

**Town of Bluefield  
Town Council  
Minutes  
May 23, 2017**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, May 23, 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  
Billie Roberts, Comm. Dev. Coordinator  
Lesley Catron, Town Clerk  
Kim Hernandez, Executive Assistant  
Shane Gunter, Police Chief  
5 Members of Public

**CALL TO ORDER**

Mayor Harris called the meeting to order at 7:32 p.m.

**INVOCATION AND PLEDGE**

Vice-Mayor Riffe led the Invocation. Mayor Harris led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Mayor Harris added a Resolution Approving Terms of Re-financing of Unit #00004 under New Business and Reports.

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

**CITIZEN REQUESTS & SPECIAL PRESENTATIONS**

***Special Presentation: Dr. Chopra Resolution – Councilman Jones***

Councilman Jones read the following resolution and presented it to Mrs. Chopra and her son Rajeev.



**Town of Bluefield**  
**RESOLUTION**  
**Recognition of Dr. Surrinder K. Chopra, M.D.**

**WHEREAS**, Dr. Surrinder K. Chopra, and his wife, Kamlesh Chopra, became residents of Bluefield, Virginia in 1973, where they proudly raised their family; and

**WHEREAS**, Dr. Chopra served the area as a prominent plastic and reconstructive surgeon, specializing in hand surgery, before retiring from his private practice in 2005; and

**WHEREAS**, he was Board Certified by the American Board of Plastic Surgery, and served as a member of the American Medical Association, American Burn Association, Mercer County Medical Association, Virginia Medical Society, West Virginia Medical Society, and Virginia Society of Plastic Surgeons; and

**WHEREAS**, he served a term as Chief of Surgery at Bluefield Regional Medical Center and was a past President of the Mercer County Medical Association; and

**WHEREAS**, in addition to his career in medicine, he was a successful real estate developer in the area; and

**WHEREAS**, his real estate development included projects such as Westwood Commons, College Square Shopping Center, and College Crossing Shopping Center; and

**WHEREAS**, Dr. Chopra also served multiple terms as a member of the Planning Commission for the Town of Bluefield, Virginia; and

**WHEREAS**, Dr. Chopra was well-regarded, and he will be fondly remembered by his fellow citizens, friends, and former patients, throughout the community.

**NOW THEREFORE BE IT RESOLVED, THAT THE TOWN COUNCIL OF BLUEFIELD, VIRGINIA**, hereby recognizes the life and legacy of Dr. Surrinder K. Chopra, M.D.

Presented this 23<sup>rd</sup> day of May 2017.

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Donald R. Harris, Mayor

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Lesley L. Catron, Town Clerk

Rajeev Chopra thanked everyone and said that it meant a lot to his family and him personally. He stated that this was their home and would continue to be their home.

Mrs. Chopra thanked everyone.

***Special Presentation: Heart of Appalachia – Kitty Barker***

Ms. Barker handed out some information and went over a presentation attached at the end of the minutes.

Mayor Harris thanked her for coming and asked if she was aware of the mountain biking trail at the City Park.

Ms. Barker stated she was and that she tried to add new things every two years.

**CONSENT AGENDA**

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

**COMMITTEE REPORTS**

***Autumn Jamboree Committee Update – James Hampton***

Mr. Hampton stated that the committee had met a few weeks ago and that it would be the same schedule as the past. He stated that the committee was looking to bring in a small carnival to target more of the teens and twenty year olds. He stated that he had one company coming in to look at the area and see if it would work. He stated that the vendors would be lined up on Main Street instead of under the big tent and that carnival rides would go in the gravel and bank area. He stated that he had already checked on the fireworks and that the entertainment this year would be the Beach Nite Band, Ruff Kutt and possibly JCBC.

**UNFINISHED BUSINESS & REPORTS**

***BB&T Resolution to Approve Financing Term for Garbage Truck, VOTE – James Hampton***

Mr. Hampton stated that he needed a vote to approve the following resolution approving the financing terms for the garbage truck in the amount of \$143,410.00

Resolution Approving Financing Terms

**WHEREAS:** The Town of Bluefield, Virginia ("Town") has previously determined to undertake a project for the lease purchase of a new garbage truck, and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated April 6, 2017. The amount financed shall not exceed \$143,410.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.27%, and the financing term shall not exceed 5 years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 23<sup>rd</sup> day of May, 2017

Dorley D. Patton  
(Clerk)

Ronald N. Holt  
(Mayor/Manager)

SEAL

Mr. Holt made a motion to approve the Resolution Approving the Financing Terms for the garbage truck in the amount of \$143,410.00. Mr. Riffe 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.

