

**Town of Bluefield
Town Council
Minutes
February 11, 2020**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, February 11, 2020 at 7:30pm 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
Jarrod Bailey, Councilmember

ALSO PRESENT

Mike Watson, Town Manager
Kim Hernandez, Town Clerk
Matt Freedman, Town Attorney
Billie Roberts, Comm. Dev. Coordinator
Rachel Looney, Administrative Asst.
Shane Gunter, Police Chief
6 Members of Public

CALL TO ORDER

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

INVOCATION AND PLEDGE

Jerry Manning, Fincastle Presbyterian Church led the Invocation. Mayor Harris led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Harris added Town of Richlands donation under New Business and Reports.

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

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

CONSENT AGENDA

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

CITIZEN REQUESTS AND SPECIAL PRESENTATIONS

Tazewell County EMS Update – Eric Young

Mr. Young thanked council for allowing him to come. He stated that he liked to visit the different council's from time to time and would meet with Mr. Watson every few months. He stated that staff was great to work with and thanked the Town for their help in Pocahontas with the emergency backup of water and the Fire Department. He stated that Pocahontas Fire Department had to vacate their building once they became employees due to OSHA issues. He stated that Frank Kersey gave them a good deal on a building that included separate male and female bunk rooms and a decontamination shower. He stated that the building had been gutted and they had some electrical issues which required it to be redone. He stated that \$350k was budgeted and they had used \$150k to purchase and demolish the building. He stated that they had done as much as they could by force account and were done with that part of it. He stated that they had prefabricated studs which cost more but was quicker and had a construction company from Christiansburg named Kessler who would be hanging the sheet rock and doing the detailed work. He stated that he hoped to be moved in by the end of April but that they could operate out of the building before then.

Mr. Watson thanked them for their donation to the Fire Department to purchase uniforms and stated that all County EMS were also supplied with air packs.

Mr. Young stated that all briefing apparatus was way past its life expectancy and was not healthy. He stated that they had borrowed \$2 million for the courthouse and he asked the board for \$800k for the County to do this. He stated that all Fire Departments in the County would have the same thing.

Mr. Watson stated that the Town of Bluefield received 13 packs which were expensive and that most departments did not budget for them.

Eastern District Update – Charlie Stacy

Mr. Stacy stated that he faced his first failure as Chairman with a 3-2 vote against recording the Board of Supervisors meetings. He stated that the 3 that voted against it stated that if they wanted to know what was going on that they should come to the meetings. He stated that the CPROP application for \$200k was approved which was from a \$3 million cash settlement between Optinet and BVU when they were in business together. He stated that the guidelines were you could apply every 12 months. He stated that there were no plans for Tazewell County to become a Vexit that they were not interested. He stated that Mr. Lester wanted to bring it up for discussion because he had some from his area asking about it. He stated that 15 citizens showed up for the meeting and that it was nothing the current board would consider. He stated concerning the Richmond debriefing that there was a great turnout and on March 4th he would make available for everyone to call in so they could discuss it. He stated that he did not know if it would require a physical quorum but the county did and it may be something Mr. Freedman needed to check on.

Mr. Holt stated that he sympathized with Mr. Lester because he had the same thing happen with the Graham discussions. He stated that it was difficult conversations with the citizens.

Mayor Harris asked if he and Mr. Watson were still on the signature card for the Rescue Squad.

Mr. Stacy stated yes up until everything was finalized then we would need a dissolution.

COMMITTEE REPORTS

Fincastle Committee Update – Jarrod Bailey

Mr. Bailey stated that the committee had met and there was a plan put together for renovation work which would be brought to council at a later time. He stated that the committee had agreed on pool rates which would be released later in the week and that they were working hard to get things together.

Mayor Harris stated that Charles Booth with the BDT had seen the agenda for a Fincastle Update and he was unaware that they were serving food. He stated that he would be interviewing John and Jess.

Mr. Holt stated that the Sheriff's Department would be holding their Dare Fundraising Golf Tournament at Fincastle and he ate lunch there the day he met with John concerning it. He stated that the food was good and they had several events already scheduled for this year.

UNFINISHED BUSINESS & REPORTS

None.

NEW BUSINESS & REPORTS

Community Development Block Planning Grant Update – Billie Roberts

Mrs. Roberts stated that a few meetings would be happening soon and that a Rally was scheduled for Thursday at 5:30 p.m. for the process of picking a project. She stated that it would end around 6:30 p.m. and they would spend about 30 minutes for the Grant Informative Meeting to talk about what to expect (an overview). She stated that they would be looking for spark plugs for property and business owners and residents. She stated there would be an initial management team meeting which would include Mike, Chad, herself and Jim Baldwin along with the Mayor or Vice-Mayor. She stated that they would survey the entire downtown then complete a report.

