Town of Bluefield
Town Council
Minutes
January 28, 2020

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, January 28, 2020 at 7:30pm 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
Jarrod Bailey, Councilmember

ALSO PRESENT
Mike Watson, Town Manager
Kim Hernandez, Town Clerk
Matt Freedman, Town Attorney
Billie Roberts, Comm. Dev. Coordinator
Rachel Looney, Administrative Asst.
8 Members of Public

ABSENT
Shane Gunter, Police Chief

CALL TO ORDER

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

INVOCATION AND PLEDGE

Jim Drake, Parkview 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.

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

CONSENT AGENDA

Councilmember Trigg made a motion to approve the agenda. Councilmember Bailey seconded the motion. The motion passed unanimously by voice vote.

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

CITIZEN REQUESTS AND SPECIAL PRESENTATIONS

None.

COMMITTEE REPORTS

Mr. Bailey stated that Mr. Watson had just let him know that the POS software was in and that the rest of the hardware would be installed at the end of March. He stated that John and Jess would be meeting with Sysco to look at prices, menus, etc. and that we had received a donation to purchase 100 new chairs but the goal was to have a total of 250 chairs that all matched for bigger events. He stated that the committee had talked about pool rates and that Fincastle was getting calls every day asking about them. He stated that they already had 96 events booked for this year. He stated that Mr. Watson had received a couple estimates on the roof which we will have to go out to bid on for a 20 year PVC roof. He stated that they had applied for some grants and was waiting to hear back on them but were in the process of cleaning, painting, doing some upkeep, redoing the pool fence, etc. He stated that they would be selling placards for each hole for advertisement or in memory of and would probably do those on a bi-annual basis. He stated that everything was moving along good and this Sunday they would be having a Super Bowl Party and encouraged everyone to attend.

Mr. Holt stated that he had ate lunch there that day and it was full. He stated that John and Jess were helping wait tables. He thanked the committee for their work.

UNFINISHED BUSINESS & REPORTS

None.

NEW BUSINESS & REPORTS

None.

CITIZEN COMMENTS

None.

TOWN MANAGERS REPORT

Statement of Economic Interests/Disclosure of Real Estate Holdings

Mr. Watson stated that the Statement of Economic Interests/Disclosure of Real Estate Holdings were due by February 3rd. He stated that Mrs. Hernandez had sent out a reminder to council that morning and reminded them to get them turned in.

COUNCIL COMMENTS

Mr. Trigg had none.

Mr. Presley stated that the people appreciated the trees being cut. He gave a shout out to staff, Fire Department and Police Department. He stated that the Richmond trip was good.

Mr. Bailey had none.

Mr. Jones stated that he would be going to Atlanta within the next few weeks for 5 weeks of new treatments.

Mr. Holt stated that he would be praying for Mr. Jones.

Mayor Harris had none.

ATTORNEY REPORT

An Ordinance to Create Article IV (Public Nuisances) of Chapter 6 (Animals) of the Code of Ordinances, Town of Bluefield, Virginia, 1st Reading, ROLL CALL VOTE (attached at end of minutes)

Mr. Freedman stated that this would be the first reading on the Public Nuisance of Chapter 6 of the Town of Bluefield Code. He stated that he had been working with Mr. Chopra's counsel and an individual with Mercer County Spay Association to address public nuisances and to take in consideration those individuals who were willing to help. He stated that if council was good with this Ordinance then he would need a motion, second and a Roll Call Vote for the 1st Reading.

Mr. Presley made a motion to approve the 1st Reading on the Ordinance to Create Article IV (Public Nuisances) of Chapter 6 (Animals) of the Code of Ordinances, Town of Bluefield, Virginia. Mr. Holt seconded the motion.

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

The motion passed unanimously by Roll Call Vote.

Mr. Holt stated that it had taken 3 years for them to all finally get on the same page with this.

Mayor Harris stated that his prayers were with Mr. Jones that the treatments would be 100% successful.

ADJOURN

Mr. Jones made a motion to adjourn the meeting 7:42 pm. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

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

Don Harris, Mayor

Kim Hernandez, Town Clerk

ORDINANCE INDEX NO._____

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 11TH DAY OF FEBRUARY, 2020.

