

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

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, October 22, 2019 at 7:30 p.m. in the Council Chambers of the Town Hall located at 112 Huffard Drive, Bluefield, Virginia.

PRESENT

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

ALSO PRESENT

Mike Watson, Town Manager
Kim Hernandez, Town Clerk
Rachel Looney, Administrative Asst.
Matt Freedman, Town Attorney
Billie Roberts, Comm. Dev. Coordinator
Shane Gunter, Police Chief
6 Members of Public

ABSENT

Jarrold Bailey, Councilmember

CALL TO ORDER

Mayor Harris called the meeting to order at 7:38 p.m.

INVOCATION AND PLEDGE

Jim Drake, Parkview Baptist Church led the invocation. Mayor Harris led the Pledge of Allegiance

APPROVAL OF AGENDA

Mayor Harris removed the Executive Session from the agenda.

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

Vice-Mayor Trigg: Yes
Councilmember Presley: Yes

Councilmember Bailey: Absent
Mayor Harris: Yes
Councilmember Jones: Yes
Councilmember Holt: Yes

CONSENT AGENDA

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

Vice-Mayor Trigg: Yes
Councilmember Presley: Yes
Councilmember Bailey: Absent
Mayor Harris: Yes
Councilmember Jones: Yes
Councilmember Holt: Yes

CITIZEN REQUESTS & SPECIAL PRESENTATIONS

None.

COMMITTEE REPORTS

None.

UNFINISHED BUSINESS & REPORTS

None.

NEW BUSINESS & REPORTS

Census Awareness Day, ROLL CALL VOTE – Kim Hernandez

Mrs. Hernandez stated that November 16th would be Census Awareness Day and read the Census Awareness Day Proclamation that is attached at the end of the minutes.

Mr. Holt made a motion to approve the Census Awareness Day Proclamation. Mr. Presley seconded the motion.

Vice-Mayor Trigg: Yes
Councilmember Presley: Yes
Councilmember Bailey: Absent
Mayor Harris: Yes
Councilmember Jones: Yes
Councilmember Holt: Yes

The motion passed unanimously by Roll Call Vote.

Mayor Harris welcomed Mr. Jones back.

CProp Grant Resolution of Support, ROLL CALL VOTE – Billie Roberts

Mrs. Roberts asked council for a motion to approve the attached CProp (Cumberland Plateau Regional Opportunity Program) Grant Resolution of Support. She stated that it was developed by the Cumberland Plateau Planning District as a reinvest program in Economic Development for the four counties. She stated that we would be applying for it in November.

Mr. Holt made a motion to approve the Census Awareness Day Proclamation. Mr. Presley seconded the motion.

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Absent
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

STARS Update – Billie Roberts

Mrs. Roberts stated that STARS was a study done through VDOT and the next step was an Open House that would be held on Thursday from 5-7 p.m. in the Council Chambers. She stated that it would be an informal meeting like Dominion held to answer questions. She invited everyone to attend and said she had flyers if anyone needed one. She stated that there was a survey they would like completed by November 20th.

Mayor Harris stated that Mrs. Roberts made an excellent presentation at the meeting held at Bluefield College and invited everyone out to attend.

CITIZENS COMMENTS

Dave Wohlford, Sedgewood asked about the grant for the crosswalks at the fountain that appeared we were not going to be able to get put in. He stated that what he was concerned about was although we could get grants should we take them if we could not use them. He stated that he had talked to Mr. Watson and on Summit and Fairway there was water boiling up out of the road very slowly. He stated that it was fixed about the same time it was paved but that repair had come undone and it had to be a significant leak that needed to be looked at. He suggested in the future that the Town sleeve future water leaks under the pavement. He asked since we had bought the Country Club and

had things coming up and went to bid if the Town would be bidding for outside vendors and what was the threshold to have public bids and public openings.

Mr. Watson stated that he thought the State went to \$100k except on engineering which was around \$75k. He stated that we had a different procurement process with the Town that went along with it and if the Town was buying something over \$2k.

