

**Town of Bluefield
Town Council
Minutes
September 25, 2018**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, September 25, 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
Lee Riffe, Vice-Mayor

ALSO PRESENT

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

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

APPROVAL OF AGENDA

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

CITIZEN REQUESTS & SPECIAL PRESENTATIONS

Special Presentation: Recognition of Lieutenant Pete Beavers – Mayor Don Harris

Mayor Harris asked Lt. Beavers to come forward.

Mrs. Catron read the following resolution:



**TOWN OF BLUEFIELD
RESOLUTION
LIEUTENANT PETE JESSIE BEAVERS III**

WHEREAS, Lieutenant Pete Jessie Beavers III began his career with the Town of Bluefield, serving as a Police Officer for the Bluefield, Virginia Police Department in February 1992; and

WHEREAS, he completed K-9 training and was promoted to a K-9 Officer in January 2000; and

WHEREAS, he was promoted to Lieutenant in January 2007 and was sworn in as an official Lieutenant for the Bluefield, Virginia Police Department in February 2007; and

WHEREAS, Lieutenant Beavers completed his Bachelor's Degree in Criminal Justice from Bluefield College in December 2011, while continuing to work full-time for the Department; and

WHEREAS, during his 26 ½ years working for the Bluefield, Virginia Police Department, Lieutenant Beavers patrolled, responded to emergency calls, and carried out his duties and responsibilities fairly and justly, even during threatening and dangerous situations; and

WHEREAS, the job of a Law Enforcement Officer is risky and incurs a higher rate of injury than many other jobs; and

WHEREAS, working as a Law Enforcement Officer requires possessing a specific skill set, including perception, leadership skills, the ability to multi-task, good judgment, strong communication, professionalism, and physical stamina; and

WHEREAS, after many years of protecting and serving the community in which he lived, Lieutenant Pete Beavers retired from the Department in September 2018.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA, hereby recognizes the years of dedicated service of Lieutenant Pete Beavers as a Law Enforcement Officer for the Bluefield, Virginia Police Department.

Adopted the 28th day of August 2018. Presented the 25th day of September 2018.

Donald R. Harris, Mayor

Lesley L. Catron, Town Clerk

COMMITTEE REPORTS

None.

UNFINISHED BUSINESS & REPORTS

Rezoning of Sections of College Ave. & Spring St. Discussion, VOTE – Billie Roberts

Mrs. Roberts stated that Planning Commission voted to rezone a portion of South College and Spring Street. She stated that it was the recommendations of the Planning Commission and the Zoning Administrator.

Mr. Trigg made a motion to approve the Rezoning of Sections of College Ave. & Spring Street. Mr. Holt seconded the motion. The motion passed unanimously by voice vote.

NEW BUSINESS & REPORTS

None.

CITIZENS COMMENTS

Frank Pochick, 303 Lynn St. thanked the Town for replacing the water line but stated that he was not notified about the fire hydrant being placed in his yard. He passed out pictures to council. He stated that it was within 2 inches or less of the roadway and was not acceptable to be placed in the middle of the outer portion of his lot. He stated that he was pretty sure that they would not see that anywhere else in town.

Mr. Presley stated that it needed to be in the corner of him and the Williams.

Mr. Pochick stated that it was placed 1 ½ inches from the line.

Mr. Watson stated that it could be moved back 1-4 ft. He stated that they had already put it in and tested it and council could determine whether or not to move it.

Mr. Pochick stated that he wished he would have known in advance but he came home and it was there. He asked council to consider moving it back to the corner of his lot.

Mayor Harris asked what could be done.

Mr. Watson stated that it could be moved back but they would be setting a precedent for anyone to be able to come and ask to have one moved.

Mr. Holt asked if they traditionally told the homeowner before doing it.

Mr. Watson stated no. He stated that he would have to go and look at it.

Mr. Presley asked him to do so.

Mr. Watson stated he would but if council was going to vote to do it then they needed to direct staff as to what to do.

Mr. Presley asked if they could have some protocol as to how to do it.

Mr. Watson stated that they could go around and ask.

Mr. Holt stated that he did not think it was unreasonable. He asked before they placed anymore to talk to the property owners about where it was being put.

Mr. Pochick stated that it was obvious they needed a fire hydrant on that street but just not where it was located.

