LESSOR and LESSEE agree to all of the following:

### **PROPERTY**

LESSOR hereby lets and demises unto LESSEE all the property described on Attachment A, attached hereto and explicitly made a part of this lease.

### **TERM OF LEASE**

This lease shall begin on the date it has been executed by both LESSOR and LESSEE and shall continue for a period of two (2) years from that date. Upon expiration, this lease shall automatically renew for another two (2) year period unless LESSOR and LESSEE terminate this lease. In no event shall the term of this lease exceed a total period of four (4) years.

### **RENT PAYMENTS**

LESSEE shall pay LESSOR a total sum of TEN DOLLARS AND 00/100 (\$10.00) for each two (2) year period this lease is in existence.

### **PROPERTY USE**

The property subject to this lease shall be used by LESSEE in a manner that is consistent with the requirements of the Code of Virginia (1950) as amended or other applicable laws.

### **RIGHT TO SUBLET**

LESSEE shall be permitted to sublet the property subject to this lease or any part thereof. Any individuals or organizations who sublease the property subject to this lease or part thereof from LESSEE shall be required to obtain a renter's insurance policy which is suitable to both LESSOR and LESSEE.

### **LESSOR AND LESSEE OBLIGATIONS**

As it relates to the property subject to this lease, while this lease is in effect, LESSOR, at its sole cost and expense, shall be responsible for all routine building maintenance, building improvements, and the maintenance of parking areas. This includes, but is not limited to, the removal of snow/ice, the repair of material defects of any kind, electrical repairs, plumbing repairs, HVAC repairs, and general building repairs or other improvements. As it relates to the property subject to this lease, while this lease is in effect, LESSOR shall also be responsible for all expenditures associated with the usage of water, sewer, electric, gas, telephone, custodial services, and other ancillary services needed. However, in the event LESSEE sublets the property subject to this lease or any part thereof, then LESSEE shall reimburse LESSOR for all expenditures associated with the usage of water, sewer, electric, gas, telephone, custodial services, and other ancillary services needed out of any rents acquired.

### **INSURANCE**

As it relates to the property subject to this lease, while this lease is in effect, LESSOR and LESSEE shall both maintain insurance coverage for the property and its building(s). Both LESSEE and LESSOR shall maintain their own liability insurance coverage for the property and its building(s) in an amount not less than ONE MILLION DOLLARS AND 00/100 (\$1,000,000.00).

### **NO THIRD PARTY RIGHTS**

There are no third party beneficiaries to this lease, and this lease is not subject to the consent of any third party.

### **ENTIRE AGREEMENT**

This lease constitutes the entire agreement of LESSOR and LESSEE. All amendments shall be in written form and signed by LESSOR and LESSEE.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

Witness the following signatures and seals.

TOWN OF BLUEFIELD  
A VIRGINIA MUNICIPAL CORPORATION

BY: \_\_\_\_\_ (SEAL)  
MICHAEL WATSON

ITS: TOWN MANAGER

COMMONWEALTH OF VIRGINIA  
COUNTY OF TAZEWELL, to wit:

The foregoing instrument was acknowledged before me by MICHAEL WATSON, the  
Town Manager of the Town of Bluefield, a Virginia Municipal Corporation, on this \_\_\_\_ day of  
\_\_\_\_\_, 2019.

NOTARY SEAL:

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_  
REGISTRATION NUMBER: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
LESLEY CATRON, TOWN CLERK

COMMONWEALTH OF VIRGINIA  
COUNTY OF TAZEWELL, to wit:

The foregoing instrument was acknowledged before me by LESLEY CATRON, the  
Town Clerk of the Town of Bluefield, a Virginia Municipal Corporation, on this \_\_\_\_ day of  
\_\_\_\_\_, 2019.

NOTARY SEAL:

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_  
REGISTRATION NUMBER: \_\_\_\_\_

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF BLUEFIELD, VIRGINIA  
A POLITICAL SUBDIVISION OF THE COMMONWEALTH OF VIRGINIA

BY: \_\_\_\_\_ (SEAL)  
W. DAVID BOWERS

ITS: CHAIRMAN

COMMONWEALTH OF VIRGINIA  
COUNTY OF TAZEWELL, to wit:

The foregoing instrument was acknowledged before me by W. David Bowers, the Chairman of the Industrial Development Authority of the Town of Bluefield, Virginia, a political subdivision of the Commonwealth of Virginia, on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

NOTARY SEAL:

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: \_\_\_\_\_  
REGISTRATION NUMBER: \_\_\_\_\_

The undersigned Secretary of the Industrial Development Authority of the Town of Bluefield, Virginia does hereby certify that this lease was accepted by the Industrial Development Authority of the Town of Bluefield, Virginia at its duly held meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and does hereby further certify that this lease was executed by the Chairman of the Industrial Development Authority of the Town of Bluefield, Virginia on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
BILLIE "BJ" ROBERTS, SECRETARY  
INDUSTRIAL DEVELOPMENT AUTHORITY  
TOWN OF BLUEFIELD, VIRGINIA

COMMONWEALTH OF VIRGINIA  
COUNTY OF TAZEWELL, to wit:

The foregoing instrument was acknowledged before me by Billie "BJ" Roberts, the Secretary of the Industrial Development Authority of the Town of Bluefield, Virginia, a political subdivision of the Commonwealth of Virginia, on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

NOTARY SEAL:

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: \_\_\_\_\_  
REGISTRATION NUMBER: \_\_\_\_\_

## ATTACHMENT A

That certain tract or parcel of land, its improvements and buildings, located in Bluefield, Virginia and known as 501 Virginia Avenue, with a tax map identification number of 024A324410006-0007, and being more particularly described in a deed dated December 3, 2018, and of record in the land records of the Clerk's Office of the Circuit Court in Tazewell County, Virginia in Deed Book 2018 at Page 18055.