AN ORDINANCE TO CREATE ARTICLE IV (PUBLIC NUISANCES) OF CHAPTER 6 (ANIMALS) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

WHEREAS, a public hearing concerning the adoption of this ordinance was held before the Council of the Town of Bluefield, Virginia on the 22nd day of October, 2019 at 7:00 p.m., after notice of the said public hearing was duly published on the 8th day of October, 2019, and the 15th day of October, 2019, in the Bluefield Daily Telegraph, a newspaper having general circulation in Bluefield, Virginia.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Article IV of Chapter 6 of the Code of Ordinances, Town of Bluefield, Virginia is hereby created to read as follows:

ARTICLE IV. PUBLIC NUISANCES

Sec. 6-91. Purpose.

The purpose of this article and the sections therein is to protect the safety, health, and welfare of the citizens of the town.

Sec. 6-92. Authority.

This article and the sections therein are adopted pursuant to the authority described in Sections 3.2-6543, 15.2-900, 15.2-1102, and 15.2-1700 of the Code of Virginia (1950) as amended.

Sec. 6-93. Definitions.

The term "companion animal", when used in this article, shall have the same meaning as is described under Section 3.2-6500 of the Code of Virginia (1950) as amended.

The term "unsafe or unsanitary conditions", when used in this article, shall mean a condition or conditions which is/are dangerous or unclean, and could reasonably be expected to pose a danger to the general health, safety, or welfare of the citizens of the town.

Sec. 6-94. Certain conditions deemed a public nuisance.

Any companion animal that creates unsafe or unsanitary conditions within the corporate limits of the town shall constitute a public nuisance.

Any person who creates or encourages the existence of a public nuisance described in this section shall be guilty of a Class 4 misdemeanor.

In lieu of the criminal penalty set forth in this section, a violation of this section may be punishable by a civil penalty of $50.00.

Each day a violation of this section exists shall constitute a separate and distinct offense.

Sec. 6-95. Exception.

A person who is actively making humane efforts to control a feral cat colony within the corporate limits of the town shall not be prosecuted for a violation of this article. Written proof of the humane efforts being made by a person to control a feral cat colony at issue shall be provided by the person suspected of violating this article within seven (7) days of being requested to do so by a law enforcement officer.

The term "written proof", as used in this section, shall mean written documentation provided by a duly existing and recognized animal advocacy organization/association or a duly licensed veterinarian verifying a person is actively making humane efforts under a written and established plan of action, to be completed within a reasonable period of time as determined by such animal advocacy organization/association or veterinarian, with such estimated time period being indicated in the aforementioned plan of action, to control a feral cat colony at issue. In the event of any change in circumstances, such plan of action may be supplemented in writing by such animal advocacy organization/association or veterinarian.

The term "humane efforts", as used in this section, shall be deemed to include, but not be limited to, lawful efforts to sterilize, vaccinate, and provide the proper care required of a companion animal as described under Section 3.2-6503 of the Code of Virginia (1950) as amended.

Nothing herein this section shall be construed to prevent a landowner or other interested party from seeking an injunction or other available remedy from a court of competent jurisdiction to abate a nuisance.

Sec. 6-96. Enforcement.

It shall be the duty of the Police Department of the town to enforce this article.

Sec. 6-97. 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. 6-98—6-130. 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 11th day of February, 2020.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall be effective on the 11th day of March, 2020.

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, and the Town Clerk of the Town of Bluefield, Virginia shall attest the same.

IT IS SO ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA on this 11th day February, 2020.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

PUBLIC HEARING: 10/22/2019
FIRST READING: 01/28/2020
SECOND READING: 02/11/2020

MOTION TO ADOPT MADE BY: _____
MOTION TO ADOPT SECONDED BY: _____

ADOPTION DATE: 02/11/2020
EFFECTIVE DATE: 03/11/2020

Name of Councilman	Attendance (Present or Absent)	Vote (Aye, Nay, Abstain, or 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

(TOWN) SEAL

ATTEST:

_____ _____
KIM HERNANDEZ, TOWN CLERK DATE
TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION