

**Town of Bluefield
Town Council
Minutes
December 10, 2019**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, December 10, 2019 at 5:30pm in the Council Chambers of the Town Hall located at 112 Huffard Drive, Bluefield, Virginia.

PRESENT

Don Harris, Mayor
Anglis Trigg Jr., Vice-Mayor
Chuck Presley, Councilmember
Jimmy Jones, Councilmember
Ron Holt, Councilmember

ALSO PRESENT

Mike Watson, Town Manager
Rachel Looney, Administrative Asst.
Matt Freedman, Town Attorney
Shane Gunter, Police Chief
3 Police Officers
15 Members of Public
2 Members of Media

ABSENT

Jarrold Bailey, Councilmember
Kim Hernandez, Town Clerk
Billie Roberts, Comm. Dev. Coordinator

CALL TO ORDER

Mayor Harris called the meeting to order at 5:31pm.

INVOCATION AND PLEDGE

Steve Branch, Destiny Outreach Ministries 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.

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Absent
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

CONSENT AGENDA

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

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Absent
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

CITIZEN REQUESTS AND SPECIAL PRESENTATIONS

None.

UNFINISHED BUSINESS & REPORTS

None.

NEW BUSINESS & REPORTS

None.

CITIZEN COMMENTS

Mr. Freedman stated his name and his position at the Town Hall. He welcomed everyone in attendance at the council meeting. He stated that they anticipated quite a bit of discussion regarding the 2nd Amendment Sanctuary Resolution and the Proposed Companion Animal Ordinance regarding the Public Nuisance. He stated any other comments were also welcomed. He requested that when the citizens addressed the council that they provide their name, address or location where they resided. He also requested that when addressing the council that they keep their comments to a minimum of 3 minutes and be civil and polite to the councilmembers.

Blake Belcher stated he was not there to speak about the 2nd Amendment issue, but that he would be addressing the Companion Animal Ordinance. He stated that we all loved our animals and they became part of our family. He stated that the proposed ordinance was a start and that he believed that even Mr. Freedman acknowledged that it was a start. He stated he had appeared before council before representing numerous other land owners and business developers in the area and that he believed that the proposed ordinance did not go quite far enough and pointed out a few possible revisions. He stated Section 6-93 when it referred to the danger to health, safety or welfare of the general public and also Section 6-95 when it referred to the lawful, responsible, and humane efforts to address the feral cat population in the Town of Bluefield. He stated that

obviously we knew that the feral cat population was an issue that was suffered by not only the Town and County, but by the surrounding jurisdictions and due to many various numbers of reasons, germs, diseases, etc. it also impacted property values. He suggested that some things needed to be done to the statute on the proposed ordinance to take it a step further and actually address the underlying issue. The first suggestion was that some examples of enumerated conduct that constituted a violation of the code be added for reference, such as feeding feral cats on the private property of others or something along those lines or whatever the council deemed appropriate. Mr. Blake stated that in addition the ordinance did not go far enough to address the underlying fact, while it did make it a misdemeanor to create or encourage a public nuisance, it did not do anything with the cats. The cats remained where they were whether it was on someone's property or rental property apartments. He suggested that maybe a restitution element be added for the property owner.

Rajeev Chopra stated he was a resident of Bluefield, Virginia and had numerous properties throughout the town and was here to speak about the feral cat situation. He stated that he was not against them feeding the feral cats, but to maybe draft some kind of language in the ordinance that stated there needed to be some distance between the properties whether it be a home, school, etc. where they could feed the cats that way the feeding of feral cats did not cause any type of property issues. He then asked if he could approach the council bench to show them some pictures he had taken of the property issues he was referring to. He stated that all he was asking was that council look into the health and safety of the issue and that he was aware of the process if someone was bitten by a dog, but not sure if the process was the same when it came to feral cats. He stated we all loved our pets, but that there should be some guidelines on where they could be fed so that it did not become a nuisance for the property owner. He asked that council also look at the issue from multi-family situations like an apartment complex. He stated there were some differences when looking at a single family situation and a multi-family situation and the distances between each were a lot smaller and something else to take into consideration.

Mayor Harris stated that this issue had come up on numerous occasions and that everyone was looking for the same end goal by finding a resolution to the problem.

