

**Town of Bluefield  
Town Council  
Minutes  
May 22, 2018**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, May 22, 2018 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  
Anglis Trigg Jr., Councilmember  
Ron Holt, Councilmember

**ALSO PRESENT**

Mike Watson, Town Manager  
Billie Roberts, Comm. Dev. Coordinator  
Shane Gunter, Police Chief  
Matt Freedman, Town Attorney  
8 Members of Public

**ABSENT**

Lesley Catron, Town Clerk

**CALL TO ORDER**

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

**INVOCATION AND PLEDGE**

Councilmember Jones 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.

**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

### *Beautification Commission Update – Donna Kelly*

Mayor Harris stated that he knew they were down hanging flower pots, etc. today and must have been tired.

## UNFINISHED BUSINESS & REPORTS

None.

## NEW BUSINESS & REPORTS

### *Trail Update – Billie Roberts (aerial attached at end of minutes)*

Mrs. Roberts stated that they had been talking about a trail at the top of Leatherwood that was above 3,000 feet. He showed them an aerial view and stated that they had contracted with a gentleman named Rick Barton who was big in the outdoor arena for trails, kayaking, etc. all throughout the county. She stated that he had spent some time up in the mountains checking things out and seeing what they were dealing with and if there were any feasible trails the Town could have. He stated that he was impressed at what was up there and the area had a lot of potential for hiking, equestrian trails and it was an interesting downhill hiking which she thought was cool. She stated that there were a lot of rocks up there for those who liked to rock climb and what they were looking at was 2 miles one way or 200 acres of trails.

Mr. Presley asked if the one line was the state line.

Mrs. Roberts stated yes. She stated that the whole idea would be to go up on Mountain Lane where there was a nice area for parking. She explained the aerial view and what would go where. She stated that it would take some time and there was some landowners that they would have to get easements from but with the passing of the legislation that just recently happened that released the landowners from any type of liability so that was a great thing for the connection of this trail. She showed them some different angles of the mountain and where the trails would be.

Mr. Jones stated that the drugstore cowboys, the ones that met at New Graham Pharmacy at 9 a.m., that he was explaining this to them and they said they would love to volunteer to work on these trails along with members of his Sunday School Class at FUMC who said they would like to help as well so the volunteerism was there and the guys he was talking about could be beneficial.

Mrs. Roberts stated that what they were learning was the potential for clubs and organizations and schools to be invited to learn and volunteer. She stated this was just something for them to see if it was even feasible and if there were trails up there to use.

She stated that the next step would be scheduling a meeting with CDAC (Community Design Assistance Center) at Virginia Tech to start with some planning and designs.

Mr. Presley stated that you would have to have emergency exits, etc.

Mrs. Roberts stated of course that this was very initial to see if they could move forward with it.

Mr. Riffe asked about bicycles and would they travel up Cove Creek to get to it.

Mr. Watson stated that this was very initial and they put together a mapping system that you had to tie into. He stated that there was not an exact area for this but they would have in the future things like bike rentals to look at, etc. He stated that this was an opportunity to offer something else in the community.

Mrs. Roberts stated things like this worked as catalyst for small businesses like a bike store or another Double Gates Grocery store.

Mr. Watson stated with the new legislation and them having sovereign immunity that there were several ways this could go and were agencies out there to get federal/state money and as they moved forward they would look at how it was funded and what the opportunity was. He stated that the vision is for leisure walking, biking and equestrian not for four wheelers, etc.

Mrs. Roberts stated this would allow them to hike on top of Virginia's Tallest Town.

Mr. Riffe asked if Bland County had said anything being on top of them.

Mrs. Roberts stated that we were not on top of them.

Mr. Watson stated that the property they were looking at was over 3,000 ft and the Town did not offer utilities to something that big.

#### *Rezoning Update – Billie Roberts*

Mrs. Roberts stated that they were moving forward with the re-zoning proposal of a lot of the downtown area such as North College and downtown Spring Street. She stated that they had the Informational Meeting last night and she was still trying to get in touch with some of the residents but it had been approved thru Planning Commission for the Public Hearing and they would be bringing it before council sometime soon. She stated that everything last night was received well and she expressed that this was an idea for future growth for downtown and changing it from R2 to B2 which was not changing much but opening up more opportunities. She stated that one property towards Hardees on Sexton Hill had been removed from the application because some residents in that area had mention some concerns and they have had a lot of conversations so they thought

it best to remove that property. She stated that she was trying to touch base with all residents before it went to Public Hearing and asked council to send anyone her way.