***Resolution Approving Terms of Re0financing of Unit #00004***

Mr. Hampton stated that he needed a motion to accept the following resolution approving the terms of re-financing Unit #00004 from an interest rate of 4.29% to 1.97%.

**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 governing body of the Town of Bluefield 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.

Adopted this \_\_\_\_\_ day of May 2017.

Attestation:

SEAL

\_\_\_\_\_, Town Clerk  
Town of Bluefield, Virginia

\_\_\_\_\_, James Hampton, Treasurer  
Town of Bluefield, Virginia

Mr. Danko made a motion to approve the Resolution Approving Terms of Re-Financing of Unit #00004. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

**TOWN MANAGER'S REPORT**

***Recycling Update***

Mr. Watson stated that some things were being taken to the landfill and the cardboard was being taken to Claypool Hill. He stated that the newspaper and plastics were being taken to Mercer County and that staff would be putting an article in the newsletter about taking plastic and its requirements. He stated that they were looking for a bailer to start bailing the newspapers.

### ***Downtown Movies***

Mr. Watson stated that the Town received a grant for the downtown movies which would start once school was out. He stated that staff checked and that the road in front of the old WVVA.net building and Walnut Street were already blocked off. He stated that the Police Department worked with them as well.

### ***Hockman Pike/Montrose Curve***

Mr. Watson stated that he had contacted VDOT to do a safety study but that they may not be able to do it. He stated that he would let council know.

Mr. Presley asked if that would include a speed increase as well.

Mr. Watson stated yes that a traffic study was required.

### ***Visitor's Center***

Mr. Watson stated that they had moved into the Visitor's Center and were currently get everything organized. He stated that they had spoken highly of the facility and once it was cleaned up then they would schedule a ribbon cutting ceremony. He stated that Charlie Stacy had recommended doing it on a Friday to tie it into the Farmer's Market.

### ***Paving***

Mr. Watson stated that he did not advertise for paving this year because we could not meet the requirements between now and July 1<sup>st</sup>. He stated that staff would put a larger bid together and transfer the money into next year's budget to do more roads.

Mr. Riffe asked what he meant by next year.

Mr. Watson stated next year's budget.

### ***Cole Chevy Mountain Festival 2017 Schedule of Events***

Mr. Watson stated that a copy of the Cole Chevy Mountain Festival schedule was in council's packet.

### ***Veteran Recognition Program***

Mr. Watson stated that the Veteran Recognition Program was scheduled for Saturday, May 27<sup>th</sup> at 2:00 p.m. downtown at the Veteran's Memorial. He stated that the VFW was working with Lynn Burnette to put this program together.

### ***Town Offices Closed***

Mr. Watson stated that Town Offices would be closed on Monday, May 29<sup>th</sup> for Memorial Day. He stated that Monday's trash would be picked up on Friday, May 26<sup>th</sup>.

### **CITIZEN COMMENTS**

Joshua Wood, Stockton Street stated that he was there to talk about the noise ordinance whether it was music, vehicles or dogs barking.

Mr. Freedman stated that it was still in the works and that dogs were not specifically connected.

Mr. Wood stated that most neighbors would be able to handle it on their own but for instance if it was 2 a.m. and you had to go to your neighbors and ask them to turn it down then you may run into some problems. He stated that he was a veteran and there should be something after a reasonable hour of the day in effect. He asked what would happen when it simply did not get resolved.

Mr. Freedman asked if he was referring to any particular noise.

Mr. Wood stated an example was his neighbor's son had the TV to close the window. He stated that it had been resolved just by moving the TV away from the window.

Mr. Freedman asked if he was talking about during the day or night.

Mr. Wood stated 2 a.m. and that he dealt with PTSD.

Mr. Freedman asked if he was for the Police Department getting involved.

Mr. Wood stated yes.

Mr. Freedman asked that he give them time to look into it and see what could be done.

Mr. Harris stated that the Town Attorney would bring something back to council.

### **COUNCIL COMMENTS**

Mr. Danko stated that he had an issue with the payroll and suggested giving 4% to Mike and letting him and the department heads discuss it.

Mr. Jones stated that there was talk about closing Springville and Raven Schools but it was not true.

Mr. Holt stated that he was not sure what to do about the pay raises but that they were coming to the end.

Mr. Presley stated that the police officer's needed a raise before we lost them.

