

**Town of Bluefield
Town Council
Minutes
August 25, 2020**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, August 25, 2020 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
Jarrod Bailey, Councilmember
Ron Holt, Councilmember

ALSO PRESENT

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

ABSENT

Jimmy Jones, Councilmember

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

APPROVAL OF AGENDA

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

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	No Vote Permitted
Councilmember Holt:	Yes
Councilmember Jones:	Absent

CONSENT AGENDA

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

ROLL CALL VOTE

Vice-Mayor Trigg: Yes
Councilmember Presley: Yes
Councilmember Bailey: Yes
Mayor Harris: No Vote Permitted
Councilmember Holt: Yes
Councilmember Jones: Absent

EXECUTIVE SESSION

Mayor Harris asked Mrs. Hernandez to read the Executive Session.

MOTION FOR CLOSED MEETING

It is hereby moved that the Council of the Town of Bluefield, Virginia enter into a closed meeting pursuant to Section 2.2-3711 (A) (1, 29) of the Code of Virginia as amended, The specific purpose for this motion is to discuss the following matter(s):

Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body with such closed meeting being confined to the following subject: regarding the possible sale of the water system.

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

Vice-Mayor Trigg: Yes
Councilmember Presley: Yes
Mayor Harris: No Vote Permitted
Councilmember Bailey: Yes
Councilmember Holt: Yes
Councilmember Jones: Absent

Councilmember Holt made a motion to enter back into regular session. Councilmember Presley seconded the motion. The motion passed unanimously by voice vote.

ROLL CALL VOTE

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

Mayor Harris: No Vote Permitted
Councilmember Holt: Yes
Councilmember Jones: Absent

CERTIFICATION OF EXECUTIVE SESSION

WHEREAS, the Town Council of Bluefield, Virginia convened a closed meeting on August 25, 2020, 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, the Town Council of Bluefield, Virginia returned to its open meeting held on August 25, 2020.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA HEREBY CERTIFIES 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 August 25, 2020, to which this certification applies and (ii) only such public business matters as were identified in the motion convening such closed meeting were heard, discussed, or considered by the Council of the Town of Bluefield, Virginia in such closed meeting.

ROLL CALL VOTE

Vice-Mayor Trigg: Yes
Councilmember Presley: Yes
Councilmember Bailey: Yes
Mayor Harris: No Vote Permitted
Councilmember Holt: Yes
Councilmember Jones: Absent

The motion passed unanimously by Roll Call Vote.

CITIZEN REQUESTS AND SPECIAL PRESENTATIONS

None.

COMMITTEE REPORTS

None.

UNFINISHED BUSINESS AND REPORTS

None.

NEW BUSINESS AND REPORTS

Budget Amendments, ROLL CALL VOTE – Kim Hernandez

Mrs. Hernandez went over the following Budget Amendments:

PURPOSE: Payment for Security Services

Revenue

Line Item		Original Budget	Amended Budget	Change
0400-0413	Misc. State Law	<u>\$85,876.00</u>	<u>\$88,024.50</u>	<u>\$2,148.50</u>
	Enforcement	<u>\$85,876.00</u>	<u>\$88,024.50</u>	<u>\$2,148.50</u>

Expenditure

Line Item		Original Budget	Amended Budget	Change
3110-1200	Salaries-Overtime	<u>\$37,673.00</u>	<u>\$39,821.50</u>	<u>\$2,148.50</u>
		<u>\$37,673.00</u>	<u>\$39,821.50</u>	<u>\$2,148.50</u>

PURPOSE: SRO Grant Funding

Revenue

Line Item		Original Budget	Amended Budget	Change
0400-0413	Misc. State Law	<u>\$88,024.50</u>	<u>\$106,896.00</u>	<u>\$18,871.50</u>
	Enforcement	<u>\$88,024.50</u>	<u>\$106,896.00</u>	<u>\$18,871.50</u>

Expenditure

Line Item		Original Budget	Amended Budget	Change
3110-1100	Salaries-Regular	<u>\$841,953.00</u>	<u>\$860,824.50</u>	<u>\$18,871.50</u>
		<u>\$841,953.00</u>	<u>\$860,824.50</u>	<u>\$18,871.50</u>

PURPOSE: COVID-19 Hardship Reimbursement

Revenue

Line Item		Original Budget	Amended Budget	Change
0400-0413	Misc. State Law	<u>\$106,896.00</u>	<u>\$116,896.00</u>	<u>\$10,000.00</u>
	Enforcement	<u>\$106,896.00</u>	<u>\$116,896.00</u>	<u>\$10,000.00</u>

Expenditure

Line Item		Original Budget	Amended Budget	Change
3110-3842	County Drug	<u>\$7,000.00</u>	<u>\$17,000.00</u>	<u>\$10,000.00</u>
	Task Force	<u>\$7,000.00</u>	<u>\$17,000.00</u>	<u>\$10,000.00</u>

She asked for a motion and a Roll Call Vote to approve.

Mr. Holt made a motion to approve the Budget Amendments. Mr. Presley seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg: Yes
Councilmember Presley: Yes
Councilmember Bailey: Yes
Mayor Harris: No Vote Permitted
Councilmember Holt: Yes
Councilmember Jones: Absent

The motion passed unanimously by Roll Call Vote.

Cemetery Commission Board Member, ROLL CALL VOTE – Kim Hernandez

Mrs. Hernandez stated that the Cemetery Commission had a vacancy on their board and had recommended that it be filled by Harold Pruett. She stated that based upon their recommendation that she would need a motion and a vote to approve.

Mr. Presley made a motion to approve Harold Pruett to fill the Cemetery Commission vacancy. Mr. Bailey seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg: Yes
Councilmember Presley: Yes
Councilmember Bailey: Yes
Mayor Harris: No Vote Permitted
Councilmember Holt: Yes
Councilmember Jones: Absent

The motion passed unanimously by Roll Call Vote.

Surplus Real Estate Property Update – Billie Roberts

Mrs. Roberts stated that there were two surplus properties on Greever and one on Depot. She stated that the committee had met which included herself, Town Manager, Zoning Administrator and the Building Official. She stated that they had one proposal for Greever and that was from Lusk to tear it down. She stated that they had 5 proposals for Depot so the decision was made to tear down Greever “in house” to save money and that the sign on the Children’s Mission would be displayed at the cemetery. She stated that Depot would be re-advertised although they received great proposals they needed more due diligence with specifics to make the best decision. She asked if there were any questions.

Mayor Harris stated that the two on Greever would be the only ones demolished.

Mrs. Roberts stated yes.

CITIZEN COMMENTS

Mr. Linkous stated that he understood the format was changed around but suggested having the Executive Session at 6:30 p.m. before the meeting started at 7:30 p.m. because people did not want to have to come and wait while they were in Executive Session. He stated that the only people who were allowed into the Executive Session were the Town Manager and council only and anyone else had to be invited in and recorded into the minutes. He stated that people watched things like that.

Mayor Harris stated that council had voted to allow Mrs. Roberts to be included in the meetings other than a couple of times she was not allowed in.

Mr. Linkous stated that the two gentleman were not invited into the meeting.

Mr. Holt asked the attorney if they had to name who went into the Executive Sessions.

Mr. Crewe stated that they could indicate maybe not by name but such as a representative of such and such business, etc. He stated that he would have to look into it.

TOWN MANAGER'S REPORT

Fincastle Golf Groundbreaking Ceremony

Mr. Watson stated that the Fincastle Golf Groundbreaking would be held Wednesday, 26th at 10:00 a.m. He stated that this was a project funded through a foundation to renovate the bunkers, greens, etc. and invited everyone to attend.

Town Offices Closed

Mr. Watson stated that Town Offices would be closed on Monday, September 7th for Labor Day. He stated that this was an approved holiday in the employee handbook.

Town Bathrooms

Mr. Watson stated that the bathrooms at Pinehill Park and the Rec Park were open.

Mr. Holt stated that someone from the postal service approached him about them needing public restrooms. He stated that was something they would not have thought about.

Mr. Trigg stated the only issue he saw was different people going in and asked if we had someone going in to check them every 2-3 hours.

Mr. Presley asked which ones.

Mr. Holt stated that he did not say.

Mr. Presley suggested that they consider opening some and asked how many total bathrooms we had.

Mr. Watson stated 3 total and currently there was a porta potty at the Farmers Market. He stated right now the restrooms that were open were cleaned once a day.

Mr. Trigg suggested they be open if we could have someone cleaning them more.

Mr. Bailey stated that if they were open then it would be the choice of those using them as we all knew public restrooms could be clean or dirty.

Mayor Harris stated there was a request for a downtown bathroom facility. He suggested that they leave them open and have someone go by and check them daily.

Mr. Watson asked Council if this was something they would like to vote on.

Mr. Holt stated that it was something he could handle but would make a motion to approve opening the Town bathrooms. Mr. Presley seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	No Vote Permitted
Councilmember Holt:	Yes
Councilmember Jones:	Absent

The motion passed unanimously by Roll Call Vote.

COUNCIL COMMENTS

Mr. Trigg stated that he was surprised the other day when he went by Art Riley's old place. He stated that it looked good.

Mr. Watson stated the new owner gave the Town permission.

Mr. Trigg stated that the Town cleaned up all of those trees and stated that the grass crew was doing a good job on the grass even with a shortage of employees.

Mr. Presley stated that the old bank building looked good. He gave a shout out to the Police Department and stated that we should have some graduating from the academy soon.

Chief Gunter stated in November.

Mr. Presley stated that all of staff did a great job. He congratulated Ron and his boys on their win.

Mr. Bailey apologized on the timing for the Executive Session. He asked that a Work Session be scheduled at the next meeting for Fincastle.

Mayor Harris showed a picture that the Bluefield Baseball Club had presented to the Town.

Mr. Holt apologized concerning the Executive Session and stated that it was not their intention to exclude anyone. He stated that the intention was to have it before the meeting so that people were not there too late. He stated that the members of the board were trying to be transparent with recording the meetings, etc. and were not trying to make it difficult for others to be able to come out. He stated that he and Mr. Presley had encouraged all through their social media page to come to the meetings. He stated that they should have had a better format and the intention was not to exclude anyone. He stated that he had been a part of the BVLL for 5 years now and his team won the District Tournament in Lebanon. He stated that they had 58 runs and 7 scores on them and had a good group of kids with good sportsmanship. He stated that other coaches, umpires, etc. talked about how his kids conducted themselves in such a good manner. He stated concerning the hospital situation that the whole board needed to sit down and come up with a solution. He stated that there was a local resident who was burned in a grease fire and encouraged everyone to read his story about the hospital here.

Cathy Payne apologized but stated that for the meeting to start at 7:30 p.m. and anyone to have to sit there was not okay. She stated that she would not come out for a meeting that started at 8:30 p.m.

Mr. Holt stated that they would work through it and make it better. He stated that it was a good suggestion to start it before the meeting and if they were done or not then the regular meeting would start at 7:30 p.m.

Mr. Linkous congratulated Rick Holman as one of the coaches on that team as well.

Mr. Holt stated that it could not be done without volunteers and parents as well.

ATTORNEY'S REPORT

HB5013 Discussion

Mr. Crewe brought HB5089 to the Town's attention as well. He stated that it would limit the Town's ability to regulate B&B's state law if not renting for 90 days then the state would take it over as a motel. He stated that HB5089 would do away with that distinction. He stated concerning HB5013 that it was a defunding movement that abolished sovereign immunity for actions by Police Officers which was alone disturbing. He read the following:

An employer is under a duty to exercise reasonable care to control a law-enforcement officer it employs or contracts for the services of, while the officer is acting outside the scope of such officer's employment or contract for services, so as to prevent such officer from intentionally harming third parties or from conducting himself so as to create an unreasonable risk of bodily harm to such third parties.

An employer, as defined in §8.01-42.7, shall be liable to a vulnerable victim for the tortious or criminal conduct of a law-enforcement officer it employs or contracts for the services of, regardless of whether or not such conduct occurred within the course and scope of such employment or contract.

He stated that it enhanced the Town's duty to regulate officers on or off the clock, awarded attorney's fees, increased the amount of risk to the Town as the employer, and limited the ability to defend these cases or to use sovereign immunity. He stated that he did not know how you regulated a Police Officer who was off the clock. He said that this bill stated that the Town would be responsible for a Police Officer who was off of the clock acting in some form of behavior which was scary.