Mayor Harris complimented her on the presentation she presented. He stated that it was very informative and thanked her for a job well done.

### CITIZENS COMMENTS

Sam Mustaine stated that he purchased a house on South Lane in the winter time and without going into a lot of detail there was a cat problem on South Lane and 115 South Lane there was an unoccupied house and the last count there were 9 adult cats roaming and one kitten and the lady who feeds them dropped off 2 kittens a few nights ago. He stated that the person who owned it had her daughter and son-in-law to come over on a daily basis to feed the cats. He stated that they ran wild on his property more than anyone else's. He stated that he had talked to animal control about it in Tazewell County and they indicated there was not a single code or law in regards to cats but a lot for dogs. He stated that the reason he came in was to find out what the remedy was if there was one to keep these cats from defecating and throwing up on his property.

Mr. Freedman stated that it was something they had looked at before and currently did not have a Cat Ordinance so we had no way of regulating cats themselves but what could be done was the Property Maintenance Department could go over and look at the house and if there were a problem with the house they could address the situation and if it were in that bad of shape possibly set it up for condemnation and the Town could take away the cats habitat to hopefully eliminate the problem.

Mr. Mustaine stated that the outside of the house looked just fine.

Mr. Freedman stated that it was probably something they just needed to go over and look at and asked if it was a vacant home.

Mr. Mustaine said yes.

Mr. Freedman asked where the cats were and if they were going underneath the house.

Mr. Mustaine stated in his yard, the carport and that they just roam the neighborhood.

Mr. Freedman stated that the problem was not with the house on South Lane.

Mr. Mustaine stated no that it was the cat problem with no solution.

Mr. Freedman stated that he misunderstood that and apologized.

Mr. Watson stated that the problem was that the State of Virginia did not regulate cats. He stated that the Town looked into seeing if they could help this problem. He stated that the local animal shelter did not accept cats and one thing they were trying to look into doing was the possibility of doing some type of spay/neuter program which did not get rid of the cats that were there but would fix the wild ones. He stated that he understood where he was coming from but as a Town we did not have the ability to pick up cats legally.

Mr. Mustaine stated that Tazewell County told him the only thing they could do was #1-he lived in the Town of Bluefield so they could not come into the Town but the only thing they could get involved with was if a cat bit someone. He asked if this was something he just had to live with.

Mr. Watson stated that as a municipality legally we could not come out and take the cats.

Chief Gunter stated that there was nowhere in Tazewell County that accepted felines.

Mr. Watson stated that the long term solution was to try and get them fixed and the short term was very difficult in the State of Virginia.

Mr. Mustaine stated that they needed to stay on them.

Mr. Watson agreed.

Mr. Justice asked if that was legal for her to drop 2 cats off.

Mr. Freedman stated that the abandonment of animals was not legal but that was a separate issue from the existence of the cats.

Chief Gunter said there were many variables.

Mr. Mustaine stated that he thought it was worth coming over to mention it.

Mr. Holt asked if there was a way for someone to go out and check to see if there was abandonment issues or littering or food pans.

Mr. Freedman stated that he would check with Property Maintenance to see if they were familiar with the area because this typically happened with houses that were not taken care of.

Mr. Presley suggested sending a letter to them asking them to stop.

Mr. Watson stated that he lived on North Lane and had the same issue and one that slept on his furniture although he did not feed it. He stated if there was a solution he would definitely help him out.

Mr. Mustaine stated that he thought it was worth it to come and mention it to them.

Mayor Harris stated that there was a place in Falls Mills and asked if they were still taking animals in.

Someone said no.

David Wohlford stated that he was there in regards to the stadium and thought it was a great idea if it worked and they had the money. He stated that the one thing he did not like was it being dropped like a bombshell when they had been talking about it for 2-3 years and always in Executive Session with 5-6 people. He stated that no one came around this place because nobody knew what was going on and everything they done was done in Executive Session and that was unacceptable. He stated that the statement regarding the football field when it was released, should have been something that could have smoothed out and been presented and now the people of this town looked at it that they were getting ready to spend a bunch of money on something that they did not have money to back up with. He stated quite frankly they needed to have a referendum and he was not above starting one. He stated that it was unacceptable to take everything away from the people in this community and then just drop it on them. He stated that every council meeting they came too and they went into Executive Session and no one had a clue what they were talking about. He stated that they had Work Sessions and came out and spilled out 2 or 3 little items and the citizens had to either like or not and they could not see that there were any results. He thanked them.

Mr. Justice asked Mr. Freedman if in Executive Session there was a limit to what they could discuss so he was not for sure that he was talking about Executive Session maybe Planning Session because they did not discuss all issues in Executive Session.

Mr. Freedman stated no.

Mr. Wohlford stated that was pretty much what was going on.

Mr. Justice stated that there were certain legal ramifications.

Mr. Watson stated that according to VA State Code there was a list of exemptions that they were allowed to discuss including legal advice, personnel, projects that had not been announced and there were reasons why that these things were done. He stated that every time they had an Executive Session that afterwards that every member of the board verified that the information that was said during that meeting pertained to the issue that they went under so every action that had been done by that board was a legal action. He stated that property was also one and if they knew that a piece of property was going up

for sale that this protected them from someone going out and buying that property to charge more money as a taxpayer. He stated that those were reasons why so the Executive Sessions were allowed by State Code and verified by the board and he was sure that the attorney would bring attention to something that they were talking about that did not fall under those guidelines.

Mr. Wohlford stated that there was so much that went on that nobody had any ideal about and when it did come out then it was just like take it or leave it. He stated that they had the right to select what they wanted in Executive Session and did not have to disclose everything but there were some times that it should be discussed and the way he sees it was where they were dropping the ball because this thing with the football was completely out of line. He stated that as far as the public knew it was being built and nothing about going out for engineering, etc.

## TOWN MANAGER'S REPORT

### *Multi-Use Facility Engineering Bids*

Mr. Watson stated that the engineering bids for the Multi-Use Facility were due May 25<sup>th</sup> and once they received those bids they would go on to grading them and working toward a contract to do the engineering side of this project.

### *Town Offices Closed*

Mr. Watson stated that Town Offices would be closed Monday, May 28<sup>th</sup> for Memorial Day. He stated that Monday's trash will be picked up on Friday, May 25<sup>th</sup>.

### *James H. Drew Carnival*

Mr. Watson stated that the carnival would be in town on May 29<sup>th</sup> – June 3<sup>rd</sup>. He stated that we would participate as they always did.

### *Grant*

Mr. Watson stated that he would like to give Mrs. Roberts a compliment as well because yesterday they received an email from the State of Virginia receiving \$456k of non-matching funds to pave from North Street to the end of Town, paving and milling from about Grey and Honey to the Town limit lines which would be done through a grant which had taken about 3 years to receive.

## COUNCIL COMMENTS

Mr. Riffe stated that he had just found out that the G-Girls Soccer team won semifinals so they would play against Richlands tomorrow night in district so

congratulations to them and the Boys soccer team won last night and asked if anyone knew if they had won tonight.

Mr. Presley stated that they had a game at 5 p.m.

Mr. Riffe stated that Mr. Linkous brought up an escrow account on insurance that had him thinking about it and stated that it would be a good way to look at it and if they used the funds then they did and if not then they did not and would be a way to possibly sway him. He stated that they always talked about putting things on a ballot and why not put the multi-use facility on a ballot to see if the citizens were for it or against it. He suggested putting it on Facebook or a social media page to get input because now they had people coming in saying stop what are you doing, how are you doing it, etc. He stated that he was glad to see paving going out that way and would love to see Main Street get paved.

Mr. Jones stated that he was blindsided Monday night at the Board of Education meeting passing 4-1 to play the home games in Tazewell. He stated he was the only one against it and it became a real issue because the boys told the coach they would quit and not play football so he called the coach and asked to meet with him and they said they would play all of the away games. He stated that he did not come right out and say it but felt that they were saying that someone was not looking after them. He stated that he asked the board if they would give it 3-4 days and the next day he got negotiations starting with Mercer County to rent the stadium.

Mr. Presley asked if it would be the same price.

Mr. Jones stated that it would be a better price. He stated that he had also heard on the parking lot charges and the City Manager told him that it would only be \$0.25 per car.

Mr. Presley asked if that was built into the ticket price or when you got there you had to pay then.