Budget Amendments, ROLL CALL VOTE – Kim Hernandez

Mrs. Hernandez read the following Budget Amendments:

PURPOSE: Purchase of Fitness Trail Equipment

Revenue		Original Budget	Amended Budget	Change
Line Item				
3108-9901	Miscellaneous	<u>\$265,419.00</u>	<u>\$275,419.00</u>	<u>\$10,000.00</u>
		<u>\$265,419.00</u>	<u>\$275,419.00</u>	<u>\$10,000.00</u>

Expenditure		Original Budget	Amended Budget	Change
Line Item				
7130-8201	Equipment	<u>\$7,697.72</u>	<u>\$17,697.72</u>	<u>\$10,000.00</u>
	Purchases	<u>\$7,697.72</u>	<u>\$17,697.72</u>	<u>\$10,000.00</u>

PURPOSE: Purchase of a new Kubota Tractor (Cemetery)

Revenue		Original Budget	Amended Budget	Change
Line Item				
3199-3199	Cemetery LGIP	<u>\$0.00</u>	<u>\$30,022.64</u>	<u>\$30,022.64</u>
		<u>\$0.00</u>	<u>\$30,022.64</u>	<u>\$30,022.64</u>

Expenditure		Original Budget	Amended Budget	Change
Line Item				
4414-9210	Equipment	<u>\$6,000.00</u>	<u>\$36,022.64</u>	<u>\$30,022.64</u>
	Purchase	<u>\$6,000.00</u>	<u>\$36,022.64</u>	<u>\$30,022.64</u>

She asked for a motion and a ROLL CALL VOTE to approve.

Mr. Presley made a motion to approve the Budget Amendments. Mr. Trigg seconded the motion.

Vice-Mayor 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.

Town of Richlands Donation, ROLL CALL VOTE – Ron Holt

Mr. Holt stated that the Town of Richlands was facing difficulties with all of the flooding they had recently experienced. He made a motion that a \$2k donation be sent to a non-profit that was helping in that area. Mr. Presley seconded the motion.

Vice-Mayor 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.

CITIZEN COMMENTS

None.

TOWN MANAGERS REPORT

Bluefield Water System Capital Improvements Project Groundbreaking Ceremony

Mr. Watson stated that the groundbreaking ceremony for the Water System Capital Improvements Project would be held on Wednesday, February 12th at 10 a.m. at the Water Plant. He stated that we would have a tent set up with shovels and that VDH, T&L and Frizzell Construction would be in attendance. He stated that this was for the meter replacement project and that 300 meters had already been installed with a total of 2k installed by the end of the project and also included the line going out North College. He stated that with the new two wells it would increase the capacity to 1.9.

COUNCIL COMMENTS

Mr. Trigg stated that he would like for Mr. Young and Mr. Stacy to come more often to give updates.

Mr. Presley stated that the citizens were appreciative for the paving of Jefferson Street and for cutting the trees near Classic Coal. He asked for an update on the Rich Property and the VA Steel Building. He gave a shout out to staff, Police and Fire Department. He stated that budget season was coming up and he would have a lot to talk about.

Mr. Bailey thanked them for coming out and giving an update.

Mr. Jones had none.

Mr. Holt agreed that he liked to see the County folks there for updates. He stated that Wes Hinkle, Bluefield College, Lori Stacy, Erik and AJ Robinson were at the middle school that evening collecting donations to be taken to Richlands.

Mayor Harris stated that he was eating at a local restaurant when a resident congratulated the Town and its employees for their willingness to help. He stated that the resident talked about how the garbage men always went out of their way to help.

ATTORNEY REPORT

An Ordinance to Create Article IV (Public Nuisances) of Chapter 6 (Animals) of the Code of Ordinances, Town of Bluefield, Virginia, 2nd Reading (Title Only) Motion to Adopt, ROLL CALL VOTE

Mr. Freedman read: An Ordinance to Create Article IV (Public Nuisances) of Chapter 6 (Animals) of the Code of Ordinances, Town of Bluefield, Virginia. He stated that this would be the 2nd Reading by Title Only. He asked for a motion to read by Title Only.

Mr. Holt made a motion to read by Title Only. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Mr. Freedman read: An Ordinance to Create Article IV (Public Nuisances) of Chapter 6 (Animals) of the Code of Ordinances, Town of Bluefield, Virginia. He stated if council was ok with what was presented then he would need a motion to adopt and a ROLL CALL VOTE.