Mr. Watson stated that he liked some of the points that Mr. Chopra made, but there may be a way to add some kind of language that stated that there must be permission from the property owners to feed feral cats and that way there would not be an issue when it came to people going on someone else's property to feed a cat or a group of cats. He stated that he was given the opportunity to speak to a spay organization and some of the people that dealt with cats. He stated that they were all tied when it came to this issue and how to resolve it where everyone could be happy. He stated there was no one around here that took cats and getting them fixed was an issue they were trying to work on to at least control the population a little better. Mr. Watson stated that there was not an issue with the board understanding the problem, but that it was trying to make everyone happy with the solution. He stated that he had seen this as a problem for the last 15 years and that there was no State Legislation that required anyone to take an animal and have it vaccinated and fixed. He stated that there was nowhere for them to go.

Mr. Holt stated that the problem was the way that cats were classified in the code, that they were different than dogs or other domestic animals and were considered a free roaming animal. He asked what we did or what we could do with a cats versus what we could do with dogs that it was difficult and frustrating when we were trying to fix an issue. He stated that when we trapped them we had nowhere to take them and that made it very limited what we could do. He stated that they were leaning on the catch spay/neuter method at this point. He stated that they hoped that fixed the problem because unless the code changed that was about all they could do other than create this ordinance where we could potentially charge a person for it, if they were doing it in a manner that caused a nasty situation for a property owner. But unless the code changed we could not trap them and that was frustrating.

Mayor Harris stated with the suggestions being made, if we chose to adopt something like this then Mr. Freedman may be able to add some language which may possibly be the solution.

Mr. Freedman stated that he had spoken with Mr. Belcher and Mr. Watson at length over the issue. He stated he just wanted to bring some kind of an update in regards to the proposed ordinance and to introduce the new language that was added. He stated that even with the new language that was added, that it may not be enough to avail the people who were making an effort to fix the problem. He stated that something that may need to be added about the ones making a humane effort was to define what a humane effort was. He stated it was a work in progress but it was a start and they had told the advocates for the companion animals that it may have to be brought back once or twice more for review and discussion.

Mr. Holt stated they had taken some strides over the last few years adding Animal Control Officers and the Police Department had undergone training specifically for Animal Control. He stated they realized it was a problem and were taking steps to find a solution to the problem.

Mr. Chopra stated that all he wanted was for council to include the public to be a part of the solution and to be involved in the drafting of the code just like he mentioned earlier about the multi-family situation there was a lot more people in a smaller area and to focus on the areas that they were being fed. He stated if they were being fed in a field where no one was around it was not likely to become a nuisance unlike in a multi-family situation and even a single family situation and being able to have some sort of distance between where they were being fed and the proximity of someone's property. He stated it was similar to what had happened with the billboard situation that there could not be a billboard in Bluefield, VA. He stated that he was in the billboard business and that he could not find a piece of property in the Town that met the Zoning Regulations. He stated he just wanted to be included in the solution for the problem.

Mayor Harris stated that the staff would like to work with Mr. Chopra and Mr. Belcher to finally solve this issue once and for all.

Darrin Roland stated he lived on Vista Street in Bluefield, VA. He thanked council for allowing him to speak. He stated he rose in support of the Town Councils Resolution to make Bluefield, VA a 2nd Amendment Sanctuary. He stated that he was a member of the TSC (Triangle Sportsman Club) and the TGC (Triangle Gun Club) on Bluefield/Tazewell Rd. He stated they

were one of the best kept secrets in two states with over 600 members between the two clubs. He stated this 2nd Amendment gave them the right to enjoy firearms in a safe and secure area and there was 117 acres that was available to shoot on with several upper and lower ranges, trap and skeets. He stated that they had a lot of shooters and competition shooters in the area as well and that this also gave them the right to hold the 2nd largest Glock match in the United States with the only other larger one located in Georgia. He stated this past August they sponsored the Virginia Ballistic Challenge and over the course of 3 days, 537 handguns were fired with over 50,000 rounds being put down on the range and not one single person was injured. He stated that this event also brought in an estimated \$30,000-\$40,000 to the local economy. He stated that they did not advertise this and were not looking for any pat on the back about it, that they were just enjoying doing something they all had in common. He stated they would be hosting the same event again in 2020 and the Glock had promised it would become larger as the word spread throughout the Glock community. He stated it was his hope to make this an annual event because it would help the Town of Bluefield and the County of Tazewell. He thanked council for their actions being taken against the “would be tyrants” in Richmond.