Mr. Trigg suggested that Mr. Watson go and look at it and see what could be done and bring it back at the next council meeting.

Mr. Riffe asked if it could be moved to the corner.

Mr. Watson stated that it could be moved anywhere council wanted.

Mr. Pochick stated that there were two mailboxes on the side and it could be put there.

Mr. Watson stated that if it were put the other way that it would tear up his driveway.

Mr. Presley stated that he was for moving it but going forward they needed to have standards written.

Mayor Harris asked them to keep in mind what Mr. Watson said about the precedence of it.

Mr. Watson requested a vote.

Mr. Riffe stated that you could not park so many feet from a fire hydrant. He stated that the last hydrant he seen go up was on Bullet Bill and there were no issues there.

Mr. Presley stated that was pre-existing.

Mr. Riffe stated that they needed to check and see as a common courtesy.

Mr. Watson asked if there was a motion to move it.

Mr. Presley made a motion to move the fire hydrant located on Mr. Pochick's property. Mr. Holt seconded the motion.

Mr. Holt stated that he understood the precedence but for this instance they needed to work with him. He stated that the crew did a great job but he respected the property owner's rights.

Mr. Trigg suggested that Mr. Watson and Mr. Pochick come up with something.

Mr. Jones agreed.

Mr. Riffe stated that the homeowner should have been asked.

Mr. Watson stated that if he was not mistaken the end of the pipe was at the end of the driveway.

Mr. Riffe stated the courtesy would have been to put it in between.

Mayor Harris stated that the answer was yes to move it.

Mr. Watson asked if it was unanimous.

Mayor Harris stated yes.

Mr. Watson stated that he would have them do it at the end of the week.

TOWN MANAGER'S REPORT

Sanitary Board Update

Mr. Watson stated that he had a Sanitary Board Meeting this past week and over the last year they had done the Capital Improvement Project and was planning another project. He stated that they would probably see a rate increase and they may ask council to endorse it. He stated that the next meeting was the 3rd or 4th Thursday of the month if council would like to attend. He stated that it would be 11% yearly for 3 years or 33% overall. He stated that their minimum was \$17.30 and he would email council the date of the next meeting.

Grass/Nuisance Discussion

Mr. Watson stated that staff had cut about 30 properties this year and charged them \$350 to it. He stated that our ordinance stated that the notice was good for 12 months. He stated that they received a letter to mow the grass and after that it went through the process of phone calls, etc. and they only got one chance and that was it. He stated that he would not be waiving anymore fees.

Mayor Harris asked if it was a one-time notice.

Mr. Watson stated yes.

Mr. Holt stated that he and Mr. Watson had talked about it and there were some issues with landlords not taking care of their grass. He stated that he would like to see them go after the landlords.

Mr. Watson stated that they were.

Communication Safety Concerns at Local Schools

Mr. Watson stated that there were some Communication Safety Concerns at the local schools. He stated that we donated \$1,500 each year to the local schools. He stated that it would be nice for the schools to talk directly to the Police Department and he would like to see all 4 schools have communication within themselves, each other, the School Resource Officers and radios that went to dispatch. He stated that staff looked at cost and right now between all 4 schools we gave \$6,000/year. He stated that he would like to go ahead and give them the \$6k allotted for next year now. He stated that he spoke with Charlie Stacy and Maggie Asbury and they would be putting in \$2,500 each. He stated that the Town would pick up the cost of the actual piece of equipment that was needed and asked council for another \$2,500 to do this. He stated that he would work on getting the other \$8k. He stated that each school would put their money towards this for this year and next year.

Mr. Holt stated from the law enforcement side in worst case scenarios that seconds mattered and to immediately get that response would be fantastic.

Mr. Watson stated that it would not cost them anymore to use our tower.

Mayor Harris stated that it would be a win-win for the entire county.

VML Conference

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

Student Government Day

Mr. Watson stated that Student Government Day was tentatively scheduled for October 25th.

Recycling

Mr. Watson stated that the landfill was not accepting plastic anymore and he may send something out to the residents advising them that we could no longer take it because we had nowhere to take it too. He stated that staff would put it in the upcoming newsletter.

Mr. Presley asked what the alternative was.

Mr. Watson stated nothing that it would go to the landfill. He stated that it had to be hand separated, cleaned, etc. and was labor intensive.

