

**Town of Bluefield  
Town Council  
Minutes  
April 22, 2019**

The Bluefield, Virginia Town Council held a rescheduled Town Council Meeting on Monday, April 22, 2019 at 6:00 p.m. in the Council Chambers of the Town Hall located at 112 Huffard Drive, Bluefield, Virginia.

**PRESENT**

Don Harris, Mayor  
Jimmy Jones, Councilmember  
Chuck Presley, Councilmember  
Jarrod Bailey, Councilmember  
Ron Holt, Councilmember  
Anglis Trigg Jr., Vice-Mayor

**ALSO PRESENT**

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

**CALL TO ORDER**

Mayor Harris called the meeting to order at 6:00 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 Holt seconded the motion. The motion passed unanimously by voice vote.

## **CITIZEN REQUESTS & SPECIAL PRESENTATIONS**

### ***Special Presentation: M. Shane Gunter Adult Learning Scholarship Recipient Jonathon Burton – Police Chief Shane Gunter***

Chief Gunter asked Jonathon Burton to come forward. He stated that he applied for the scholarship, was a resident of Bluefield, VA and was majoring in Criminal Justice at SWVCC. He stated that he maintained a 3.8 GPA and would finish his Associates Degree at SWVCC before pursuing his Bachelor's Degree. He stated that he had met all of the requirements and had great recommendations and was an excellent choice to be the first recipient of this scholarship.

## **COMMITTEE REPORTS**

None.

## **UNFINISHED BUSINESS & REPORTS**

None.

## **NEW BUSINESS & REPORTS**

None.

## **CITIZENS COMMENTS**

None.

## **TOWN MANAGER'S REPORT**

### ***VML Regional Dinner***

Mr. Watson stated that the VML Regional Dinner would be tomorrow in Marion, VA at 6 p.m.

### ***Free Spring Clean Up Schedule***

Mr. Watson stated that the Free Spring Cleanup Schedule was in council's packet and call ins would start the week of April 22<sup>nd</sup>.

### ***Field Fest***

Mr. Watson stated that the first Field Fest would be Saturday, May 4<sup>th</sup> in downtown Bluefield, VA 6 p.m. – 9 p.m.

### ***Police Appreciation Walk***

Mr. Watson stated that the Police Appreciation Walk would be held on Saturday, May 18<sup>th</sup> beginning at the Bluefield Police Department at 11 a.m.

### ***Community Clean Up Day and Cookout***

Mr. Watson stated that the Community Clean Up Day and Cookout would be held on Saturday, June 8<sup>th</sup> at 8 a.m. at Pinehill Park.

### **COUNCIL COMMENTS**

Mr. Holt had none.

Mr. Jones had none.

Mr. Bailey had none.

Mr. Presley gave a shout out to the Police Department and Cathy Corte Payne.

Mr. Trigg had none.

Mayor Harris stated that this past week Mrs. Roberts along with a lady from New Graham Pharmacy held a Stakeholders Meeting and had the Economic Development from Marion to come. He thanked her for a great job.

### **ATTORNEY REPORT**

#### ***FOIA/COIA Update***

Mr. Freedman stated that there were new penalties imposed for FOIA. He stated that in the memo council received it showed a \$100 penalty would be imposed for knowingly destroying public records and incorrect or inadequate certification of a closed session was a fine of up to \$1,000. He stated that local elected officials were required to complete such training at least once every 2 years while in office and this requirement had a delayed effective date of July 1, 2020. He stated that additionally there was some training required under the Conflict of Interest Act that was now requiring Ethics training and local elected officials shall complete such training within 2 months after assuming office and thereafter at least once every 2 years. He stated that a local elected official holding office on July 1, 2019 shall complete such training no later than December 31, 2019. He stated that the Conflict of Interest Ethics Council would probably come up with some type of webinar and he would keep them updated on it. He stated he wanted to go over closed meetings with them and generally with the Freedom of Information Act it required 3 components: 1) an identification of the subject matter; 2) a statement of the purpose of the closed meeting; and 3) a specific reference to the applicable statutory exemption from open meeting requirements. He stated with the new penalties in mind,

he felt that it was appropriate to “beef up the process a little bit” so what he did was come up with Exhibit A in the memo. He stated as Mrs. Catron typically reads the Town Council hereby moves she is basically looking for a motion for someone to say so moved and adopts it. He stated that was fine so the first page would stay the same, she would read it and someone would make the motion and adopt it. He stated when coming out of the meeting instead of doing the certification there would be a motion to return to regular meeting. He stated that it was a technical thing and if a motion were made to go into Closed Meeting then there should be a motion to come out of it. He stated that these were some suggestions and he had added on to the description to some degree of what they would be going into Closed Meeting concerning. He stated that the statue called for more of a description than what was currently being read.

Mayor Harris stated that they were basically already doing what he said.

Mr. Freedman stated that the only thing they were missing was the description of the subject. He stated that there were several Freedom of Information Act opinions citing that the statutory language was insufficient.

Mr. Presley asked if they would have to let everyone know what they were going in for.

Mr. Freedman stated that an example would be to read the statutory language and for instance if it were related to property to add the discussion of acquiring property within the Town that could be used for a public park, etc. He stated that it did not have to be worded that way but needed to be added to the subject.

Mayor Harris stated that he understood what he was saying but asked when Mrs. Catron read the section that they were going in under was he wanting more of a clarification of that section.

Mr. Freedman stated that it was not a matter of what he wanted but what was required.

Mr. Holt asked if they would have to specifically name the property.

Mr. Freedman stated that they did not have to go into detail because that would defeat the purpose of an Executive Session.

Mr. Holt stated if they went in under personnel that they could just say personnel matters.