Mayor Harris mentioned that Mr. Roland also had a huge part in teaching the young children how to properly handle a firearm. He opened the floor for additional comments.

Kevin Gross, 793 Gross Rd. Bluefield, VA. He stated he did not live here in Bluefield now, but owned some property in the town. He stated that he appreciated what council was doing by taking a stand regarding the 2nd Amendment. He stated it was important that the citizens were able to maintain their gun rights as law abiding Americans. He stated that he hoped more towns, cities and other local governments would take the same stand.

Will Lewis, 157 Stockton St. Bluefield, VA. He stated he was a lifelong resident of Bluefield, VA and wanted to thank council for proposing the 2nd Amendment Resolution. He stated that he had talked to his children about gun safety from the time they were able to hold a gun and that he thought the laws that they were imposing were going to infringe upon our 2nd Amendment Rights especially the ones of them that were trying to do it right and by making this a sanctuary for the TSC, which he had been a member of for almost 12 years, he could go out there and shoot safely and ethically.

TOWN MANAGERS REPORT

Fall Leaf Pickup

Mr. Watson stated the fall leaf pickup was still going on. He stated that citizens could call and let staff know if they needed their leaves picked up because the times and days often changed.

Christmas Parade

Mr. Watson stated that the Christmas Parade was this Saturday, December 14th at noon with the line up at 11am at the old Ammars building.

Employee Dinner

Mr. Watson stated that the Employee Dinner would be held on Tuesday, December 17th at 6:30 pm and the Luncheon would be at noon. He stated that both were at Fincastle and Council was welcome to attend both.

Volunteer Dinner

Mr. Watson stated that the Volunteer Dinner would be held on Thursday, December 19th at 6:30 pm at Fincastle.

Legislative Trip

Mr. Watson stated that if council was planning on attending the Legislative Trip January 21st-23rd to let staff know ASAP.

Memo to Cancel December 24th Council Meeting

Mr. Watson stated there was a memo in council's packet to cancel the next scheduled Council Meeting on December 24th and asked for a motion.

Mr. Holt made a motion to approve cancelling the December 24th meeting. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

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

Stripping North College

Mr. Watson stated that we had a company come out to stripe North College.

COUNCIL COMMENTS

Mr. Holt stated he appreciated those that came out and made comments regarding our 2nd Amendment Resolution and that it made him proud that we had several that had chosen to be there as they introduced the Resolution to make the Town of Bluefield a 2nd Amendment Sanctuary. He read a prepared statement (attached at the end of the minutes). After he read his statement, he directed a question to Charlie Stacy, Eastern District Board of Supervisors, and asked if he had any gun lobbyists who had contact him.

Mr. Stacy stated not directly to him.

Mr. Jones had none.

Mr. Presley stated that Mr. Holt had said it all, but he appreciated everyone coming out. He stated that he attended the meeting with the Board of Supervisors and was thrilled at the response from the Police Department, Sheriff's Department and all the citizens. He stated that as council they would all agree that it was a huge overreach with what they were trying to impose on the law abiding citizens. He stated for them to go ahead and enforce the current laws, but they also had people who obeyed the law so why go against their constitutional rights. He gave a shout out to the Police Department and the Town Staff. He stated that it may be a trying time, but hopefully nothing crazy happened with these new laws.

Mayor Harris stated that for anyone who watched Fox News that morning that they interviewed the family of the Cadet that was shot 5 times. He stated that the Cadet had made it outside the building to let First Responders know where the shooter was but one thing that his family said was that if he would have had a gun while he was on watch that evening that he may still be alive.

Mr. Trigg had none.

ATTORNEY REPORT

Mr. Freedman stated that he had two matters on the agenda this evening. The first, as they were all well aware of was the 2nd Amendment Sanctuary Resolution before them. He stated that the resolution was titled: a Resolution to uphold the constitutional rights of the law-abiding citizens of the Town of Bluefield, Virginia to keep and bear arms, and to further declare the Town of Bluefield, Virginia a 2nd Amendment Sanctuary. He stated that he was sure council had the opportunity to review the document and that it was made available to the public as well. He stated if council was satisfied with this Resolution and ready to adopt it, then he would need someone to make a motion, 2nd and a Roll Call Vote.