Mayor Harris stated that the one in Beckley was state of the art.

Mr. Watson stated that the prisoners ran it and he would get more information on it.

COUNCIL COMMENTS

Mr. Riffe stated hats off to staff that the Town Seal on the wall looked great. He stated there was a guy “Melroy Brown” on Rt. 102 who cleaned the front of his house and done a wonderful job and suggested giving him a PIC Award. He stated that he would still like to see a drum added to the Christmas Tree.

Mr. Jones had none.

Mr. Holt had none.

Mr. Presley stated that there was a break-in in Sedgewood and people asked for additional cameras. He gave a shout out to the Police and Fire Department.

Mayor Harris stated downtown on Saturday there were over 100 people at the church in the old Carpetland Building giving away free stuff. He stated that they fixed

800 hamburgers and that he went on Sunday morning and it was very clean and well done.

Mr. Holt stated that the first home game for the Little G-Men being able to use the new score board was really nice and thanked them for it.

Mr. Trigg had none.

ATTORNEY REPORT

Special Events Ordinance Discussion (attached at the end of the minutes)

Mr. Freedman stated that with the permit we would still need an appeals process. He stated that he had made a number of changes and tried to simplify 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 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.

Councilmember Presley 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 25th day of September.

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.

ADJOURN

Mr. Presley made a motion to adjourn the meeting at 9:08 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 ____ DAY OF _____, 2018.

AN ORDINANCE TO CREATE, BY CREATING ARTICLE VII (SPECIAL EVENTS) OF CHAPTER 2 (ADMINISTRATION) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Article VII of Chapter 2 of the Code of Ordinances, Town of Bluefield, Virginia is hereby created to read as follows:

ARTICLE VII. SPECIAL EVENTS

Sec. 2-531. Purpose.

The purpose of this article is to provide a means of reasonably regulating certain public and private events within the corporate limits of the Town of Bluefield in order to preserve the health, safety, welfare, and peace of the citizens of the Town of Bluefield.

Sec. 2-532. Authority.

This article is adopted pursuant to the authority described in section 15.2-1700 of the Code of Virginia (1950) as amended.

Sec. 2-533. Definitions.

The term "building official", when used in this article, shall mean the building official of the Town of Bluefield.

The term "fire chief", when used in this article, shall mean the fire chief of the Town of Bluefield.

The term "police chief", when used in this article, shall mean the police chief of the Town of Bluefield.

The term "special event", when used in this article, shall mean any event conducted within the corporate limits of the Town of Bluefield for the purpose of entertainment, celebration, competition, cultural recognition, or freedom of speech that is reasonably expected to involve the presence of fifty (50) or more persons. A special event shall be deemed to include, but not be limited to, circuses, carnivals, races, parades, marches, festivals, demonstrations, celebrations, performances, dances, and tailgates.

The term "town clerk", when used in this article, shall mean the town clerk of the Town of Bluefield.

The term "town council", when used in this article, shall mean the Council of the Town of Bluefield, Virginia.

The term "town manager", when used in this article, shall mean the town manager of the Town of Bluefield.

The term "treasurer", when used in this article, shall mean the treasurer of the Town of Bluefield.

The term "zoning administrator", when used in this article, shall mean the zoning administrator of the Town of Bluefield.

Sec. 2-534. Permit required; penalty.

A special event permit from the Town of Bluefield shall be required for a special event to be conducted within the corporate limits of the Town of Bluefield.

It shall be unlawful to conduct a special event within the corporate limits of the Town of Bluefield without having first obtained a valid special event permit from the Town of Bluefield.

A violation of this section shall constitute a Class 2 misdemeanor.

Sec. 2-535. Application for a special event permit; certification by applicant.

Any individual, group, organization, or entity desiring to obtain a special event permit from the Town of Bluefield shall apply in writing to the Town of Bluefield, pay a \$20.00 application fee to the Town of Bluefield, and where requested, submit a special event plan for approval as described under section 2-536 of this article.

All applications requesting the issuance of a special event permit from the Town of Bluefield shall be filed with the town clerk at least thirty (30) days before the proposed date(s) of the special event. Such applications shall include, in addition to any other information requested, the name and contact information of the applicant, the sponsorship of the special event, the proposed location(s), date(s), and time(s) of the special event, whether alcohol will be allowed or served at the special event, proof of permission to use the property where the special event will be located, the number of expected attendees at the special event, and proof of adequate insurance coverage.

