

**Town of Bluefield
Town Council
Minutes
February 28, 2017**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, February 28, 2017 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
Lee Riffe, Vice-Mayor
Chuck Presley, Councilmember
Steve Danko, Councilmember
Ron Holt, Councilmember

ALSO PRESENT

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

ABSENT

Kim Hernandez, Executive Assistant

CALL TO ORDER

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

INVOCATION AND PLEDGE

Pastor Bill Lykins led the Invocation. Mayor Harris led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

CITIZEN REQUESTS & SPECIAL PRESENTATIONS

None.

COMMITTEE REPORTS

None.

UNFINISHED BUSINESS & REPORTS

Playground Equipment Update – Mike Watson

Mr. Watson stated that there was a copy of some playground equipment in council's packet. He stated that it was still on sale and they were looking to buy it now. He stated that we received a \$40k matching grant from the Shott Foundation and that they were looking to add playground equipment to the Rec Park, Depot Street and Pinehill Park. He stated that the Lion's Club had contacted staff wanting to work with us on adding more playground equipment in West Graham. He stated that he would like to ask for \$5-\$10k matching grant. He stated that he would bring back a budget amendment to show the \$40k match and that it would come from prior year reserves.

Mr. Riffe asked if he would be ordering for the 3 playgrounds.

Mr. Watson stated yes and that they were large structures.

Mr. Riffe asked what kind of surface.

Mr. Watson stated grass. He stated that the insurance came out about 5 years ago and surveyed all equipment and that right now they were not requiring anything else.

Mr. Riffe asked if the lady at Depot Street was satisfied.

Mr. Watson stated that they had talked to her a few times and would talk to her again.

NEW BUSINESS & REPORTS

None.

TOWN MANAGER'S REPORT

BB&T Refinancing Resolution, VOTE

Mr. Watson stated that there was a BB&T Refinancing Resolution in council's packet to refinance the platform truck. He stated that it would allow the Town to refinance it for 2 years to pay it off which would save the Town \$10k.

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 28TH DAY OF FEBRUARY, 2017.

- RESOLUTION APPROVING TERMS OF RE-FINANCING OF UNIT #00004 -

WHEREAS, the Town of Bluefield, Virginia (the "Town") has determined to change the terms of the Payment Schedule to the Lease Agreement between the Town and Branch Banking and Trust Company ("BB&T") dated as of March 27, 2009 (the "Original Agreement"); and

WHEREAS, the changes to the terms of the Payment Schedule include revising the interest rate from 4.29% to 1.97%. And, the fee for modifying the interest shall be ¼% of the principal balance at the time of the modification.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF TOWN OF BLUEFIELD, VIRGINIA, that the proposed change to the Payment Schedule of the Original Agreement are hereby approved and the officers designated to sign financing documents are hereby authorized and directed to take such action as may be necessary to effectuate such changes. All other terms and conditions of the Original Agreement and the Payment Schedule thereof remain in full force and effect.

IT IS SO RESOLVED this 28th day of February, 2017.

ADOPTION DATE:	February 28, 2017		
EFFECTIVE DATE:	February 28, 2017		
RECORDED VOTE:	_____		
MEMBERS PRESENT:	_____		
MEMBERS ABSENT:	_____		
RESULT OF VOTE:	_____	_____	_____
	AYES	NAYES	ABSTENTIONS

COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

BY: _____
DONALD R. HARRIS, MAYOR
TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

_____ DATE

ATTEST:

_____ DATE
LESLEY CATRON, TOWN CLERK
TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

Mr. Jones made a motion to approve the BB&T Refinancing Resolution. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Welcome Center Budget Amendment, VOTE

Mr. Watson stated that we received a \$15,000 donation from the Tazewell County Board of Supervisors to go towards the Welcome Center Project. He stated that council would need to approve a Budget Amendment moving the donation from Miscellaneous Revenue to the Economic Development line item, in which the project was being funded thru.