Mr. Holt made the motion to adopt the 2nd Amendment Resolution. Mr. Presley seconded the motion.

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

The motion passed unanimously by Roll Call Vote.

Mr. Freedman stated the last thing on the agenda was the Proposed Ordinance to create Article IV (Public Nuisances) of Chapter 6 (Animals) of the Code of Ordinances, Town of Bluefield, Virginia. He stated as he had mentioned that he would be working with the Town

Manager, the Companion Animal Organizations and with Mr. Chopra and his attorney to create a comprehensive ordinance to be able to address the issue of feral companion animals within the Town. He stated that if there were any suggestions that he would be happy to take those and bring it back at a later meeting.

Mayor Harris opened the floor back up for anyone who wanted to speak that had not previously spoken during citizens comments.

Charlie Stacy, Eastern District Board of Supervisors stated he wanted to thank council for joining in on the efforts with the Sanctuary Resolution. He stated that there was a lot of controversy surrounding the Resolution because of its enforceability. He stated that one of the best things it could do was what it was outlined in the proposed Resolution to do. He stated that it was a declaration from the represented governments all throughout the Commonwealth of Virginia and that the proposed legislation was an overreach. He stated that the best thing we could do was resist and let Richmond know it did not matter which party had the majority or what they were capable of doing but that the people would be heard and to let them know what we were doing at the county level. He stated when drafting the resolution they tried to draft it in such a way that would allow us and if the legislation was passed to undertake the immediate challenge of that before we had our law enforcement put in a difficult situation to either enforce the law or ignore it. He stated we did not want to put any Tazewell County resident in legal jeopardy by these proposed regulations. He commended council for their efforts and stated that he would be happy to answer any questions that council may have. Mr. Stacy stated that when the county passed the 2nd Amendment Resolution, it was done a little bit different and was done with the purpose of tracking the language in the US and Virginia Constitutions as well as the Bill of Rights imposed to protect an individual's right to bear arms whether it be for well-regulated militia, a citizen organization or through the US Constitution case law for individuals protection. He stated that they were drafting Resolutions that would allow for us to go into the courts whether it be the US Supreme Court or the Commonwealth of Virginia Courts and argue on behalf of our citizens. He stated there was no guarantee that the arguments would be won but it was a guarantee that there would be a legal standing to go before the courts and raise these issues in a constitutional challenge against the proposed laws that we believed were violating the 2nd Amendment without having a citizen arrested, charged with a crime, convicted or punished. He stated that we all had a common interest to protect the citizens of the Town and County.

Mr. Holt stated that just within the last few days that certain firearms had been grandfathered in and there was no standing to these ordinances or resolutions being enforceable. He stated that they may be right in some aspects but by the softening of the legislation from Richmond that they were starting to listen to the voices.

Charlie Stacy stated that it was one of the best things we could hope for and the biggest fear when the Sanctuary Resolutions started coming out was if you had a small number of localities that proposed resolutions that they would lose funding. He stated if they were willing to disarm then they were willing to defund as well, but with 40+ counties in the Commonwealth of Virginia and if you considered the populations from those counties and put them on a board that they were going to have to recognize people who were opposed to a lot of this. He stated he believed there

was strength in numbers and that the outcry would be overwhelming. He stated that he did not want us to assume the worst of our government but to hope our government would recognize that the proposed legislations were overreaches especially since we were one of the original Rebel States.

David Wohlford asked Mr. Stacy what action was the county prepared to take for those that had concealed carry permits and to prevent the Commonwealth of Virginia from finding their information and hunting them down to collect them.

Charlie Stacy responded at this point there was no legislation that had actually come out of the General Assembly that would do that. He stated the county clerks maintained the registration process for concealed weapon permits and that was a form of data collected that if the state were to suddenly say "if you had a concealed weapon permit and the state wanted to come and check every person that had a concealed carry to see what they were actually carrying violated any of these proposed legislations." He stated that was one of the things that until it came out of the General Assembly, you would not really know what you were dealing with.

David Wohlford asked what the county was prepared to do to prevent the State from getting that information.

