

**Town of Bluefield
Town Council
Minutes
July 24, 2018**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, July 24, 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
Ron Holt, Councilmember
Chuck Presley, Councilmember
Anglis Trigg Jr., Councilmember

ALSO PRESENT

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

ABSENT

Lee Riffe, Vice-Mayor

CALL TO ORDER

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

INVOCATION AND PLEDGE

Lee McKinnon, Covenant Reformed Baptist Church 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 Holt 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

Term Limits Discussion, POSSIBLE VOTE – Lesley Clemons

Mrs. Clemons stated that the issue of term limits was something that had been brought up several times in the previous Council Meetings and Work Sessions for discussion. She stated that staff was directed to include a survey in the recent newsletter regarding term limits to receive feedback from the citizens. She stated that in council's packet was an email that included the responses received. She asked for council to vote and give staff formal direction as to how to proceed whether it be a vote to move forward with the next step in this process or if they would like to redo the survey.

Mr. Holt asked if there would be a sponsor to carry it.

Mr. Presley suggested bringing it back in a month.

NEW BUSINESS & REPORTS

Digital Sign at Treasurer's Office Discussion – Lesley Clemons

Mrs. Clemons stated that in council's packet was a copy of an email containing 2 quotes for digital signs. She stated that it had been discussed during a previous Council Meeting for staff to look into pricing and options for placing an LED Sign at the Treasurer's Office so that Town information could be updated and seen similar to the digital sign at the fountain. She stated that the digital sign would be mounted to the front outer wall of the building facing Virginia Avenue. She stated that there was currently an older sign in which someone had to manually add and remove the letters to create a message. She stated that the companies that we received quotes from came and looked at the location and where it would be placed to determine what size sign would work best for the space. She stated that the quotes received were for 2 different sizes: 32" x 96" for \$10,902.50 including installation and 48" x 104" for \$13,925 including installation. She stated that both signs were single-faced, full-color electronic message centers and both had a 10 year warranty on parts and on-site labor.

Warhawk Sign Update – Lesley Clemons

Mrs. Clemons stated that a few months ago some community members of the North Side Neighborhood approached council requesting the official name of what was known as Depot Street Playground to Warhawk Park. She stated that the name came from the Warhawk Mascot of the old Tazewell County High School which was originally located in that area. She stated that staff had been communicating with Mrs. Green and other members of the community to work out the details of the sign including the image

of the mascot so that a sign could be made. She stated with that being said the sign was now complete and turned out beautiful. She stated that it would be mounted at the corner of the fence at the Warhawk Playground and the official unveiling of the sign to the community would be held during the Annual North Side Community Picnic that was held on Saturday, August 25th around 4 p.m.

Resolution: Grant Blanket Project Funding Commitment, VOTE – Billie Roberts (attached at the end)

Mrs. Roberts stated that a copy of the Grant Blanket Project Resolution was in council's packet and needed a motion to approve it.

Mr. Holt made a motion to approve the Resolution: Grant Blanket Project Funding Commitment. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

CITIZENS COMMENTS

None.

Mayor Harris thanked Ronald and Marsha Spease for helping with the cleanup day.

TOWN MANAGER'S REPORT

School Resource Officer Update

Mr. Watson stated that the Police Department received a grant from the Virginia Department of Criminal Justice Services in the amount of \$36,327 in State Funds and \$12,923 in Matching Funds for a total award of \$49,250. He stated that this grant would be used to provide an additional School Resource Officer to work between the local schools.

Pride of the Bluefield's Night

Mr. Watson stated that Pride of the Bluefield's Night at the Ballpark would be on Friday, August 3rd with the game starting at 7 p.m. He stated that employees and their family members would get in for free and also receive \$5 each for concessions.

Field Fest

Mr. Watson stated that Field Fest would be on Thursday, August 9th in downtown Bluefield, VA with Ruff Kutt performing.

Autumn Jamboree

Mr. Watson stated that the Autumn Jamboree would be held on Saturday, September 1st in downtown Bluefield, VA beginning at 1 p.m.

VML Conference

Mr. Watson stated that the VML Conference would be September 30th – October 2nd in Hampton, VA.

Town Seal

Mr. Watson stated that he had received a quote for the seal to go on the back wall and hoped to get it ordered soon.

Vacation

Mr. Watson reminded council that he would be on vacation next week.

COUNCIL COMMENTS

Mr. Trigg stated that they had done a good job on the wall and asked what would happen when it stopped.

Mr. Watson stated that they would put some back fill dirt and plant some shrubs. He stated that hopefully during the winter months staff would be able to build fencing like what was at Hockman Pike.

Mr. Presley gave a shout out to the Police Department. He stated that they should pick up trash every quarter and have teams donate their time to come and help. He suggested extending the roof at the Depot Street Park and that they were also asking for a bathroom.

Mr. Holt stated that everyone recited the pledge with pride. He congratulated Chief Gunter on the grant.

Mr. Jones stated that they received a signed copy of the contract from Mitchell Stadium from the School Board which would include JV. He stated that the state gave them \$7k for every kid in the school system and they had received several calls about people transferring their children to other schools to play sports.

Mayor Harris thanked Mr. Holt for the key given to Mr. Landers at Bowen Field.

ATTORNEY REPORT

Mobile Food Truck Ordinance, 1st Reading – VOTE

Mr. Freedman stated that this would be the 1st Reading for the Mobile Food Truck Ordinance and would read it in its entirety in the back of the room. He asked for a motion to approve the 1st Reading.

Mr. Holt made a motion to approve the 1st Reading of the Mobile Food Truck Ordinance. Mr. Presley 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 14TH DAY OF AUGUST, 2018.

AN ORDINANCE TO CREATE, BY CREATING DIVISION 13 (MOBILE FOOD ESTABLISHMENTS) OF ARTICLE VII (SUPPLEMENTARY DISTRICT REGULATIONS) OF CHAPTER 74 (ZONING) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Division 13 of Article VII of Chapter 74 of the Code of Ordinances, Town of Bluefield, Virginia is hereby created to read as follows:

DIVISION 13. MOBILE FOOD ESTABLISHMENTS

Sec. 74-1056. Definitions.

The term “mobile food establishment”, when used in this division, shall mean any movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, serving, and selling of food and operated at temporary locations. This definition shall include, but not be limited to, food trucks, food trailers, and food carts.

The term “private event”, when used in this division, shall mean any event on behalf of or sponsored by a nonprofit or charitable entity, agency, institution, or organization within the corporate limits of the Town of Bluefield.

The term “public activity”, when used in this division, shall mean any activity on behalf of or sponsored by a governmental entity, governmental agency, or governmental institution within the corporate limits of the Town of Bluefield.

The term “public right-of-way”, when used in this division, shall mean, but not be limited to, the surface of any public street, public sidewalk, public parking lot, public road, public lane, public boulevard, or public alley maintained by the Town of Bluefield.

Sec. 74-1057. Permissible zoning districts; exception.

Mobile food establishments shall only be permitted to operate in nonresidential zoning districts.

With the written approval of the town manager and zoning administrator of the Town of Bluefield, a mobile food establishment may be permitted to operate in a residential zoning district so long as such operation is connected to a public activity or private event.

Sec. 74-1058. Mobile food establishments and the tax on meals.

Mobile food establishments operated within the corporate limits of the Town of Bluefield shall be subject to the provisions of the tax on meals imposed under Article VIII of Chapter 50 of the Code of Ordinances, Town of Bluefield, Virginia.

Sec. 74-1059. Mobile food establishments and the license tax on businesses.

Mobile food establishments operated within the corporate limits of the Town of Bluefield shall be subject to the provisions of the license tax imposed under Article III of Chapter 50 of the Code of Ordinances, Town of Bluefield, Virginia.

Sec. 74-1060. Mobile food establishment permit.

Prior to the operation of a mobile food establishment within the corporate limits of the Town of Bluefield, the owner of such mobile food establishment shall apply to the zoning administrator of the Town of Bluefield to obtain a mobile food establishment permit. Such permit shall be valid for a period of one (1) year from its date of issue, and shall only be issued upon the applicant's completion and proof of the following:

- 1) The payment of a \$25.00 permit fee to the Town of Bluefield; and
- 2) Possession of all valid health permits required by the Virginia Department of Health.

Upon expiration of a mobile food establishment permit, the owner of such mobile food establishment shall reapply to the zoning administrator of the Town of Bluefield to obtain a new mobile food establishment permit if such mobile food establishment will continue to be operated within the corporate limits of the Town of Bluefield.

The zoning administrator, with the written approval of the town manager, may waive an applicant's permit fee once for good cause. Good cause being defined herein as a circumstance where a restaurant or mobile food establishment has regularly and lawfully operated within the corporate limits of the Town of Bluefield for at least six (6) months preceding July 1, 2018.

Sec. 74-1061. General requirements of all mobile food establishments.

All mobile food establishments operated within the corporate limits of the Town of Bluefield shall adhere to the following:

- 1) With the exception of public activities and private events, a mobile food establishment shall not be operated on any public right-of-way;
- 2) A mobile food establishment shall not, at any time, (i) block main entry drive aisles or affect pedestrian or vehicular circulation overall, (ii) block access to loading areas, (iii) block emergency access or fire lanes, (iv) block access to any public right-of-way, (v) block access to any handicapped parking space, or (vi) obstruct the view of any intersection of public rights-of-way;
- 3) A mobile food establishment, at all times, shall be positioned at least twenty-five (25) feet away from all fire hydrants and fire department connections;
- 4) All signs associated with a mobile food establishment shall either be (i) permanently affixed to such mobile food establishment or (ii) placed within five (5) feet of such mobile food establishment;

- 5) Trash receptacles shall be provided by the owner or individual operating a mobile food establishment, and all trash, refuse, or recyclables generated thereby shall be properly disposed of in a lawful manner;
- 6) The owner or individual operating a mobile food establishment shall ensure the thirty (30) foot radius surrounding such mobile food establishment is kept clean and free of all litter and debris; and
- 7) No liquid waste shall be discharged from the premises of a mobile food establishment.

Sec. 74-1062. Mobile food establishments, public activities, and private events.

A mobile food establishment may be operated at any public activity within the corporate limits of the Town of Bluefield so long as the owner of such mobile food establishment has received written permission from the coordinator of such public activity. The owner or individual operating such mobile food establishment shall ensure strict adherence to any requirements provided by the coordinator of such public activity.

A mobile food establishment may be operated at any private event within the corporate limits of the Town of Bluefield so long as the owner of such mobile food establishment has received written permission from the coordinator of such private event. The owner or individual operating such mobile food establishment shall ensure strict adherence to any requirements provided by the coordinator of such private event.

A mobile food establishment permit shall not be required in the event a mobile food establishment is only operated at private events and/or public activities within the corporate limits of the Town of Bluefield.

Sec. 74-1063. Mobile food establishments and permit revocation.

A permit issued pursuant to this division may be revoked by the zoning administrator of the Town of Bluefield in the event the owner of a mobile food establishment fails to ensure strict adherence to the applicable requirements of this division. Notice of such revocation shall be made in writing by the zoning administrator of the Town of Bluefield by (i) certified mail to the last known address of the owner of the mobile food establishment and (ii) personal service upon the individual operating such mobile food establishment.

The owner of a mobile food establishment may appeal such revocation to the Board of Zoning Appeals within ten (10) days of the date such notice is served or received, whichever is later.

Failure to note an appeal with the zoning administrator of the Town of Bluefield within the stated time frame shall constitute a waiver to such right of appeal.

The zoning administrator of the Town of Bluefield may grant the owner or individual operating a mobile food establishment a period of three (3) days to comply with any violation under this division prior to revoking a mobile food establishment permit.

Sec. 74-1064. Penalty for violation.

In the event a mobile food establishment is operated within the corporate limits of the Town of Bluefield in violation of this division, then the owner or individual operating such mobile food establishment shall be subject to a civil penalty of \$50.00 for a first offense and \$200.00 for a subsequent offense occurring within a period of two (2) years from the date of a first offense.

Each day a violation of this division continues shall constitute a separate and distinct offense.

The zoning administrator of the Town of Bluefield may grant the owner or individual operating a mobile food establishment a period of three (3) days to comply with any violation under this division prior to assessing a civil penalty.

Secs. 74-1065—74-1070. 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 14th day of August, 2018.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall be effective on the 14th day of September, 2018.

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 on this 14th day of August, 2018.

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PUBLIC HEARING:	07/24/2018
FIRST READING:	07/24/2018
SECOND READING:	08/14/2018
ADOPTION DATE:	08/14/2018
EFFECTIVE DATE:	09/14/2018
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
TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

ATTEST:

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

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 Section 2.2-3711-A-1.7* 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.

Consultation with legal counsel and briefings by staff members of consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

Council entered into Executive Session at 8:25 p.m.

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

Councilmember Holt 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 24th day of July.

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:	Absent

The motion passed unanimously by Roll Call Vote.

ADJOURN

Mr. Presley made a motion to adjourn the meeting at 8:45 p.m. Mr. Holt seconded the motion. The motion passed unanimously by voice vote.

Don Harris, Mayor

Lesley Catron, Town Clerk

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 24TH DAY OF JULY, 2018.

**RESOLUTION TO GRANT BLANKET PROJECT FUNDING
COMMITMENT AND SIGNATURE AUTHORITY**

WHEREAS, the Town of Bluefield is a recipient of Virginia Department of Transportation funds under various grant programs for transportation related projects; and

WHEREAS, the Virginia Department of Transportation requires each locality, by resolution, to provide assurance of its commitment to funding its local share of all of its various transportation related projects.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia, where applicable and in accordance with the appropriate financial documents, hereby commits to fund the Town of Bluefield's local share of the various transportation related projects which are under written agreement with the Virginia Department of Transportation.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town Manager for the Town of Bluefield, Virginia is hereby authorized to execute, on behalf of the Town of Bluefield, all agreements, addendums, attachments, and the like which are related to the aforesaid transportation related projects under written agreement with the Virginia Department of Transportation.

~~**BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA**~~ that this resolution is adopted on this 24th day of July, 2018, and shall be effective the same date.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Donald R. Harris, the Mayor of the Town of Bluefield, Virginia, shall execute this resolution on behalf of the said Council.

IT IS SO RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA on this 24rd day of July, 2018.