Revenue		Original Budget	Amended Budget	Change
Line Item				
0100-0509	Prior Year	<u>\$90,571.00</u>	<u>\$150,571.00</u>	<u>\$60,000.00</u>
	Reserves	<u>\$90,571.00</u>	<u>\$150,571.00</u>	<u>\$60,000.00</u>

Expenditure		Original Budget	Amended Budget	Change
Line Item				
8120-5652	Economic Dev.	<u>\$5,000.00</u>	<u>\$65,000.00</u>	<u>\$60,000.00</u>
		<u>\$5,000.00</u>	<u>\$65,000.00</u>	<u>\$60,000.00</u>

Revenue		Original Budget	Amended Budget	Change
Line Item				
3108-9901	General Fund	<u>\$143,662.00</u>	<u>\$158,662.00</u>	<u>\$15,000.00</u>
	Miscellaneous	<u>\$143,662.00</u>	<u>\$158,662.00</u>	<u>\$15,000.00</u>

Expenditure		Original Budget	Amended Budget	Change
Line Item				
8120-5652	Economic Dev.	<u>\$65,000.00</u>	<u>\$80,000.00</u>	<u>\$15,000.00</u>
		<u>\$65,000.00</u>	<u>\$80,000.00</u>	<u>\$15,000.00</u>

Mr. Watson stated that the \$80k was not only for this project and that \$5k was budgeted for Economic Development. He stated that \$60k was Town funds and \$15 was from Tazewell County. He stated that a Public Hearing was not needed because it was less than 1% of the overall funds.

Mr. Jones stated that if anyone asked it was \$60k cost to the Town.

Mr. Watson stated that was correct that we will put in around \$60k.

Mr. Jones made a motion to approve the Welcome Center Budget Amendment. Mr. Presley seconded the motion.

Mr. Holt asked if this was only moving money and was not asking for any other money.

Mr. Watson stated yes.

Mayor Harris asked for a Roll Call Vote.

ROLL CALL VOTE

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

The motion passed unanimously by Roll Call Vote.

Resolution Applying for VDH Projects, VOTE

Mr. Watson stated that last week they met with an engineering firm that was working on the Pocahontas Project and the Town supplying a higher volume of water. He stated that right now, we had a contract with the PSA who services Falls Mills to supply them up to a certain amount of water. He stated that an engineering study was done and showed that we would have to upgrade a line. He stated that it would not be a benefit to us other than we would sell water to Tazewell County. He stated that in our agreement we sell cost plus 12% and they would have to put in a pump station. He stated right now we offered about 400k per day. He stated in the last year or so, we had received a grant from the Cumberland Plateau to do an engineering study that gave us a study to upgrade our plant from a 1.5 to a 1.95, giving the Town the extra 400k gallons per day as required. He stated if that construction were done, we would be able to feed it. He stated also in that study, it showed it would cost about \$500k to do the upgrade. He stated that it would be done on a slow scale and if a pump went out, then it would be replaced with one to upgrade it. He stated that this resolution would allow us to apply for VDH money that would help do the plant and line upgrade. He stated that the resolution had to be in hand by April 1st and even if we received the grant, we did not have to take it. He stated that it may not be the full amount and it may be no money but for instance 0% interest for 20 years. He stated that we should know something this fall. He also stated that in 2019 we would pay off a \$1 million bond for the Water Plant. He stated right now it was just to approve the following resolution to be sent to the Virginia Department of Housing.

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 28TH DAY OF FEBRUARY, 2017.

- RESOLUTION TO APPROVE APPLYING FOR VIRGINIA DEPARTMENT OF HEALTH – OFFICE OF DRINKING WATER GRANT FUNDING FOR THE UPGRADE AND REHABILITATION OF THE TOWN OF BLUEFIELD WATER TREATMENT PLANT AND ROUTE 102 WATER LINE UPGRADE PROJECT -

WHEREAS, the Town of Bluefield has determined it necessary to continue with upgrades and the rehabilitation to the Town of Bluefield's Water Treatment Plant and move forward with upgrades to the Route 102 Water Line Project; and

WHEREAS, the Virginia Department of Health – Office of Drinking Water provides funding for projects such as this one; and

WHEREAS, the pre-qualifications for grant funding have been met for submitting a funding application for the above referenced project.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA, does hereby vote to seek funding from the Virginia Department of Health – Office of Drinking Water for the following project:

UPGRADE AND REHABILITATION TO THE TOWN OF BLUEFIELD
WATER TREATMENT PLANT AND ROUTE 102 WATER LINE UPGRADE PROJECT

IT IS SO RESOLVED this 28th day of February, 2017.