Mr. Riffe stated that the Hockman Pike Bridge was looking good. He stated on the raises that they should take it all out and keep "hashing it out". He stated that he agreed with them but that they needed to look at the amounts and let the Town Manager give it and not council. He stated that he was still opposed to the meals tax at this time. He stated that they needed to let the Department Heads give the raises.

Mayor Harris stated that all departments should be treated equal and looking at the figures given to them by the Town Manager, the Town was not far off from the others and when they had to start raising taxes to pay for salary increases, he was not too sure about that. He stated that they were overriding the Town Manager by giving raises and that he would like for all employees to be fully compensated. He stated that it was creating an animosity between the employees.

Mr. Holt stated that the people were looking to them and he felt it was council's duty to make sure they were getting paid. He stated that the Police Department was different than Public Works because they were putting their life on the line. He stated that the Town was not close to other jurisdictions and that they needed to work with the Town Manager to do this.

## **ATTORNEY REPORT**

### ***Opinion regarding garbage truck***

Mr. Freedman stated that the opinion regarding the garbage truck needed to include BB&T. He stated that he normally would not do so because the Town was his client but if council was ok with him doing it then he would. He asked for a motion to approve him executing the letter of opinion below and making BB&T a recipient as well.



**TOWN OF BLUEFIELD**

May 24, 2017

Matthew Chase Freedman  
Town Attorney  
Town of Bluefield  
112 Huffard Drive  
P.O. Box 1026  
Bluefield, VA 24605

Mr. James Hampton  
Town Treasurer  
Town of Bluefield &  
427 Virginia Avenue  
Bluefield, VA 24605

Mr. Michael Watson  
Town Manager  
Town of Bluefield &  
112 Huffard Drive  
P.O. Box 1026  
Bluefield, VA 24605

Branch Banking & Trust Company ("BB&T")  
Governmental Finance  
5130 Parkway Plaza Boulevard  
Charlotte, NC 28217

**\$143,410.00 Lease Financing for the Town of Bluefield, Virginia**

Ladies and Gentlemen:

I solely represent the Town of Bluefield, Virginia (the "Lessee"), in connection with the Lessee's authorization, execution and delivery of the following:

- (1) A Lease Agreement dated as of May 24, 2017 (the "Lease Agreement"), between the Lessee and the Branch Banking and Trust Company ("BB&T"); and
- (2) A Project Fund Agreement dated as of May 24, 2017 (the "Project Fund Agreement"), between the Lessee and BB&T.

In this connection, I have reviewed (a) the Constitution of the Commonwealth of Virginia and other applicable law; (b) certain proceedings taken by the Lessee, including a Resolution (the "Resolution") adopted on May 23, 2017, pertaining to the authorization of the above documents and related transactions; (c) executed copies of the Lease Agreement and the Project Fund Agreement (the "Agreements"); and (d) such other information and documents as I have deemed relevant in order to render this opinion.

Based upon the foregoing, to the best of my knowledge, it is my opinion that:

1. The Lessee is a Virginia public body duly existing pursuant to Virginia law.
2. The Council of the Town of Bluefield, Virginia has duly adopted the Resolution.
3. The Lessee has duly authorized, executed and delivered the Agreements. Assuming the due authorization, execution and delivery of the Agreements by every other party thereto, the Agreements constitute valid and binding agreements of the Lessee enforceable in accordance with their terms. The enforceability of the Lessee's obligations with respect to the Agreements is subject to the provisions of bankruptcy, insolvency, reorganization, moratorium and similar laws affecting the enforcement of creditors'

rights. The enforceability of such obligations is also subject to usual equity principles, which may limit the specific enforcement of certain remedies.

4. No further approval, consent or withholding of objections is required from any federal, state or local government authority with respect to the Lessee's entering into the Lease Agreement, the Lessee's performing its obligations thereunder or the transactions contemplated thereby. The Lessee has complied with all required public-bidding procedures regarding the Equipment (as defined in the Lease Agreement) and the transactions contemplated by the Lease Agreement.

5. All of the Equipment described in the Lease Agreement as intended to be financed by the Lessee will be personal property when installed as expected, and no portion will be real property or a "fixture" within the meaning of the Virginia Uniform Commercial Code.