Mr. Freedman stated that it would need to be more specific which would help them all know what they were certifying and would be on record to some degree of what the Executive Session was about.

Mr. Holt asked if he could look around and see how other councils were handling it and come back with something more specific with it later on.

Mr. Freedman stated that he meant no disrespect but he went by what he heard at the local government attorney conferences and what was being taught by more experienced local government attorneys and what the Freedom of Information Advisory Council had given opinions on. He stated that he would be happy to bring back a couple of opinions in the next agenda and allow them to read it.

Mr. Jones stated if they did too much more, then they would not need to go into Executive Session.

Mr. Presley asked if they needed to go in for example something related to the Town Attorney then they would say that.

Mr. Freedman stated that they would not have to say such and such because of the Town Attorney but discussions regarding the Town Attorney, etc. He stated that it could be worded in a way that protected us under the Freedom of Information Act. He stated that he brought it to Mr. Watson and Mrs. Catron and there was a way to state it without exposing the nature of the Executive Session.

Mayor Harris stated that when they came out of Executive Session he asked each individual person if they certified what they went in under then he resumed the regular Council Meeting.

Mr. Freedman stated that they made a motion to enter into Executive Session so they would need to make a motion to enter out of it and then make a motion to certify and do the process the Mayor was saying. He stated that the reason he said that was because the statute stated that the certification had to be made in open session. He stated that this was just a review of the procedures because of changes in the law and the reason he brought it before council.

Mr. Watson asked Mrs. Catron to read the small section that was added on.

Mrs. Catron read the example for what they were going into at the end of this meeting: "Such closed meeting shall be confined to the following subject: The discussion of the possible acquisition of 2 properties in Bluefield, Virginia for Economic Development purposes where competition is expected."

Mr. Watson stated that some do it how we have been doing, some are more detailed, etc. but it was up to the board in how they wanted to do it.

### **MOTION FOR CLOSED MEETING**

I hereby move that the Council of the Town of Bluefield, Virginia enter into a closed meeting to the authority section 2.2-3711 of the Code of Virginia (1950) as

amended, for the purpose(s) of discussing those specific matters described under subsection (A) (3) of that statute, which reads as follows:

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.

Such closed meeting shall be confined to the following subject: The discussion of the possible acquisition of 2 properties in Bluefield, Virginia for Economic Development purposes where competition is expected.

Councilmember Holt made a motion to enter into Executive Session as described above. Councilmember Bailey seconded the motion. The motion passed unanimously by voice vote.

### **MOTION TO RETURN TO OPEN MEETING**

I hereby move that the Council of the Town of Bluefield, Virginia exit its closed meeting, and return to its open meeting.

Councilmember Jones made a motion to return to open meeting. Councilmember Presley seconded the motion. The motion passed unanimously by voice vote.

VIRGINIA: AT A SPECIAL MEETING OF THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA HELD AT THE COUNCIL CHAMBERS OF THE TOWN HALL IN BLUEFIELD, VIRGINIA ON THE 22<sup>ND</sup> DAY OF APRIL, 2019.

### **CERTIFICATION RESOLUTION FOR CLOSED MEETING**

WHEREAS, the Council of the Town of Bluefield, Virginia convened a closed meeting on April 22, 2019, pursuant to a duly adopted motion, attached hereto, and such closed meeting was convened in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, section 2.2-3712 (D) of the Code of Virginia (1950) as amended requires a certification by the Council of the Town of Bluefield, Virginia that such closed meeting was conducted in conformity with the Virginia Freedom of Information Act.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA, that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the closed meeting held on April 22, 2019, to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening such closed meeting was convened were heard, discussed or considered by the Council of the Town of Bluefield, Virginia

### **ROLL CALL VOTE**

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	Yes

Councilmember Jones: Yes  
Councilmember Holt: Yes

**ADJOURN**

Mr. Holt made a motion to adjourn the meeting at 7:08 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



## BUDGET AMENDMENT

2018 / 2019 (#7)

**PURPOSE:** Economic Development – Bank of Graham Building

### Revenue

Line Item		Original Budget	Amended Budget	Change
0100-0509	From Prior	<u>\$208,430.00</u>	<u>\$246,507.00</u>	<u>\$38,077.00</u>
	Years Reserves	<u>\$208,430.00</u>	<u>\$246,507.00</u>	<u>\$38,077.00</u>

### Expenditure

Line Item		Original Budget	Amended Budget	Change
8120-5652	Economic	<u>\$105,000.00</u>	<u>\$143,077.00</u>	<u>\$38,077.00</u>
	Development	<u>\$105,000.00</u>	<u>\$143,077.00</u>	<u>\$38,077.00</u>

**PURPOSE:** Reimbursement from VACORP for Property Damage to P.D. Vehicle

### Revenue

Line Item		Original Budget	Amended Budget	Change
0900-0204	Recovered	<u>\$40,322.86</u>	<u>\$41,573.48</u>	<u>\$1,250.62</u>
	Costs	<u>\$40,322.86</u>	<u>\$41,573.48</u>	<u>\$1,250.62</u>

### Expenditure

Line Item		Original Budget	Amended Budget	Change
1252-4245	Garage / Maint.,	<u>\$8,000.00</u>	<u>\$9,250.62</u>	<u>\$1,250.62</u>
	Tires, Parts	<u>\$8,000.00</u>	<u>\$9,250.62</u>	<u>\$1,250.62</u>

Resolution Approving Financing Terms

**WHEREAS:** The Town of Bluefield, Virginia ("Town") has previously determined to undertake a project for the lease purchase of Town vehicles and a Bobcat, 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 October 18, 2018. The amount financed shall not exceed \$130,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.65%, and the financing term shall not exceed (4) four 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 \_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Mayor/Manager)

SEAL