

**Town of Bluefield
Town Council
Minutes
July 26, 2016**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, July 26, 2016 at 7:30 p.m. in the Council Chambers of the Town Hall located at 112 Huffard Drive, Bluefield, Virginia.

PRESENT

Don Harris, Mayor
Anglis Trigg, Councilmember
Donnie Linkous, Councilmember
Jimmy Jones, Vice Mayor
Steve Danko, Councilmember

ALSO PRESENT

Mike Watson, Town Manager
Matt Freedman, Town Attorney
Lesley Catron, Town Clerk
Kim Hernandez, Executive Assistant
Billie Roberts, Comm. Dev. Coordinator
Kris Williams, Zoning Administrator
1 Member of Public

ABSENT

Shane Gunter, Police Chief
Lee Riffe, Councilmember

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

APPROVAL OF AGENDA

Vice-Mayor Jones made a motion to approve the agenda. Councilmember Trigg seconded the motion. The motion passed unanimously by voice vote.

CONSENT AGENDA

Vice-Mayor Jones made a motion to approve the consent agenda. Councilmember Danko seconded the motion. The motion passed unanimously by voice vote.

CITIZEN REQUESTS & SPECIAL PRESENTATIONS

None.

COMMITTEE REPORTS

Treasurer's Office/Transit Department Update – James Hampton

Mr. Hampton stated that he had received a grant for a new computer diagnostic system and an air compressor and that he would do quotes when the funds were received. He stated that he would be ordering 3 new buses in the next fiscal year.

Mr. Watson asked what the match was.

Mr. Hampton stated 96%.

Mr. Watson stated that \$15k was budgeted for equipment and that they would get 3 new buses for \$600.

Mayor Harris asked if he was still on the state board.

Mr. Hampton stated he was and would remain on it as long as they wanted him too. He stated that there was talk that in 2019 there was going to be a shortage so the matches may decrease. He stated that he was working on getting new software in within the next 60 days.

Mr. Danko asked how he was doing on collecting Real Estate taxes, etc.

Mr. Hampton stated that it was good.

UNFINISHED BUSINESS & REPORTS

Old Hockman Pike Discussion, VOTE – Mike Watson

Mr. Watson stated that staff was working on putting in benches, lighting, etc. in the Old Hockman Pike area and hoped to get it finished up ASAP. He stated that he had been putting money into the Special Projects LGIP Account for the past 6-7 years and that it currently had \$6,319 in it. He stated that he would like to use it and take \$7k out of the General Fund LGIP account to finish the project for a total of around \$13,319. He stated that they were also looking at putting some type of fencing up as well.

Mr. Jones made a motion to approve taking \$6,319 out of the Special Projects LGIP Account and \$7k out of the General Fund LGIP. Mr. Trigg seconded the motion.

Mayor Harris asked if it would also include a sign.

Mr. Watson stated yes and that they were looking at a sign related to the Bluestone and recognizing Joyce Buchanan since she was so involved in the Bluestone.

ROLL CALL VOTE

Councilmember Riffe: Yes
Councilmember Linkous: Yes
Councilmember Trigg: Yes
Mayor Harris: Yes
Vice Mayor Jones: Yes
Councilmember Danko: Yes

The motion passed unanimously by Roll Call Vote.

Downtown Design Front Wall Update – Billie Roberts

Mrs. Roberts stated that she, Mike and Pete went to Dublin last week to look at the different designs. She stated that they got a lot of good information and made their final decision. She stated that it would have 2 entrances and that they had to have a small area near the Old Clay's Building and WVVA.net surveyed to see who owned the property. She stated that they met with the property owner to see if work could be done on it. She stated that the design would be an Aztec Design which was a little fancier with different size blocks and stones going in different directions and rounded pillar tops.

Mr. Watson stated that the original stone was a façade type stone and this was a stack stone that was used like a retaining wall and would be sturdy. He stated that later on he would like to get a quote to do something similar near the underpass (next to the Fire Department) to redo the retaining wall that was already there.

Mr. Danko asked if they were going to get the trees he asked for.

Mrs. Roberts stated that it was hard to fit those trees into this design because they were too big.

Mr. Danko asked if she had gotten prices.

Mrs. Roberts stated that she had not because they needed to decide where to put them and how many they needed.

Mr. Danko stated these were the trees that he asked about while he was in Blacksburg about a year ago and they told him that they would work well in our area.

NEW BUSINESS & REPORTS

Two Virginias 5k Challenge – Billie Roberts

Mrs. Roberts stated that staff had been working with the City of Bluefield to have the Two Virginias 5k Challenge on August 27th. She stated that it would start at the clock in downtown Bluefield, WV and would go down the Avenue into Bluefield, VA and continue thru the downtown area stopping at the gazebo. She stated that there would be

refreshments and live music at the finish line while everyone was waiting and that there would be a shuttle to get everyone back to their vehicles. She stated that the Town would be paying for any employee who wanted to register and that it would be a competition between the Town and the City.

Mr. Watson stated that it would be a breakeven event and that there would be an official timekeeper.

Mayor Harris stated that the DDC would be paying for the refreshments.

TOWN MANAGER'S REPORT

Employee Appreciation Night at the Ballpark

Mr. Watson stated that Employee Appreciation Night at the Ballpark was scheduled for July 29th and that employees and their families would get in for free. He stated that each employee and family member would receive \$5 worth of tickets to be used at the concession stand and that there would also be fireworks.

Mr. Trigg asked where the tickets would be given out.

Mr. Watson stated that staff would be at the gate distributing them.

Police Recognition at Graham/Beaver Game

Mr. Watson stated that there was some discussion to do something during the Graham/Beaver Game to recognize both of the Police Departments and had been approved to do something during halftime.

Mr. Jones stated that in light of recent events taking place around us, that it should not be something that was advertised before the game.

Mayor Harris stated that the City Manager was at the Quilt Show and if anyone missed it then they missed a wonderful show.

Mr. Danko stated that this was the first year his wife had gone and she said it was the best thing around.

Mayor Harris stated back to the 5k race that it was looking to be a good one and that they already had around 200 participants.

CITIZEN COMMENTS

None.

COUNCIL COMMENTS

Mr. Linkous asked for an update on the Rajeev Chopra issues.

Mayor Harris asked Mr. Freedman to do it during the attorney's report.

Mr. Trigg had none.

Mr. Jones had none.

Mr. Danko had none.

Mayor Harris had none.

ATTORNEY REPORT

Unclaimed Personal Property Ordinance, (1st Reading) - VOTE

Mr. Freedman stated that this would be the 1st Reading for the Unclaimed Personal Property Ordinance and asked for a vote to authorize the 1st Reading. He stated that he would read it in its entirety in the back of the room.

Mr. Jones made a motion to approve the 1st Reading of the Unclaimed Personal Property Ordinance. Mr. Linkous seconded the motion. The motion passed unanimously by voice vote.

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 9TH DAY OF AUGUST, 2016.

AN ORDINANCE TO CREATE, BY CREATING ARTICLE VI (UNCLAIMED PERSONAL PROPERTY) 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 VI of Chapter 2 of the Code of Ordinances, Town of Bluefield, Virginia is hereby created to read as follows:

ARTICLE VI. UNCLAIMED PERSONAL PROPERTY

Sec. 2-500. Purpose.

The purpose of this article and the sections therein is to provide the police department of the Town of Bluefield with a lawful means of disposing of unclaimed personal property.

Sec. 2-501. Authority.

This article and the sections therein are adopted pursuant to sections 15.2-1719, 15.2-1720, and 15.2-1721 of the Code of Virginia (1950) as amended.

Sec. 2-502. Repeal.

Any ordinance of the Town of Bluefield that is in conflict with this article and the sections therein is hereby repealed to the extent of the conflict.

