

**Town of Bluefield
Town Council
Special Called Meeting
Minutes
October 18, 2016**

The Bluefield, Virginia Town Council held a special called Town Council Meeting on Tuesday, October 18, 2016 at 6:30 p.m. in the Council Chambers of the Town Hall located at 112 Huffard Drive, Bluefield, Virginia.

PRESENT

Don Harris, Mayor
Anglis Trigg, Councilmember
Lee Riffe, Councilmember
Jimmy Jones, Vice Mayor
Steve Danko, Councilmember
Donnie Linkous, Councilmember

ALSO PRESENT

Mike Watson, Town Manager
Matt Freedman, Town Attorney
Shane Gunter, Police Chief
Lesley Catron, Town Clerk
Kris Williams, Zoning Administrator
Billie Roberts, Comm. Dev. Coordinator
1 Member of Public

ABSENT

Kim Hernandez, Executive Assistant

CALL TO ORDER

Mayor Harris called the meeting to order at 6:30 p.m.

INVOCATION AND PLEDGE

Councilmember Riffe led the Invocation. Mayor Harris led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

NEW BUSINESS & REPORTS

Mr. Williams stated that during the recent Planning Commission Meeting held on October 3, 2016, Planning Commission recommended Town Council approve a Conditional Use Permit to Unique Fitness LLC on the following conditions:

- (1) Noise will be kept to a minimum of teaching level only
- (2) Unique Fitness LLC will have window coverings

He stated that Planning Commission also recommended that Town Council approve a parking modification which would allow Unique Fitness LLC to use the downtown parking areas owned by the Town. He stated that based upon their recommendation that it would be his recommendation to approve the conditional use permit and the parking modification request.

Mr. Trigg made a motion to approve the following Resolution. Mr. Jones 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 18TH DAY OF OCTOBER, 2016.

-RESOLUTION GRANTING A CONDITIONAL USE PERMIT-

WHEREAS, Trish Setser, for **Unique Fitness, LLC**, a fitness club to be located at 510 Virginia Avenue in the Town of Bluefield, Virginia, applied to the **Town of Bluefield**, a Virginia Municipal Corporation, for a conditional use permit on the 12th day of September, 2016; and

WHEREAS, a joint public hearing regarding the said application was held on the 3rd day of October, 2016, before the Council of the Town of Bluefield, Virginia and the Planning Commission of the Town of Bluefield, Virginia, after notice was duly published on the 20th day of September, 2016, and on the 27th day of September, 2016, in the Bluefield Daily Telegraph, a newspaper having general circulation in the locality; and

WHEREAS, the said Planning Commission, at their regularly scheduled meeting on the 3rd day of October, 2016, recommended the approval/granting of a conditional use permit to Unique Fitness, LLC with the understanding the said permit would be subject to the following conditions: 1) noise will be kept to a minimum of teaching level only and 2) Unique Fitness, LLC will have window coverings; and

WHEREAS, the said Council has reviewed the said application and the said recommendation of the said Planning Commission.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that a conditional use permit, subject to the conditions shown below, is hereby granted to Unique Fitness, LLC, a fitness club to be located at 510 Virginia Avenue in the Town of Bluefield, Virginia.

CONDITIONS OF THE CONDITIONAL USE PERMIT:

1. ***NOISE WILL BE KEPT TO A MINIMUM OF TEACHING LEVEL ONLY.***

AND

2. ***UNIQUE FITNESS, LLC WILL HAVE WINDOW COVERINGS.***

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this resolution is hereby adopted this 18th day of October, 2016.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this resolution shall be effective the 18th day of October, 2016.

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 this 18th day of October, 2016.

Mr. Trigg made a motion to approve the Parking Modification Resolution. Mr. Linkous seconded the motion. The motion passed unanimously by voice vote.

COUNCIL COMMENTS

Mr. Danko asked how long she had been working on this.

Mrs. Setser stated that it was end of August and that on November 1st; she will have paid 3 months' rent.

Mr. Danko asked why it took them 3 months to do something.