ADOPTION DATE: February 28, 2017
EFFECTIVE DATE: February 28, 2017
RECORDED VOTE: _____
MEMBERS PRESENT: _____
MEMBERS ABSENT: _____
RESULT OF VOTE: _____
AYES NAYES ABSTENTIONS

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

Mr. Jones made a motion to approve the Resolution Applying for VDH Projects. Mr. Holt seconded the motion. The motion passed unanimously by voice vote.

CITIZEN COMMENTS

Mr. Wohlford stated at the Sedgewood Pool people were using it to turn around and that there was mud in the street. He asked if the bottom was broken up so that it would not be a mud pit and suggested putting a blockade so that the cars could not get into it.

Mr. Danko asked if it was the HOA's responsibility.

Mr. Wohlford stated that he did not know who owned it.

Mr. Presley stated that he thought it was DW Perdue.

Mr. Wohlford stated if nothing but some barrels and tape for 6-9 months until it could get solid and have some grass growth.

Mr. Danko stated that Mr. Moore was actively involved in it.

Mr. Wohlford stated that he did not know but thought Stowers on Sedgewren was involved in it.

Mr. Watson stated that he was with the Sedgewood Beautification. He stated that he believed DW Perdue was the president now.

Mr. Wohlford thanked council for the bridge and stated that he understood that there was an engineer on it now. He stated for years, he has watched our guys mow from the creek to the highway and asked if the property owner was billed. He stated at the same shopping complex the town put guard rails up near Hardees and asked if they were billed for it as well. He stated that the Austin Eclipse Building had been demoed and they had recouped all of the heavy timbers out of it but in the center was about a 40ft wall standing there. He stated that it would be easy access for kids to get in there and play around and that wall could very easily collapse.

Mr. Danko asked who owned it.

Mr. Wohlford stated that he did not know.

Mr. Watson stated that the Sedgewood Pool was done as a field project and if it was anything in the future then the organization would be liable for it. He stated that the Town could send a violation notice to the association. He stated that there were various sections that the Town mowed to keep it up and looking good and concerning the guardrail that when someone hit a guardrail, the Police Department gave the Town a number and we billed them for it so we recouped the cost. He stated that there were some concerns about the Austin Eclipse Building a while back and they did have an open building permit and that Property Maintenance was going after them to try and get some of it cleaned up. He stated that the Town did require them to get an engineer to see how to take it down, secure the walls, etc.

Mr. Wohlford asked if anyone had gone and looked at the dust since he last mentioned it. He stated all they had to do was go between 3-5 p.m. and they would see it. He stated that the Town also needed to look at encouraging development of rental properties.

COUNCIL COMMENTS

Mr. Danko had none.

Mr. Jones had none.

Mr. Holt stated that he felt strongly about the pay raises for the Police Department and other employees and would be making a motion for such in the next month. He stated that he would hope that they could discuss it during an upcoming Work Session. He stated that he did not want to do anything quickly but wanted them all to talk about it and discuss it. He stated that he had also been talking to the town attorney about events such as the movies where the parents just dropped their kids off and we had to babysit them. He stated that it was not safe and that any predator could snatch them up. He

stated that he asked Mr. Freedman to look for potential ordinances if there were any. He also suggested putting something about it in the newsletter.

Mr. Presley agreed with the Police Department raises. He stated that he had a few of the trash guys ask him for a budget for uniforms so he wanted to let Mr. Watson know about that. He stated that he had some people who were mad because of the pear trees on Leatherwood Property being cut and asked what he should tell them.

Mayor Harris asked council to talk to Mr. Watson before bringing things up during a council meeting so that he could be better prepared and not blindsided.

Mr. Riffe asked if staff was going to get the resolution to the girl's middle school basketball team.

Mayor Harris stated yes.

Mr. Riffe stated that we had a champion on the Wrestling Team.