All applicants seeking the issuance of a special event permit from the Town of Bluefield shall certify that the special event proposed and its accompanying activities shall be in compliance with all applicable laws and regulations.

Sec. 2-536. Special event plan.

The town manager may require a special event plan accompany an application requesting the issuance of a special event permit from the Town of Bluefield. Such plan shall account for the

provision of medical and emergency services, firefighting services, police and security services, crowd and traffic control services, parking, road, sidewalk, park usage and closures, lighting, food and water, noise control, and sanitation facilities and receptacles at a special event.

All special event plans shall be reviewed and approved by the police chief, fire chief, building official, zoning administrator, and town manager prior to a special event permit being issued from the Town of Bluefield. The town manager may request modifications to a special event plan prior to its approval.

Sec. 2-537. Issuance of a special event permit; denial.

The town manager shall issue a special event permit on behalf of the Town of Bluefield within fifteen (15) days of the application for such permit being approved. A special event permit issued from the Town of Bluefield shall only be used for a single special event occurring on a specified date or on multiple specified dates.

The issuance of a special event permit from the Town of Bluefield may be denied by the town manager in the event of the following:

- 1) an applicant fails to entirely or truthfully complete his/her application requesting the issuance of a special event permit from the Town of Bluefield;
- 2) an applicant fails to adequately modify a proposed special event plan to the satisfaction of the town manager; or
- 3) the special event proposed presents activities that are unlawful or threaten the health, welfare, and safety of the citizens of the Town of Bluefield.

In the event the issuance of a special event permit from the Town of Bluefield is denied, then the town manager shall, within ten (10) days of making the decision to deny the issuance of such permit, provide a written Notice of Denial to the applicant stating the reason(s) for such denial.

Sec. 2-538. Appeal.

An applicant who has been denied the issuance of a special event permit from the Town of Bluefield may appeal the denial to the town council. In order to perfect such an appeal, the applicant shall provide a Notice of Appeal to the town clerk within ten (10) days of his/her receipt of the Notice of Denial. Failure to provide a Notice of Appeal to the town clerk within the stated time frame shall constitute an absolute waiver to the right of appeal granted by this section.

An applicant who duly perfects an appeal under this section shall be heard before the town council at their regular meeting which immediately follows the date the Notice of Appeal was received by the town clerk. After hearing the appeal, the town council shall, by recorded roll call vote, determine whether the issuance of the applicant's special event permit from the Town of Bluefield was properly denied. In the event the town council determines the issuance of the applicant's special event permit was properly denied, then the matter shall be deemed concluded. In the event the town council determines the issuance of the applicant's special event permit was

not properly denied, then the town manager shall issue the requested special event permit to the applicant within ten (10) days of such determination by the town council.

Sec. 2-539. Cancellation of special events by police chief or fire chief.

The police chief or fire chief, or their designees, may cause a special event to be denied in the event:

- 1) a special event is conducted within the corporate limits of the Town of Bluefield without a valid special event permit from the Town of Bluefield;
- 2) a special event is substantially in violation of its approved special event plan; or
- 3) the activities taking place at the special event are unlawful or threaten the health, welfare, and safety of the citizens of the Town of Bluefield.

Sec. 2-540. Monetary deposits and surety bonds.

As a condition to the issuance of a special event permit from the Town of Bluefield, the town manager may require an applicant deposit sufficient funds with the treasurer to pay the cost of municipal services necessary to meet the requirements of a special event plan. The actual cost of such services shall be paid to the general fund of the Town of Bluefield out of the deposit, and the difference, if any, shall be refunded to the applicant within ten (10) business days of the conclusion of the special event.

Alternatively, as a condition to the issuance of a special event permit from the Town of Bluefield, the town manager may require the applicant deposit a surety bond with the treasurer in an amount necessary to insure against an applicant's failure to adhere to the requirements of a special event plan.

Sec. 2-541. Exempt events.

A special event conducted by a public school system, local government, or organization whose primary purpose is for religious worship shall be exempt from the requirements of this article when such special event occurs exclusively on property not owned or maintained by the Town of Bluefield.

Sec. 2-542. 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.

Secs. 2-543 – 2-580. Reserved.