Mr. Freedman stated that he would have to check but believed it was \$2,500 but when he said bids it was depending upon what was purchased.

Mr. Wohlford stated that for instance the roof replacement that was coming up for Fincastle that those should be public openings.

Mr. Watson stated that we would get three quotes on it.

Mr. Wohlford stated that he had been playing that game along time and he had seen those quotes opened before the public bid. He stated that the process needed to be secured and with multiple bids have public openings. He stated it was good construction practice and even if they had to they could send their bids into an accounting agency so they were assured there was integrity.

Joyce Johnston stated on behalf of the Sanders House she would like to say a huge thank you to the Town and the surrounding area. She stated that the 2nd year of Twisted History was a huge success with a total of over 746 visitors and 20-25 volunteers helping. She stated that Mr. Watson helped with directing traffic and that donations received helped to keep the cost of tickets down. She stated that they had people staying in hotels and had a sign-up sheet of people wanting to do tours. She thanked the Town for what they did also for the Bluefield, Virginia library.

Mayor Harris thanked her for all of her volunteer work.

Donnie Linkous welcomed Mr. Jones back. He stated that the Town was losing a major employer USI beginning in November because they were moving back to the WV side. He stated that it was an unbelievable building and he had talked to Mrs. Roberts about the Town working to get tenants or dividing it into 4 areas and putting doctor's offices in it. He stated that they were donating the fixtures, etc. to the Town.

TOWN MANAGER'S REPORT

Fire Pumper Truck Resolution, ROLL CALL VOTE

Mr. Watson read the Fire Pumper Truck Resolution attached at the end of minutes. He stated that it was \$600k at 2.55% interest rate for 10 years and the additional cost would be taken out of the LGIP that had already been budgeted. He asked for a motion to approve the Fire Pumper Truck Resolution.

Mr. Holt made a motion to approve the Fire Pumper Truck Resolution. Mr. Presley seconded the motion.

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Absent
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

Mr. Watson stated that staff would be attending a conference in December to show off the custom built truck.

Water CIP Update

Mr. Watson stated that staff had been working on the CIP for two years and the bids came in higher than estimated. He stated that Frizzell Construction was the lowest bidder for Phase I of the project which does not include the meters, water line or the well houses. He stated that he could bring back a list to council if needed and the money for North College was in an LGIP from a sewer surcharge years ago and the labor was being done by the Town. He stated that at the next council meeting he would be asking for approval and that we received a letter from VRA today authorizing the loan in the amount of \$2,169,839 with \$324,163 in forgiveness money at 2.25% for 30 years. He stated that it had been done to State Code.

GMS Special Forces Donation Request

Mr. Watson stated that he had received a donation request from GMS Special Forces for \$50 to help with a trip for the Special Needs Children.

Mr. Presley made a motion to give \$250. Mr. Holt seconded the motion.

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Absent
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

Fall Leaf Pickup

Mr. Watson stated that a copy of the Fall Leaf Pickup schedule was in council's packet and started on the 28th and would be done for several weeks.

Student Government Day

Mr. Watson stated that Student Government Day would be held on Tuesday, October 29th and invited council to attend.

Annual Tree Lighting & Community Gathering

Mr. Watson stated that the Annual Tree Lighting & Community Gathering would be held on November 16th and would also be Census Awareness Day. He stated that the Town was working with them to get a good count.

Christmas Parade

Mr. Watson stated that the Christmas Parade was tentatively scheduled for Saturday, December 7th at noon.

Employee Dinner

Mr. Watson stated that the Employee Dinner was scheduled for Tuesday, December 17th at Fincastle.

Volunteer Dinner

Mr. Watson stated that the Volunteer Dinner was scheduled for Thursday, December 19th at Fincastle.

Legislative Trip

Mr. Watson stated that this year's Legislative Trip would be held January 21-23 and would include Tazewell County and the other Town's.

CProp Grant

Mr. Watson stated that this was important to apply for and it was due by November 15th with a decision made in December.