Mayor Harris stated that in the Bluefield Daily Telegraph it talked about a fellow councilmember and what he was doing with the community. He thanked Mr. Holt for his service.

ATTORNEY REPORT

Panhandling Ordinance, (1st Reading)- VOTE

Mr. Freedman stated that he was made aware of the problems the Town had with panhandling and that the Town needed some type of mechanism to deal with such. He stated that he thought the following ordinance would help with this. He asked for a motion to approve the 1st Reading.

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 14TH DAY OF MARCH, 2017.

AN ORDINANCE TO CREATE, BY CREATING ARTICLE VIII (PANHANDLING) OF CHAPTER 30 (OFFENSES) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Article VIII of Chapter 30 of the Code of Ordinances, Town of Bluefield, Virginia is hereby created to read as follows:

ARTICLE VIII. PANHANDLING

Sec. 30-230. Purpose.

The purpose of this article and the sections therein is to provide a means of reasonably regulating panhandling within the corporate limits of the Town of Bluefield in order to ensure the safe and free

passage to public areas, the safe and free passage of pedestrians and motor vehicles, and the safety and well-being of the citizens of the Town of Bluefield.

Sec. 30-231. Authority.

This article and the sections therein are adopted pursuant to the authority described in sections 15.2-1102 and 15.2-1700 of the Code of Virginia (1950) as amended.

Sec. 30-232. Definitions.

The term "aggressive manner" shall mean the following conduct:

- (1) intentionally making harmful or offensive physical contact with another person;
- (2) intentionally blocking the safe or free passage of another person or a motor vehicle;
- (3) using obscene or abusive language towards another person under circumstances that would be reasonably calculated to provoke a breach of the peace; or
- (4) approaching or following another person in a way that would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the person or upon property in the person's immediate possession.

The term "panhandle" or "panhandling" shall mean the following conduct:

- (1) begging, soliciting, requesting, or asking for money, food, or any other item of value by oral statement, written statement, or physical conduct; or
- (2) attempting to obtain compensation for any item or service under circumstances that would lead a reasonable person to conclude the compensation is actually a donation.

The term "public place" shall mean any location that is open to the general public and maintained by the Town of Bluefield, the Commonwealth of Virginia, or any political subdivision of the Commonwealth of Virginia. The term "public place" shall be deemed to include, but not be limited to, crosswalks, streets, highways, alleys, walkways, sidewalks, sitting areas, parks, transits, parking lots, buildings, structures, doorways, and monuments.

Sec. 30-233. Prohibited acts and penalty.

It shall be unlawful for any person, within the corporate limits of the Town of Bluefield, to:

- (1) panhandle in an aggressive manner in any public place; or
- (2) panhandle in any manner on private property without the permission of the owner, tenant, or lawful occupant of the property.

A violation of this section shall constitute a Class 3 misdemeanor.

Sec. 30-234. Severability.

If any section, provision, or portion of this article is held to be invalid by a court of competent jurisdiction, then that decision shall in no way affect the remaining sections, provisions, or portions of this article. The invalid section, provision, or portion thereof shall be severable.

EXECUTIVE SESSION

Vice-Mayor Riffe made a motion to enter into Executive Session pursuant to *Code of Virginia Section 2.2-3711-A-1.6* and Mrs. Catron read:

The investing of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the government unit would be adversely affected.

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

Council entered into Executive Session at 8:45 p.m.

Vice-Mayor Riffe made a motion to enter out of Executive Session. Councilmember Holt seconded the motion. The motion passed unanimously by voice vote.

Councilmember Jones 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 28th day of February.

Councilmember Danko seconded the motion.

ROLL CALL VOTE

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

The motion passed unanimously by Roll Call Vote.

ADJOURN

Mr. Holt asked about having a Work Session before the next council meeting.

Mr. Watson asked if this was something he was wanting now or in the upcoming budget.

Mr. Holt stated the upcoming budget.

Mayor Harris stated that they needed to know what the budget was first before deciding on any increases.

Mr. Watson stated that he would look at the dates and schedule a meeting.

Mr. Holt made a motion to adjourn the meeting at 9:00 p.m. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Don Harris, Mayor

Lesley Catron, Town Clerk