

**Town of Bluefield
Town Council
Minutes
September 22, 2020**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, September 22, 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
Kim Hernandez, Town Clerk
Trent Crewe, Town Attorney
Shane Gunter, Police Chief
Billie Roberts, Comm. Dev. Coordinator
Rachel Looney, Administrative Asst.
6 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

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

APPROVAL OF AGENDA

Vice-Mayor Trigg made a motion to approve the 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 |

CONSENT AGENDA

Councilmember Holt made a motion to approve the consent 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

CITIZEN REQUESTS AND SPECIAL PRESENTATIONS

None.

COMMITTEE REPORTS

None.

UNFINISHED BUSINESS AND REPORTS

CARES ACT Applications, ROLL CALL VOTE– Billie Roberts (attached at end of minutes)

Mrs. Roberts stated that she had emailed out some changes and handed out the new numbers. She went over the below:

\$12,000 Non-specific and we received requests for \$18,720 which the remainder could be taken from the retail surplus.

\$14,000 Retail and we received requests for \$7,280.38.

\$30,000 Restaurants and we received requests for that entire amount.

She stated that this would help those who were closed March – May by the Governor’s order. She stated that Kirk’s Blessings requested funding for a thermometer and their own ionizer as well and that most others was to pay their AEP and Gas bill along with cleaning supplies. She asked for a motion to approve the recommendations.

Mr. Holt made a motion to approve the CARES ACT funding recommendations. Mr. Trigg seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg: Yes
Councilmember Presley: Abstain
Councilmember Bailey: Yes
Mayor Harris: No Vote Permitted

Councilmember Holt: Yes
 Councilmember Jones: Absent

The motion passed unanimously by Roll Call Vote.

NEW BUSINESS AND REPORTS

Budget Amendments, ROLL CALL VOTE – Kim Hernandez

Mrs. Hernandez went over the following Budget Amendments:

PURPOSE: C-PROP Grant (Fincastle)

| Revenue | | Original Budget | Amended Budget | Change |
|------------------|------------------|------------------------|-----------------------|--------------------|
| Line Item | | | | |
| 3501-0511 | Fincastle Grants | <u>\$1,880.00</u> | <u>\$96,029.00</u> | <u>\$94,149.00</u> |
| | | <u>\$1,880.00</u> | <u>\$96,029.00</u> | <u>\$94,149.00</u> |

| Expenditure | | Original Budget | Amended Budget | Change |
|--------------------|--------------|------------------------|-----------------------|--------------------|
| Line Item | | | | |
| 1230-8204 | C-PROP Grant | <u>\$1,880.00</u> | <u>\$96,029.00</u> | <u>\$94,149.00</u> |
| | | <u>\$1,880.00</u> | <u>\$96,029.00</u> | <u>\$94,149.00</u> |

PURPOSE: Gifts & Donations (BVLL Lighting)

| Revenue | | Original Budget | Amended Budget | Change |
|------------------|-------------------|------------------------|-----------------------|---------------------|
| Line Item | | | | |
| 3108-9903 | Gifts & Donations | <u>\$29,793.00</u> | <u>\$154,793.00</u> | <u>\$125,000.00</u> |
| | | <u>\$29,793.00</u> | <u>\$154,793.00</u> | <u>\$125,000.00</u> |

| Expenditure | | Original Budget | Amended Budget | Change |
|--------------------|-------------|------------------------|-----------------------|---------------------|
| Line Item | | | | |
| 7130-8202 | Pool Lights | <u>\$5,000.00</u> | <u>\$130,000.00</u> | <u>\$125,000.00</u> |
| | Or Shelters | <u>\$5,000.00</u> | <u>\$130,000.00</u> | <u>\$125,000.00</u> |

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

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

CITIZEN COMMENTS

Dave Wohlford, Sedgewood stated that he did not want to do the petition and that Town Council did not ask him to do it but that he would say this...a councilmember not during a council meeting did ask for it in the presence of another councilmember. He stated that he had talked to 250 then stopped and there were 4 citizens who were angry but everyone else agreed that it was the right thing to do. He stated that he had obtained 209 signatures but did not have them notarized since there was no need to at this point. He stated that 2/3 of the people he talked too stated that there should have been something in the charter and there was a lot of animosity that council did not fix this themselves. He stated that there were some who were also upset over the constant Executive Sessions that were being held and were watching it on the internet. He stated that the people were tired of them and were not happy about the rate increases on the water/sewer. He stated that the petition was there if needed and asked that they get something in the charter for the future. He stated that he would rather see Mr. Jones sitting there but he could not be and thanked them for being patient with him.

Rick Holman stated that he would like to acknowledge Mr. Jones's long career in Bluefield and Tazewell County and his accomplishments. He stated that he was a permanent fixture in the community and in light of the void beyond his control that he encouraged council when making a decision that it be what was best for the citizens. He stated that it was not an easy decision because of the unfortunate circumstances and that they would be scrutinized no matter what but he encouraged them to mull over it carefully whether they appointed someone or left it vacant until a special election. He encouraged them to find someone to work with the board who also had qualifications to meet the needs. He stated that all had recognized his accomplishments and as citizens they needed to be encouraged and looked to council for leadership and now was the time to exercise that.

TOWN MANAGER'S REPORT

Councilmember Seat Discussion

Mr. Watson stated that it had been discussed over time and it was placed on the agenda prior to the article being released that Mr. Jones would retire but a date had not been set. He asked for direction/guidance from council.

Mr. Holt asked if any of staff had reached out to him.

Mr. Watson stated that he had talked to him but there was no date given.

Mr. Holt asked what he said.

Mr. Watson stated that Mr. Jones told him that he was still thinking about it.

Mr. Presley stated that nothing could be done until he resigned.

Mr. Holt stated that he would like to address Mr. Wohlford and there was one thing he said multiple times that was not correct. He stated that this body did not have the option to vote him off and that he was aware of the letter from council sent to Mr. Jones. He stated that every board member wished it were done in a way that the citizens of the Town could choose the next councilmember and that he did not want to be in a position to choose. He stated that he was right in that they needed to address the charter but right now they did not have the ability to do anything and when he was telling people that council failed to act that was incorrect information. He asked how they failed when they did not have the ability to do and that all had the duty when circulating a petition to make sure the correct information was being given. He stated that he agreed 100% and understood people were aggravated and that he had encouraged him to do if that was what he felt like needed to be done but to make sure the right information was getting out. He asked the attorney if until Mr. Jones expressed a desire to resign by letter or a date then they could not do anything.

Mr. Crewe stated that when he actually resigned then they had options but by him saying he was going to resign then they could not do anything. He stated that he had talked with Paul and Mike and under the charter if a vacancy was created by his resignation then council could appoint someone to fill his remaining term or ask for a special election to be held. He stated that it would be tough to get in for the November 3rd elections.

Mr. Holt stated that he had been in touch with the registrar and it would be allowed on the November 3rd elections.

Mr. Crewe stated with early voting already started he did not think it was possible and they would have to have a special election on a date given by the electoral board and from the time of the election had to count backwards for time to have nominations to time to have petitions in. He stated that they were looking at a minimum of 90 days from the time they decided they wanted an election and for the judge to order a special election. He stated the two choices were to appoint someone to serve the rest of his term or to have a special election.

Mr. Presley asked if they should direct Mr. Watson to talk to Mr. Jones asking for a date. He asked Mr. Watson what he thought.

Mr. Watson stated however council directed him to do.

Mr. Holt agreed with Mr. Presley. He stated that if he had expressed a desire to resign then they should send him an official letter asking for a date so they would know how to move forward.

Mayor Harris stated that he believed the article clarified that and that Mr. Boothe had called him concerning Mr. Jones and he gave him Mr. Jones's number. He stated that he told Mr. Boothe

what all they were in agreement with and had been conveyed to Mr. Jones was on the Town's social media pages. He stated that he did ask him to be respectful in what he wrote concerning Mr. Jones and he did so. He stated that they have had two attorneys to tell them the same thing and the procedures that would be involved and that all knew these procedures and chose to not follow them hoping he would get better. He stated that Pat and Jimmy had committed their whole life to Bluefield, VA and this was not a time to show disgrace to him.

Charter Changes Discussion

Mr. Watson stated that it was possible to begin the process of changing to fix this part of the charter they were going through right now.

Mr. Bailey asked when it had to be in by.

Mr. Watson stated that it was enrolled in December and they liked to have it in November.

Mr. Bailey stated the deadline was in November.

Mr. Watson stated that it needed to be in the hands of the General Assembly the middle of December. He stated in order to have a charter change it had to go through the Senate or House who liked to have it in November. He stated that it needed to be put into a resolution and presented to our local delegate.

Mr. Bailey stated that he and Matt had spent a lot of time cleaning it up and asked if there was anything else that needed to be addressed so that it was not popping up every year. He asked the attorney to look through it and see if there were any issues because if they kept making changes every year then they would eventually say no. He stated that they needed to take time and review the charter in its entirety.

Mr. Watson stated that there were a couple of areas he had noticed and one that did not go along with the changes made in this General Assembly and should have been taken out when adding a seat and changing voting of members:

- Vacancies on council shall be filled within 30 days from the expired term by majority vote of the remaining mayor and the councilmembers

He stated that it was in there but he did not know if that was the intent of council when the charter changes were done. He stated that it said shall and majority vote of remaining mayor and councilmember.

Mr. Holt asked the attorney if this would be something lengthy to look over and that he had a lot of experience with local government and this would be beneficial to review.

Mr. Crewe stated that they had scanned through it when they applied for the attorney position but that it would take 15-20 hours to read, make notes, double check and the other part was a special session. He stated that there was a bunch of policing and state laws which may have

an impact on some provisions as well. He stated that he did not think this special session was the end of changes in our justice system that was being dictated by Richmond and it may impact all if the state law changes. He stated that it was particularly lengthy but he could look over it and asked if there was any particular area of concern. He stated that in all it would probably take 2 days of work.

Mr. Bailey stated that if they were going to go through the process like last year then now was the time to fix it. He stated that he did not believe the right answer was going through it every year.

Mr. Holt made a motion to ask the attorney to review the charter and also to include in the charter a means to remove a councilmember for gross negligence or failure to perform a duty.

Mr. Presley seconded it and asked if this was done how long would they put in the charter. He stated that they would have to figure out the terms of it.

Mr. Holt stated that looking at the existing language and charter throughout the Commonwealth would be beneficial.

Mr. Crewe stated that they would find very few charters that allowed council to remove anybody because they were not the ones who put them on the board other than to fill a term he was not aware of any locality doing it permanently because that was what the voters did.

Mr. Bailey stated even if only by special election.

Mr. Crewe stated with a special election that council did not put on that the voters voted to put someone on.

Mr. Presley suggested it be 6 months then have a special election.

Mr. Holt agreed.

Mr. Bailey stated that he did not want to put anyone on the board that he wanted the people to elect to put on.

Mr. Presley suggested if they were gone for 2 months straight that they not get paid.

Mr. Holt stated to be clear what Mr. Crewe was saying was that he did not know of any Town or City in the Commonwealth who had language for a councilmember to be removed if some form of gross negligence, not showing up to meetings, etc.

Mr. Crewe stated that was right that he was not aware of any but there may be one out there that he had not read or encountered. He stated that they represented 11 jurisdictions (2 in WV) and none of those localities had such language.

Mr. Holt asked if they put in “x” amount of meetings in the charter that you vacate your seat and it goes to a special election.

Mr. Crewe stated if the State were to allow that charter amendment then yes but Virginia was a Dillon Rule state and if could not be done if it were not expressed in the Charter. He stated that he was not sure if Legislature would pass it or not but they did not know unless they asked. He stated that if the Legislature authorized them to remove a councilmember for “x” reason then it could be done.

Mr. Holt stated that he knew of a Town in the County who had in their charter (Cedar Bluff) something that was vague but was by majority vote. He stated that he was not in favor of that because they may have two or three who did not like someone but when they were in a situation of a councilmember not showing up for 1-2 years then they had to have a clear way to fill the position.

Mr. Bailey asked Mr. Crewe in all of his experience with the different localities had he ever seen anything like this.

Mr. Crewe stated not with this length of absence. He stated that he had seen one who had a heart attack and was in rehab for 4 months but came back afterwards.

Mr. Bailey asked what if it were not yourself who became ill but a spouse or a child with a severe condition and had to go to a hospital away for treatment. He stated at that point family was most important and if the board wanted to kick someone off then so be it. He stated if it were changed regardless if it were your child fighting for their life and it were in the charter then it would be in the charter. He stated this was something he had thought about and it may not always be themselves and could be a parent or other family member and at that point he would be fine walking away or if the board wanted to remove them then do it. He asked how long of a timeframe it would be.

Mr. Crewe stated that he would like to play the devil’s advocate for a moment and that it was arranged with a Planning Commission member ahead of time to participate through Zoom. He stated that FOIA suspended for certain things to now allow participation through technology due to the pandemic. He stated if someone were at a hospital then they would be able to participate via zoom, phone or other options.

Mr. Bailey asked if they had added electronic participation to the last changes.

Mr. Watson stated no.

Mr. Crewe stated that this was state law.

Mr. Holt asked if it would be temporary.

Mr. Crewe stated that no one knew that it was there until taken out because it was due to the Declaration of Emergency and the Supreme Court had extended it again through October 11th but he predicted it would be extended once again.

Mr. Watson stated that our code section that was looked at was the opportunity for council to add into another section in the code book for certain reason to participate electronically but he did not think they ever passed it or moved forward with the process of putting it in the code section.

Mayor Harris stated that the General Assembly approved taking the vote away from the mayor and asked them in the future to give it more thought. He stated that he was the most accessible and was downtown 6 days per week to listen to concerns. He asked that the next mayor keep this in mind because they did the most work. He stated that he was not asking them to reverse it and that other municipalities had this but when you were the one doing the most work and had no vote that it was unfair.

Mr. Holt amended his motion that he would like for the attorney to review the charter for any changes and to explore further to see if there was any language he could find in the Commonwealth that would give council authorization to do what they were talking about. 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 had none.

Mr. Presley gave a shout out to the Police Department and congratulated Channing Mooney on being promoted to sergeant. He gave a shout out to all the girls, Mike and Trent and thanked everyone for coming out. He stated that Tazewell County was seeing a rise in COVID cases and he was not sure what was going to happen with that.

Mr. Bailey had none.

Mayor Harris had none.

Mr. Holt stated that he had a councilmember from another jurisdiction contact him earlier asking in regards to Halloween. He asked if we had received anything from the county regarding it.

Mr. Watson stated that he had received something from Eric Young earlier with a recommendation by VDH after another Town Manager had reached out to Eric asking if it was mandated by VDH to cancel Halloween. He stated that as of now he was still reviewing the information and that staff normally set a date but after talking to the Police Chief they would like to wait a little longer and bring back a recommendation to council. He stated that he would forward that information to council and had not had a chance to read it yet.

Mayor Harris stated that Greg Jordan, BDT had called him and was doing an article on Halloween so he would refer him to Mike.

ATTORNEY'S REPORT

None.

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) (6) of the Code of Virginia as amended, The specific purpose for this motion is to discuss the following matter(s):

Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the government unit would be adversely affected.

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 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

CERTIFICATION OF EXECUTIVE SESSION

WHEREAS, the Town Council of Bluefield, Virginia convened a closed meeting on September 22, 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 September 22, 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 September 22, 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.

ADJOURN

Councilmember Bailey made a motion to adjourn the meeting at 8:45 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



MEMO

TO: Town of Bluefield Town Council

FROM: CARES Act Committee
Charles Presley, Greg DeGray, Mike Watson, Billie Roberts

SUBJECT: Recommendations for funding

DATE: September 22, 2020

Council,

Listed below are the recommendations for funding for the local businesses that applied for the CARES Act Relief Fund. Documentation for the totals presented are on file and available for your review if desired. At the meeting on Tuesday, September 22, 2020, the committee will ask for your approval on the below recommendations including the proposal to reallocate the surplus funds from the retail category to the non-specific category to cover the deficit.

| Non-Specific | Recommendation | \$12,000 | Available Funds |
|---------------------------|--------------------|------------|---------------------|
| Pacific Sun Tanning Salon | \$786.43 | \$6,720 | RETAIL SURPLUS |
| Pawz Grooming Styles, LLC | \$2227.29 | \$18720.00 | New Total Available |
| M&P Fitness – CrossFit | \$2906.25 | | |
| Dales Chiropractic | \$1606.58 | | |
| Anytime Fitness | \$7,479.25 | | |
| The Hair Haven | \$856.58 | | |
| Kirk's Blessings CDC | \$2,856.58 | | |
| Total | \$18,718.98 | | |
| Retail | Recommendation | \$14,000 | Available Funds |
| Grey & Honey | \$672.69 | \$7,280.38 | Allocated |
| New Graham Pharmacy | \$5,003.72 | \$6,720 | RETAIL SURPLUS |
| Double J's Prowl Around | \$1,603.97 | | |
| Total | \$7,280.38 | | |
| Restaurants | Recommendation | \$30,000 | Available Funds |
| El Patio Mexican Grill | \$17,807.00 | | |
| Savory Flavors | \$8,830.00 | | |
| The Grind | \$1,000.00 | | |
| Margaret's Country Corner | \$2,363.00 | | |
| Total | \$30,000 | | |