Summit/Fairway

Mr. Watson stated concerning Mr. Wohlford's concern that they had been trying to fix the situation but that joints come apart in time.

COUNCIL COMMENTS

Mr. Holt welcomed Mr. Jones back. He thanked Jim Drake and Parkview Baptist Church for all the community work they do.

Mr. Jones thanked everyone for welcoming him back.

Mayor Harris stated that it had been a long time and also thanked Parkview for the meal they provide for the volunteers of Bluefield, VA.

Mr. Presley gave a shout out to all the Town employees, Police and Fire Department and invited everyone to come out to the football game Friday night. He stated that he was glad Mr. Jones was back.

Mr. Trigg stated that he was glad to see Mr. Jones back. He stated that he had seen where Amazon had made a visit in St. Paul, VA looking at a location for their 2nd location in the Bristol, Abingdon and St. Paul area. He stated that the first thing that crossed his mind was the Bluestone sitting there available and asked that it be checked into.

Mrs. Roberts stated that she would call Pam and talk to her and see if she had heard anything about it.

Mr. Trigg stated that it looked like the water line was going well and asked if it had been completed.

Mr. Watson stated that we ran into a lot of rock and was working on patching. He stated that we were putting in new lines from the main to the meters, have to pressure test it, chlorinate, have samples and the engineering firm had to verify it before we could start putting asphalt on top of it. He stated that there was about 160ft. left and we saved quite a bit of money by doing it ourselves.

ATTORNEY REPORT

An Ordinance to create Article IV (Public Nuisances) of Chapter 6 (Animals) of the Code of Ordinances, Town of Bluefield, 1st Reading, ROLL CALL VOTE

Mr. Freedman asked council if they wanted him to bring this ordinance back after hearing from the community to exempt those who were working with an organization or on their own and could produce proof to not be punished.

Mayor Harris stated that they needed to utilize the volunteers.

Mr. Holt stated that they needed to work with them.

Mr. Freedman stated that he could bring it back with exemption language at the next meeting.

Mr. Holt stated that the group needed to provide documentation to be kept on file at Town Hall.

Mr. Jones stated that the letter read from the lady in WV was well constructed.

Mr. Freedman stated that it was good to see him back.

Nationwide Opioid Litigation-Class Action Settlement Proceeding Discussion

Mr. Freedman stated that it was entitled on the agenda as: Nationwide Opioid Litigation-Class Action Settlement Proceeding Discussion. He stated that it was a complicated attachment but that a District Court Judge in OH certified a settlement suit and the plaintiffs involved all cities/counties which included a lot of localities. He stated that the attachment was designed to answer any questions as it currently stood. He stated this was attorneys basically representing the class of localities trying to negotiate a settlement. He stated that right now we needed to determine whether or not we wanted to be in the class. He stated that the Town was riding on the coat tale of the county and that the County Administrator had contacted Mr. Watson and in speaking with another attorney, they would like the county to stay in. He stated that his recommendation was if the county stayed in then we should unless we wanted to file our own suit and as long as it was not double dipping.

Mr. Trigg asked what the cost was to us.

Mr. Freedman stated that he was not able to get a definitive answer but the proposed settlement was based on a \$1 billion settlement and counsel anticipated that it would be much higher at the end of the day. He stated that the ratio he sent out via email was accurate but if no settlement was reached questioned if we remained in the settlement would it be any cost to us. He stated that he asked that to the class counsel representative and really did not get an answer but it was possible. He stated in reality these were lawyers working on contingency and if there was a win then they were able to take their costs and fees out of the win at a certain percentage. He stated that it was possible that we could be billed and they could petition the federal court but we could object and he felt certain that other localities would also object. He stated that yes they could bill us but that it was not anticipated.

Mr. Holt stated with the number of plaintiffs that it would be impossible to collect if everyone objected.

Mr. Freedman stated that if Tazewell County won then there was an order of distribution of the funds.