Mr. Holt stated that it was scary when you were a Police Officer.

Mr. Presley stated that many officers may quit.

Mr. Crewe stated that VML was asking all localities to contact all that they could to oppose this bill. He stated that the finance committees in both houses did not have money in these bills for something such as training that would be needed for Police Officers and this would take away part of the 599 funding for instructional opportunities that the state had mandated. He stated if council thought this was bad then he would recommend to contact our legislatures multiple times and in multiple ways opposing this bill. He stated that a lot of the localities that they represented were opposing this bill as well and that he had personally spoken with Delegate Gephrey Bourne, Chief Sponsor of this bill from Wytheville and told him on behalf of the localities they represented that they were opposed to it and gave him a list of reasons why which made no dent. He stated that VML did not have a read on this yet but this was one of the more extreme bills with monumental changes.

Mr. Presley stated that they had already defunded it by 10%.

Mr. Crewe stated yes and no that it depended on who you asked. He stated that they were moving funding around. He stated that the Sheriffs Association had not opposed this bill nor had they not agreed too it but also have not gone on record to oppose it yet and the State Police rarely ever took any type of position on political.

Mr. Holt stated that the VA Police Benevolence Association opposed it.

Mr. Crewe stated that they were not really political and have spoken against some of the bills.

Mr. Holt stated that they had spoken out about this one for sure amongst several others that he could share.

Mr. Crewe stated that he had not seen that but this was a hot topic because police work was already under attack and this bill would not only tie the hands of a Police Officer but would make the Town potentially liable at a higher risk.

Mr. Presley asked if the Police Officers could be personally sued.

Mr. Crewe stated yes that this bill would allow for that.

Mr. Holt stated that this did not feel like a type of police reform but felt malicious, was an attack on their profession, an attack on law and order and they would lose a lot of good mid and late career law enforcement officers.

Mr. Crewe stated that it was already happening across the state and that the State Police was down but they also had a tremendous amount of retirements.

Mr. Holt stated that not only that but the School Grant in the Town of Bluefield that was received at the same time the Sheriff's Office received theirs, he stated that he was over those 3 School Grant Divisions and was the Lieutenant over that division. He stated that they had now retroactively made them comply with things after the grants were awarded and funded with special conditions on the grants and he spent hours each week trying to comply with these special conditions. He stated that they were doing it as we speak and trying to enforce LEO's out of our schools because they did not want them to be around our children. He stated to him that meant they did not want to make the kids safer and was an easier way to say the police were bad if they were not there developing positive relationships with the kids.

Mr. Crewe stated that there were bills to do away with School Resource Officers and thought that Tazewell County had voted to oppose and authorized letters to be sent. He stated that a lot of Counties, Towns, Sheriff Departments, Town Councils and Board of Supervisors were opposed to taking School Resource Officers out of schools.

Mr. Holt stated that the School Board passed a resolution at their last meeting.

Mr. Crewe stated that a lot had.

Mayor Harris suggested to adopt a resolution as a municipality to oppose this bill in addition to contacting them.

Mr. Crewe stated that it would carry some weight if council were to adopt some type of official action but suggested that they not stop there and for each of them to call.

Mayor Harris stated this was following exactly what our governor wanted and entertained a motion that we as a municipality send a letter to our elected officials and governor letting them know that we as a municipality were opposed to HB5013.

Mr. Presley made a motion to approve sending a letter of opposition to HB5013. Mr. Bailey seconded the motion. The motion passed unanimously by voice vote.

ROLL CALL VOTE

Vice-Mayor Trigg: Yes
Councilmember Presley: Yes

Councilmember Bailey: Yes
Mayor Harris: No Vote Permitted
Councilmember Holt: Yes
Councilmember Jones: Absent

Mayor Harris asked staff to prepare something and send it out to council.

ADJOURN

Councilmember Bailey made a motion to adjourn the meeting at 9:08 p.m. Councilmember Presley seconded the motion. The motion passed unanimously by voice vote.

Vice-Mayor Trigg: Yes
Councilmember Presley: Yes
Mayor Harris: No Vote Permitted
Councilmember Bailey: Yes
Councilmember Holt: Yes
Councilmember Jones: Absent

Don Harris, Mayor

Kim Hernandez, Town Clerk