Mr. Watson stated that there were some questions that needed to be asked and was some communication problems at the beginning. He stated that to his understanding she started paying rent before she received a zoning or building permit. He stated that they had to go thru the advertisement for a conditional use permit and that there is Town Code that says depending on how it is classified and if it is an adult oriented business. He stated that another concern was because of its location downtown and the sound it would generate. He stated that as everyone was aware, they had received complaints concerning other exercise businesses downtown having their music really loud in the evenings and that councilmember's had brought back complaints regarding this issue. He stated that in order to protect the neighbors and in order for it to be harmonious with the area then it would require a conditional use permit. He stated that it took 2 weeks to advertise which would have put it into September and we did not have our first meeting in October so a special called meeting was scheduled. He stated that it was rushed as fast as it could be.

Mr. Danko asked if any of it could be changed.

Mrs. Setser stated that when she got the zoning conditions that it was zoned B2 which was for professional/retail stores and she had letters from surrounding businesses and tenants. She stated that her windows had been pretty much covered since she started and she asked the question why she could not fall under retail because she would be selling fitness apparel or why she could not fall under professional because the instructors would have to be certified to teach. She stated that she did not understand the issue and if it was a noise issue she asked and was told there was not a noise ordinance in the Town.

She stated that she had done everything she had been asked to do and contacted Chad Lambert and he told her she could not do a building permit until she done a zoning permit. She stated that she had vendors/workshops scheduled for the projected Grand Opening which was to be held on October 15th but was told she could not have any business until a zoning permit was issued. She stated that she grew up here and was ready to jump into the community and when she was told about the noise complaint she called and asked the Brickhouse Manager and was told that it had only been one complaint. She stated that she did not understand why she was fighting a noise ordinance when there was no battle to fight and that she felt like she kept getting knocked down and that it was as if it was being made up as they went along. She stated that there needed to be better guidelines and that businesses wanted to come in but were having to jump thru hoops. She stated that she was told that she did not need a building permit because all she put in was two poles and painted it and the rest was done on floor mats because they would only be doing Yoga and Pilates.

Mr. Watson stated that a good way to solve it would be for them to sit down and go over the timeline that she had talked about. He stated that the building permit she mentioned did not slow her down.

Mrs. Setser stated that she understood that but she forwarded all of the emails to him when she did a formal complaint and Brittne told her that she did not need a formal business plan.

Mr. Watson stated that they could sit down and talk about it and that he had went thru all of the emails and discussed it with several members of staff. He stated that sometimes it may take longer than what the person thinks it should. He stated that the short answer could not be given there but if she would like to sit down that he could explain it to her. He stated that he would be glad to sit down with council 1-2 more hours to go over all of the emails from the beginning and how things were done. He stated that Chad Lambert had offered to come down and talk to her.

Mrs. Setser stated that she had tried to get an appointment with Kris Williams and was told that he needed to read thru her business plan first. She stated that the last meeting she attended, she had pictures and business plans and that everyone was in agreement and she invited all of them to come down and look at the studio at anytime.

Mr. Watson stated that they did a Joint Public Hearing on a Planning Commission Meeting night and that as long as he had been with the Town that had never been done. He told her that no one was purposely trying to hold her up.

Mrs. Setser stated that the process needed to be in black and white and more cut and dry.

Mr. Watson stated that depending on the type of business and where it was located determined the amount of time.

Mr. Danko asked why it took so long.

Mr. Watson stated that the code has specific requirements depending on the type of business, etc. He stated that there were state codes, town codes, building codes, fire codes, etc.

Mr. Freedman stated that Mr. Watson was right and that the purpose behind zoning was to protect the harmony. He stated that it took longer so that they could determine the type of business and make the right decisions so this was somewhat of an exception. He stated that the right call was to first protect the citizens.

Mayor Harris told her she could open tomorrow.

Mr. Jones stated that the only concern he had was with the parking but that he welcomed her and was sorry that she has been held up.

ADJOURN

Mr. Linkous made a motion to adjourn the meeting at 6:54 p.m. Mr. Jones seconded the motion. The motion passed unanimously by voice vote.

Don Harris, Mayor

Lesley Catron, Town Clerk