Mr. Watson stated that he did not believe they needed to make a decision now.

Mr. Freedman stated that the deadline was November 22nd, 2019 and a request to withdrawal required an authorized agent. He stated that for Mr. Watson to act on it then we would need some type of formal vote. He stated that he brought it to council for an update and discussion to talk about and if they had any questions to contact him or Mr. Watson.

Mayor Harris stated that the agreement reached was a precedence for future lawsuits.

Mr. Freedman stated yes that he understood there was a fairly recent settlement and that he and Mr. Watson had talked about if in the future whether to bring back and file our own suit in state or federal court. He stated that he would send out to council if they would like a copy of a complaint that was filed in Tazewell County by the Attorney General's Office. He stated that it was a pretty significant action to choose Tazewell County to file this Consumer Protection Act Violation Suit.

Mr. Holt asked him to go ahead and send it out.

Mr. Freedman stated that he would and asked if they had any other questions to let him or Mr. Watson know and that he would bring it back for discussion at the November 12th Council Meeting.

Mayor Harris asked since they were removing the first part of the attorney's report did they need to amend the agenda.

Mr. Freedman stated no that he was taking it as council was deferring the ordinance for further review.

ADJOURN

Mr. Holt made a motion to adjourn the meeting at 8:30 p.m. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Absent
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

Don Harris, Mayor

Kim Hernandez, Town Clerk

Proclamation

Census Awareness Day

WHEREAS, every ten years, Article 1, Section 2 of the United States Constitution mandates a count of all the people living in the United States and its territories, and

WHEREAS, the 2020 Census will address every household in the nation with a simple questionnaire with the goal of counting everyone once, only once, and in the right place, and

WHEREAS, data obtained by the survey will be used to help determine how approximately \$675 billion will be distributed from the federal governments to state, local, and tribal governments annually, and

WHEREAS, up to \$2,000 of federal funding will be lost for each person not counted, as well as upwards of \$20,000 of federal funding lost every ten years, and

WHEREAS, census data helps determine how many seats each state will have in the U.S. House of Representatives and is necessary for the accurate and fair redistricting of state legislative seats, county and city councils and voting districts, and

WHEREAS, a complete count requires a united voice from business, government, community-based and faith-based organizations, educators, media and others to enable the 2020 Census message to reach more of our citizens, and

WHEREAS, to obtain a complete count, we must ensure that everyone in the Town of Bluefield, regardless of racial, social, or economic background, is counted.

NOW, THEREFORE, I, Donald R. Harris, Mayor of the Town of Bluefield, Virginia, do hereby proclaim Saturday November 16th, 2019

BLUEFIELD
18
83
TOWN'S TALLEST TOWER
CENSUS AWARENESS DAY
VIRGINIA

X

Donald R. Harris, Mayor

November 16, 2019

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 22ND DAY OF OCTOBER, 2019.

**RESOLUTION IN SUPPORT OF THE TOWN OF BLUEFIELD
MAKING APPLICATION FOR THE CUMBERLAND PLATEAU
REGIONAL OPPORTUNITY PROGRAM GRANT (CProp)**

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia hereby fully supports the Town of Bluefield's application for the Cumberland Plateau Regional Opportunity Program Grant (CProp), and authorizes and directs the Town of Bluefield, by way of its appropriate agents, employees, and/or officers, to apply for such grant. Such grant will be a source of support for various public economic and community development activities within the Town of Bluefield's corporate limits.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this resolution is hereby adopted on this 22nd day of October, 2019, shall be effective upon adoption, and a copy of such resolution shall be provided to the Town Manager of the Town of Bluefield, Virginia by the Town Clerk of the Town of Bluefield, Virginia.

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 22nd day of October, 2019.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

Resolution Approving Financing Terms

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

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated September 12, 2019. The amount financed shall not exceed \$600,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.55 % and the financing term shall not exceed (10) ten 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) if deemed bank qualified.
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.

By: _____
Title: _____

By: _____
Title: _____

SEAL