Mr. Jones stated that we would pay on so many per year when we collected it and when the ticket was sold, it would be on it.

Mr. Holt addressed Mr. Justice and stated that he in no way meant to say that wealth was something to be ashamed of and if it were something that people worked for and earned then good for them. He stated that he was proud of him and that any business owner in this town that had amassed wealth too then good for them but with great wealth came a responsibility and how they handled that money and how they treated their employees and putting things back into the community then that mattered to him. He stated when they had employees here that suffered if they lost \$250 that was a lot of money to them and it may be insignificant to some people but in the world he lived in and that was the comment he took exception too was in the world he lived in he made \$44k year with a Master's Degree and 12 years of Police Service and \$250 meant something to

him and his wife and his son. He stated that was the comment he took exception too and for them not to put words in his mouth when he said that wealth was something to be ashamed of. He stated that he was not saying that wealth was something he should be ashamed of and hated bringing it up because he was not there but when they had someone that came into their council chambers and said that this was the world we lived in, we just have to accept it that an employee should have to pay \$10k in deductibles out of pocket plus \$1,300 per month so that they could have health insurance, he stated that he found that shameful and did not apologize for it and would say it again. He stated that they had a good relationship and had talked before and he would not apologize for it and that was unfortunate but he would double down on his comment and found that shameful and took exception to it when they were trying to provide for some very needy employees that worked for the Town and were great people who worked hard and were deserving of their support as public leaders.

Mr. Holt addressed Mr. Linkous over his concern of usage of social media and stated that he stood by his comments and was used to getting the heat and working in it because he had been a Police Officer for 12 years and to trust him when he said that it had come with its own trials and tribulations. He stated that he could take it.

Mr. Holt addressed Mr. Wohlford concerning not engaging the public enough and doing things in the back. He stated that he did not, that he put a lot of things on Facebook to keep people informed and since he had been on council they had started recording the meetings so that they could keep the public informed for those who could not make it to a meeting, who had children or medical issues but that transparency mattered to him and his fellow councilmembers because most of them voted for it. He stated that he did things like coffee with a councilman and his phone number and email address were both posted on the internet and those who have had concerns before tonight, they had not talked to them and he tried to make himself very available and would be meeting a guy at his home later this week because he asked him too. He stated that he was aware that there was a world outside of social media and did talk to the citizens and talked to them on the phone quite a bit and in the community where he coached on the little league or when he volunteered on the various community boards.

Mr. Holt addressed the comment Mr. Linkous made and that as far as the escrow account was concerned, the comment was made that a minimum wage worker would blow the money if given to them. He stated that these people who made minimum wage or who made a lower wage than what he made was still capable of rational thought and understood that they needed to save money for health care, tires, etc. and as government officials if they were going to give them \$500 then give it to them and not meddle in their personal lives and tell them that we knew better than they did and were going to save it for them. He stated that was why he would be against it. He stated that he may seem upset but he did not like it when other people put words in his mouth and he was not saying that wealth was something to be ashamed of so he wanted to clarify that.

Mr. Presley stated that he and Mr. Holt talked about this at one time but they did not have a backup plan. He stated that if the school board changed in a few years and

they did not want to give them money for the stadium then what would they do, if Bluefield College did not want to, if less people smoked cigarettes what would they do. He stated that his question to council was they wanted to spend the money but did not have a backup plan whatsoever for additional revenue. He stated that he did not want to go into too many details because they had Executive Session on the stadium and would talk more about it in there. He stated that they Police Department was awesome and Chief done a great job and the Town Employees did a great job and Mrs. Roberts did a great job the other night. He stated that Mr. Riffe did a great job as commentator at Graham High School the other night while he got to judge the Mr. G-Men Pageant and wanted to get on a happy note. He stated that he appreciated everyone in Town including the business people and loved everyone's comments because when they spoke it was no one ways right and the other ways wrong. He stated that they all needed to work through it and he would like to see the stadium happen but they had to make it physically responsible and all of the young people were leaving and the demographics were getting older so they needed to try and reverse that because there were a lot of variables to it. He stated that he appreciated everyone coming out.

Mr. Holt stated that he wanted those folks that were there to know that they had talked about the stadium for 2 years and did not know what had been conveyed to them by members on the board but every single member sitting up there right then agreed to everything they talked about until it became public so that was from him to them. He stated that it was always let's move ahead with it so a lot of the concerns they were hearing right now they were only hearing now was because it was in public.