Sec. 2-503. Definitions.

Bluefield Police Department means the police department of the Town of Bluefield.

Unclaimed personal property means any personal property belonging to another, which has been acquired by a law-enforcement officer pursuant to his or her duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner, and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Sections 55-210.1 et seq. of the Code of Virginia (1950) as amended).

Unclaimed firearms and other weapons means any firearm or other weapon belonging to another, which has been acquired by a law-enforcement officer pursuant to his or her duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner, and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Sections 55-210.1 et seq. of the Code of Virginia (1950) as amended).

Sec. 2-504. Disposal of unclaimed personal property generally.

Unclaimed personal property which has been in the possession of the Bluefield Police Department and unclaimed for a period of time greater than sixty (60) days may be disposed of by public sale or by being retained for use by the Bluefield Police Department. Unclaimed personal property retained for use by the Bluefield Police Department shall become the property of the Town of Bluefield, and shall be retained only if, in the opinion of the chief of police of the Bluefield Police Department, there is a legitimate use for the property by the Bluefield Police Department, and retaining the property is a more economical alternative than purchase of a similar or equivalent item. Unclaimed firearms may also be disposed of as provided in section 2-508 of this article. Unclaimed bicycles and mopeds may also be disposed of as provided in section 2-509 of this article.

Sec. 2-505. Notice.

Prior to the public sale or retention for use of any unclaimed personal property, the chief of police of the Bluefield Police Department, or his or her duly authorized agents, shall make reasonable attempts to notify the rightful owner of the property, obtain a written statement from the Commonwealth's Attorney advising the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation within the corporate limits of the Town of Bluefield, once a week for two (2) successive weeks, notice that there will be a public display and public sale of unclaimed personal property. All the unclaimed personal property, including the property selected for retention, shall be described generally in the notice, together with the date, time, and place of the public sale, and shall be made available for public viewing at the public sale. If there is a license, tag, or adhesive license decal affixed to a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped, then the record owner shall also be notified directly.

Sec. 2-506. Distribution of proceeds.

The chief of police of the Bluefield Police Department, or his or her duly authorized agents, shall pay from the proceeds of the public sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. No storage fee shall be charged or accounted for if the property has been stored by the Bluefield Police Department and is to be retained thereby for use. The balance of the funds from the public sale shall be held by the chief of police of the Bluefield Police Department, or his

or her duly authorized agents, for the owner and paid to the owner upon satisfactory proof of ownership. If no claim has been made by the owner for the property or proceeds thereof within sixty (60) days of the public sale, then the remaining funds shall be deposited in the general fund of the Town of Bluefield and the property retained for use by the Bluefield Police Department may be placed into use.

Sec. 2-507. Remedy and limitation of claims.

Any owner shall be entitled to apply to the Town of Bluefield within three (3) years from the date of the public sale and, if timely application is made and satisfactory proof of ownership of the funds or property is shown, the Town of Bluefield shall pay the remaining proceeds from the public sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action, or proceeding be instituted for the recovery of funds or property after three (3) years from the date of the public sale.

Sec. 2-508. Disposal of unclaimed firearms and other weapons.

The Town of Bluefield may destroy unclaimed firearms and other weapons which have been in the possession of the Bluefield Police Department and unclaimed for a period of time greater than one hundred and twenty (120) days. At the discretion of the chief of police of the Bluefield Police Department, or his or her duly authorized agents, unclaimed firearms and other weapons may be destroyed by any means which renders the unclaimed firearms and other weapons permanently inoperable.

In lieu of destroying an unclaimed firearm, the Town of Bluefield may dispose of an unclaimed firearm by donating it to the Virginia Department of Forensic Science if the Virginia Department of Forensic Science agrees to the donation.