6. Neither (a) the adoption of the Resolution, nor (b) the execution and delivery of the Agreements or the consummation of the transactions contemplated thereby, nor (c) the fulfillment of or compliance with the terms and conditions of the Agreements, breaches or violates any provision of any contract, lease, instrument or other agreement or any judgment, order or decree of any court or other governmental authority to which the Lessee is a party or by which the Lessee is bound. No event or condition has happened or existed, or is happening or existing, under the provisions of any such instrument which, at this time, constitutes a default or which, with notice or lapse of time or both, would constitute an event of default under any such contract, lease, instrument or other agreement or any such judgment, order or decree.

AND

7. There is no litigation or any proceeding before any governmental agency pending or threatened against the Lessee (or any official thereof in an official capacity) with respect to (a) the Lessee's organization or existence, (b) the Lessee's authority to execute and deliver the Agreements, to adopt the Resolution or to comply with the terms thereof, (c) the transactions contemplated by the Agreements and the Resolution, (d) the title to office of any Lessee governing board member or any other Lessee officer, or (e) any authority or proceedings relating to the Lessee's execution or delivery of any of the Agreements.

Sincerely,

Matthew Chase Freedman, Esq.  
Town Attorney  
Town of Bluefield

Mr. Jones made a motion to approve the letter of opinion to include BB&T. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

***Ordinance to Increase Tax on Meals – (1<sup>st</sup> Reading), VOTE***

Mr. Freedman asked what council's position was on the meals tax before he did a first reading.

Mr. Holt stated that he was for how it was now with the current pay raises.

Mr. Freedman stated that there were 2 ordinances, one for the increase in meals tax and one for the adoption of the budget which included all of the increases.

Mr. Holt stated that before he voted he would like to know what they were going to do with the money if it was going to change from the way it was now.

Mayor Harris asked for a motion as it was presented.

Mr. Presley made a motion to approve the 1<sup>st</sup> Reading of the Ordinance to Increase Tax on Meals. There was no second.

Mayor Harris asked what they needed to do since there was no second.

Mr. Freedman stated that he did not think he needed a vote for the 1<sup>st</sup> Reading but that it did not make sense to do a 1<sup>st</sup> Reading if it would not pass for a 2<sup>nd</sup> Reading.

Mr. Watson stated that he would schedule a Work Session for Tuesday so that they could have the 1<sup>st</sup> Reading at the first meeting in June and adopt it at the 2<sup>nd</sup> meeting. He stated that they could table the items until another time. He stated that the motion died due to lack of a 2<sup>nd</sup> and that it could not be brought back up tonight.

Mr. Freedman asked if it would be the same for the 1<sup>st</sup> Reading to adopt the budget as well.

Mr. Watson stated that the existing budget could not be passed either.

Mr. Riffe asked if the meal tax could be split into separate ways to use.

Mr. Watson stated that the meals tax could be raised at any time to any percentage. He stated that the ordinance to raise meals tax had to be read twice and you could not have a Public Hearing and vote on the budget in the same night.

Mr. Freedman stated that they were good on the Public Hearing but the question was what the wording in the ordinance was going to be.

Mr. Riffe asked if the last meals tax ordinance listed the way it had to be spent.

Mr. Watson stated that it did not determine that.

Mr. Freedman stated that the ordinance only showed the increase.

Mr. Watson stated that was correct and not its purpose.

Mayor Harris stated that was how it was advertised in the paper.

***Ordinance to Approve and Adopt the FY 2017/2018 Budget – (1<sup>st</sup> Reading), VOTE***

This item was tabled.

**EXECUTIVE SESSION**

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

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.

Discussion, 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.

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

Council entered into Executive Session at 8:47 p.m.

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

Councilmember Presley 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 23<sup>rd</sup> day of May.

Councilmember Riffe 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 if they would be meeting again for a Work Session on Tuesday at 5:30 p.m.

Mr. Watson stated yes that he would advertise for a Work Session.

Mr. Holt made a motion to adjourn the meeting. Mr. Presley seconded the motion.

Mayor Harris stated that they could recess the meeting.

Mr. Watson stated that he could advertise for a Work Session.

Mr. Jones stated that if they were going to do any voting that they needed to recess the meeting, then they could vote at the next special called meeting. He stated that it would be easier that way instead of adjourning.

Mayor Harris stated that a motion had already been made to adjourn.

Mr. Watson stated that they would have a special called meeting on Tuesday at 5:30 p.m.

Mr. Freedman stated that they could put it in the next meeting for discussion and have the 1<sup>st</sup> Reading of both ordinances at the special called meeting with the 2<sup>nd</sup> Reading of both at the first meeting in June.

Mr. Holt changed his motion to recess the meeting at 9:00 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