Mr. Trigg stated that concerning the pavement near BB&T there was a couple of big holes and wondered if anything was going to be done about them.

Mr. Watson stated that we filled them once but the problem with it was that was private property and last year we filled them once because of the issue and tried to send them a bill, but we could call them again and fix it but it was hard to go on someone else's property.

Mr. Trigg stated that the other thing was there were a couple of bushes that you had to pull up too far to even be able to see.

Mr. Watson asked if he was talking about McDonalds and Wendy's.

Mr. Trigg stated near BB&T and asked someone to look at it. He stated that before he left council they had talked about a slab for the playground on Depot Street and was wanting to see if they could talk to someone to do it.

Mayor Harris stated that he had already discussed that with Mr. Watson and a bathroom that was scheduled to be put in some time back. He stated that Mr. Trigg's brother had approached him about it at the pig roast and showed him where the slab would be placed. He stated that it was needed for the barbecue grills.

Mr. Watson stated that all he needed was for someone to show him where they wanted it at but did agree. He stated that he would need to mark it off and to be honest they were trying to put restrooms in the different parks and it was a work in progress and he could not give them a day when it would be done.

Mrs. Oakes-citizen stated that concerning potholes there were two on Depot Street near the church that needed to be looked at.

Mayor Harris stated that the Town has had a problem getting asphalt from the asphalt company and we did not buy that much asphalt but as soon as it became available he was sure it would be taken care of. He stated that a good example of communicating with people was he and the Oakes and communicated with them all of the time and that most of his fellow councilmembers when received calls responded to them or referred them to the Town Manager who oversees everything in the Town so he has total control of future development of our town . He stated that he would also like to compliment Chief Gunter for the Police Officer walk that took place and like to thank those involved in putting it together on such short notice. He stated that he would like to have time to plan something where everyone could come out and support the police officers.

Chief Gunter stated that Tammy Horn put it together and she did a great job on it and next year would be a much bigger event.

### ATTORNEY REPORT

#### *Non-Exclusive Telecommunications Franchise Bids, POSSIBLE VOTE*

Mr. Freedman stated that they had received one bid for the non-exclusive telecommunications franchise bid. He suggested that they open the bid. Mayor Harris opened the bid.

Mayor Harris stated that he did have one bid there from Lumos Networks. He asked if there were any additional bids.

There were none.

Mr. Watson stated that he was sure what was there was correct but asked to wait until the next meeting to be able to look through it before they accepted it and voted on it.

### EXECUTIVE SESSION

Councilmember Holt made a motion to enter into Executive Session pursuant to *Code of Virginia Section 2.2-3711-A-1.3* and Mr. Freedman 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.

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

Council entered into Executive Session at 8:57 p.m.

Councilmember Holt made a motion to enter out of Executive Session. Councilmember Jones 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 Mr. Freedman 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 22<sup>nd</sup> day of May.

Councilmember Trigg seconded the motion.

#### **ROLL CALL VOTE**

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

The motion passed unanimously by Roll Call Vote.

Mr. Holt made a motion to move that the Town and the staff be permitted to proceed with the recreational multi-use facility with the full intent to complete such project. Mr. Jones seconded the motion.

Mayor Harris asked for a Roll Call Vote.

**ROLL CALL VOTE**

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Councilmember Trigg:	Yes
Councilmember Presley:	No
Councilmember Holt:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Vice-Mayor Riffe:	No

The motion passed 4-2 by Roll Call Vote.

Mr. Riffe asked concerning the carnival if they could go back and get fees from them.

Mr. Watson stated that they were charged \$1,200 for carnival fees.

Mr. Riffe asked if they actually paid it.

Mr. Watson stated yes that the City of Bluefield wrote out the check.

Mr. Presley asked why they paid us if the City of Bluefield owned it.

Mr. Watson stated that it was in Town Limits.

Mr. Presley asked if that was for the Police as well.

Mr. Watson stated no that we were reimbursed by James H. Drew for officers assigned during that time.

Mr. Riffe asked if the other employees were as well.

Mr. Watson stated no that was a donation to help with the Chamber and help with the event.

Mr. Riffe asked if the City also provided employees.

Mr. Watson stated yes that each one had a list of duties.

**ADJOURN**

Mr. Holt made a motion to adjourn the meeting at 9:43 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