Prior to the disposal of any unclaimed firearms and other weapons pursuant to this section, the chief of police of the Bluefield Police Department, or his or her duly authorized agents, shall make reasonable attempts to notify the rightful owner of the property, obtain a written statement from the Commonwealth's Attorney advising the item is not needed in any criminal prosecution, and publish the location and general description of the unclaimed firearms and other weapons at least once a week for two (2) successive weeks in a newspaper of general circulation within the corporate limits of the Town of Bluefield.

Sec. 2-509. Disposal of unclaimed bicycles, mopeds, and similar devices.

Any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped which has been in the possession of the Bluefield Police Department and unclaimed for a period of time greater than thirty (30) days may be disposed of by being donated to a charitable organization.

Any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped found and delivered to the Bluefield Police Department by a private person that thereafter remains unclaimed for thirty (30) days after the final date of the publication required by this section may be disposed of by being given to the finder.

Prior to the disposal of any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped pursuant to this section, the chief of police of the Bluefield Police Department, or his or her duly authorized agents, shall make reasonable attempts to notify the rightful owner of the property, obtain a written statement from the Commonwealth's Attorney advising the item is not needed in any criminal prosecution, and publish the location and general description of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped at least once a week for two (2) successive weeks in a newspaper of general circulation within the corporate limits of the Town of Bluefield. If there is a license, tag, or adhesive license decal affixed to a bicycle, electric personal assistive

mobility device, electric power-assisted bicycle, or moped, then the record owner shall also be notified directly.

Secs. 2-510—2-530. Reserved.

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 9th day of August, 2016.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall be effective on the 9th day of September, 2016.

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 this 9th day of August, 2016.

PUBLIC HEARING:	NONE
FIRST READING:	JULY 26, 2016
SECOND READING:	AUGUST 9, 2016
ADOPTION DATE:	AUGUST 9, 2016
EFFECTIVE DATE:	SEPTEMBER 9, 2016
FINAL RECORDED VOTE:	_____
MEMBERS PRESENT:	_____
MEMBERS ABSENT:	_____
RESULT OF VOTE:	_____
	AYES NAYES ABSTENTIONS

COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

BY: _____
DONALD R. HARRIS, MAYOR DATE

ATTEST:

LESLEY CATRON, TOWN CLERK DATE

Chopra

Mr. Watson stated that the agreement had not been signed with the Greenwood Development Company. He stated that the construction called for a bio retention facility and was going to be expensive. He stated that they were going back to the engineer to see if they could put in a cheap pond so we were waiting on the engineer. He stated that we would have to modify our agreement for such changes and that it would have to go to 3rd party review again.

Mr. Danko asked if the ball was in their court.

Mr. Watson stated that we were waiting on their engineer to send us something.

Mr. Linkous asked if they had to have a pond for water quality.

Mr. Watson stated that they had to offset it somewhere and that it had to be designed as a wetland area and that it could never be built on.

Mr. Linkous stated that all of these regulations were ridiculous and that because of new regulations that came in on July 1st that the price of the truck stop that was being built in Bland had gone up \$850k. He stated that they were killing the small community and something needed to be done about it.

Mayor Harris stated that the story he heard was that it was between the landowner and the non-compete clause with the other gas station across the street.

Mr. Linkous stated that he was told that was settled.

Mr. Jones asked if we had heard anything from the meeting with Rajeev's lawyer and Norfolk Southern.

Mr. Watson stated no.

Mayor Harris stated that he would have to deal with the bridge first.

Mr. Watson stated that it was his responsibility.

Mr. Freedman stated that the resolution that was adopted stated that it was his responsibility for providing a method of his own whether it was to use their bridge or to build his own and that it would be at his own risk.

Mayor Harris stated that it was out of our hands.

Mr. Freedman stated that our Zoning Department would be able to determine if it was safe and lawful and if not, then they could revoke the permit.

ADJOURN

Mr. Jones made a motion to adjourn the meeting at 8:05 p.m. Mr. Danko seconded the motion. The motion passed unanimously by voice vote.

Don Harris, Mayor

Lesley Catron, Town Clerk