Charlie Stacy stated that the State already had that information he assumed based on the mere collection of fees and the process within the Circuit Court Clerk's Office. He stated when there was a fee paid for a gun permit and an application was filled out that a receipt was written which created a data entry within the clerks system. He stated there was not a proposed legislation at this time that would be designed to capture that registration information in the counties that he was aware of. He stated that when the county used the word militia that people thought they were nuts but by using the word militia it simply said that we as a people wanted to be able to defend ourselves whether that be from foreign or domestic threats or neighboring threats in the event that the cavalry from Richmond or Washington could not get here to protect us. He stated the militia was simply an organization that was put into place and it had been so long since it was being utilized that there was not a playbook on it and it had not been done in hundreds of years. He stated they just wanted Tazewell County to be in an organized process that said who amongst us would be interested and willing to serve in that capacity and if so how do we organize that group. He stated we did not want to be radical but to be historical in that the code of Virginia made a provision for the establishment of militia. He stated that they wanted to be able to pull that code section out, dust it off, look at it in modern day application and see what we needed to do and if that meant a process to recruit and help organize then that was what it would be. He stated that it just furthered our goal in Tazewell County of maintaining that type of status to protect at a local level. He stated that if data capturing became a thing it would be 3-5 years before so.

Mr. Holt said that part of the grandfathering in was through the registration process.

ADJOURN

Mr. Presley made a motion to adjourn the meeting at 6:25 pm. Mr. Jones seconded the motion. The motion passed unanimously by voice vote.

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Absent
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

Don Harris, Mayor

Kim Hernandez, Town Clerk

It makes me proud that you all have chose to be here with us this evening as we introduce our resolution to make the Town of Bluefield a Second Amendment Sanctuary. The Constitution is the bedrock for our free society, and it, along with our rights to own and bear firearms are under attack. Our proposed resolution, like many others throughout the Commonwealth ~~are~~^{is} not fear mongering, or **BASED ON** conspiracy theories as some in Richmond would suggest. The proposed laws that are coming out of Richmond are a very real attack on our rights as a free people, and they come with very real consequences. Our resolution is a proportional response to these attacks.

Overnight these laws will create felons out of peaceful, law abiding, non-violent citizens, and they will place our law enforcement in danger, and face them with an impossibly difficult decision.... to uphold the constitution, or enforce laws that run contrary to what they know to be right.

Recently, Attorney General Herring said "These resolutions have no legal effect whatsoever. It's really the gun lobby trying to scare a lot of people. When the General Assembly passes it in the upcoming session, those laws are going to be enforced and they will be followed." **END QUOTE**

By a show of hands, how many of you are lobbyist? It's funny, I've not been contacted one time by a single lobbyist, but I have been contacted time and time again by concerned, law abiding- Virginians. This is no gun lobby issue, it's a .natter of principal, and government overstep and intrusion into the rights of its citizens.

Attorney General Herring went on to say "When you talk to those who are in law enforcement and really push them a little bit, like a sheriff or a prosecutor and say, 'So, really? You mean you're going to allow violent felons to go ahead and purchase firearms?' No. They back down pretty quickly." **END QUOTE**

As a law enforcement officer, I do not know of a single Sheriff, Police Chief or Prosecuting Attorney that has ever suggested that we allow violent felons to own, buy, or possess firearms in any manner. Any assertion to that is laughable and offensive, however its hardly surprising. This is simply an example of how out of touch Governor Northam and his cabinet are with their citizens in Southwest Virginia.

How many of you are gun owners....by a show of hands?

How many of you are violent convicted felons?

Well... there's your answer Mr. Attorney General. We aren't drafting and passing resolutions to supply violent felons with firearms. We're standing side by side with people like you to protect you from a governing body that has lost touch with its citizenry, and is stomping on our constitutional rights.

I'll finish with this... On March 23rd 1775, at the Second Virginia Convention Patrick Henry gave a famous speech. A small portion of that speech has been quoted time and time again where Henry stated "Is life so dear, or peace so sweet as to be purchased by the price of chains of slavery".

While that may seem slightly melodramatic for what we're facing today, I believe it serves as an important reminder. I assume all of us here tonight are peaceful people. We all wish to live and work with one another in a way that preserves that peace; however, there are times when we must stand up for what we believe in and say enough is enough, and that's exactly what we're doing tonight. So again, thank you for being here, and thank you for your support.