Mr. Presley made a motion to adopt the Public Nuisance Ordinance. Mr. Holt seconded the motion.

Vice-Mayor 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.

Draft Building Code Ordinance Discussion

Mr. Freedman read: Draft Building Code Ordinance Discussion. He stated that the Building Official had talked to him and Mr. Watson about revamping the Building Code Ordinance and wanted to present it to council. He stated that there were several vacancies on the board that needed to be filled. He stated that the 1st Reading would be done at the next Council Meeting.

Sign Ordinance Update

Mr. Freedman stated that a draft had been presented to the Planning Commission and they had several questions and had gone back and forth to resolve the heart of the issue and were concerned with political signs being posted to the extent of a nuisance. He stated that he went back and looked at the LGA opinion and the Reed case and monikers of any type would violate the Reed Case. He stated that by identifying a sign by its content in some way and trying to regulate it differently would pose a First Amendment issue. He stated that he did not think we could “try to find a way around regulating political signs but still regulate political signs” other than with a permit that would not touch the content. He stated that he and the Zoning Administrator had talked about it and planned to present at the next Planning Commission Meeting to cut out all the monikers as it related to temporary signs. He stated that temporary signs on private property that was up longer than 60 days would require a permit. He stated on the same token there was a section that had an exemption clause that spoke to religious, civil and political signs. He stated the reason he wanted to recommend putting it in when it was brought to the Planning Commission was we as a governing body did not want to be seen with the intent of trying to regulate political speech. He stated that he understood them saying that they did not want to make the Town look bad but when it came down to it we would get in trouble trying to regulate signs by name of any kind. He stated that he had spoken with Mr. Williams and Mr. Watson concerning the Sign Ordinance that was presented and it was a bare bones ordinance. He stated that this was a complicated issue and the most complicated issue that he had dealt with since he had been with the Town.

Mayor Harris stated that he had read the Planning Commission minutes from the last meeting and there were a lot of questions being posed. He stated that he was mindful of the Public Hearing that was held and the citizens concern of not wanting signs to be all over Town. He stated that basically what Mr. Freedman was saying was tough luck.

Mr. Watson stated that this was all signs not just political ones in yards.

Mr. Freedman stated that the issue was not political signs at this point that it was identifying signs by its content of any type.

Mr. Holt stated that the permit would only apply to commercial signs.

Mr. Freedman stated that there was a list of signs that would not fall under the exemptions.

Mr. Holt stating that advertising signs was the only thing they were talking about regulating.

Mr. Freedman stated yes that if you kept regulations on religious and political signs for permitting then it would be a huge administrative burden put on staff to have them try and enforce it and make sure that everyone was getting a permit. He stated that he assumed the board would not want to put that burden on staff.

Mr. Holt stated that was a concern for him to put staff in that particular position of going on private property because people are violent over the smallest reasons. He stated that he would stick to the 45 days regardless and encouraged them to do a resolution asking the candidates to also stick to the 45 days even though they knew it was "toothless" but to respect our Town. He stated that if they chose not to do so then the citizens could choose whether or not to vote for them. He stated that he knew a lot of them did not like it and personally it did not bother him but it should be respected. He asked when they could expect a resolution from Planning Commission.

Mr. Freedman stated that a Joint Public Hearing would help speed up the process and cut it down by a month or so. He stated that he and Mr. Williams sent out to Planning Commission asking for any concerns via email or phone before their next meeting. He stated at the next Planning Commission Meeting that Planning Commission could recommend a Joint Public Hearing to council. He stated that his guess would be that it was finished up by April or early May. He stated that it was not an easy process and that staff wanted to try and balance the needs/wants of council with what was permitted.

Mr. Bailey asked if there would be a limitation to do minutes if council came as citizens to the next Planning Commission expressing their opinion.

Mr. Freedman stated that if they came as citizens that he did not think it would be a minutes issue necessarily as long as they did not talk amongst themselves but just made a comment.

Mr. Bailey stated that they spent over 2 hours at the last meeting on this and encouraged council to show up and voice their opinion to speed up the process.

Mr. Freedman stated that the Planning Commission was concerned and doing their job.

Mr. Bailey agreed.

Mr. Freedman stated that he was giving council this information before he took it back to Planning Commission. He stated that he would like to get it out early to them so that they could hash it out over the phone or via email.

Mayor Harris stated that it was interesting to read their comments.

ADJOURN

Mr. Holt made a motion to adjourn the meeting 8:19 pm. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

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

Don Harris, Mayor

Kim Hernandez, Town Clerk