

**Town of Bluefield
Town Council
Public Hearing
October 8, 2019**

The Bluefield, Virginia Town Council held a Public Hearing on Tuesday, October 8, 2019 at 6:00 p.m. to receive input on the said Council's desire to request the General Assembly of Virginia to amend and reenact Sections 5, 8, 9, and 10 of the existing charter of the Town of Bluefield.

TOWN COUNCIL PRESENT

Don Harris, Mayor
Anglis Trigg, Jr., Vice-Mayor
Chuck Presley, Councilmember
Jarrod Bailey, Councilmember

ALSO PRESENT

Mike Watson, Town Manager
Matt Freedman, Town Attorney
Kim Hernandez, Town Clerk
Rachel Looney, Administrative Asst.
Kris Williams, Zoning Administrator
7 members of public

PLANNING COMMISSION PRESENT

Don Scott
Don Whitt, Secretary

ABSENT

Jimmy Jones, Councilmember
Ron Holt, Councilmember
Billie Roberts, Comm. Dev. Coordinator

Mayor Harris opened the Public Hearing at 6:00 p.m.

Mr. Freedman read the following Legal Notice that appeared in the Bluefield Daily Telegraph on Friday, September 27, 2019 and Friday, October 4, 2019.

NOTICE IS HEREBY GIVEN, pursuant to Section 15.2-202 of the Code of Virginia (1950) as amended, that the Council of the Town of Bluefield, Virginia will hold a PUBLIC HEARING on **October 8, 2019, at 6:00 p.m.** in the Council Chambers of the Town Hall of the Town of Bluefield at 112 Huffard Drive in Bluefield, Virginia. This said PUBLIC HEARING is being held to receive input on the said Council's desire to request the General Assembly of Virginia to amend and reenact Sections 5, 8, 9, and 10 of the existing charter of the Town of Bluefield. The proposed amendments to the existing charter of the Town of Bluefield, in basic summary, include eliminating the Mayor's vote in the Town Council's proceedings (except in the case of a tie); adding an additional councilmember to the Town Council; updating election years, eliminating the Town Council's *viva voce* requirement for its elections of officers (and adding the word appointments therewith); where permitted by law, allowing councilmembers present and voting at a lawfully held meeting to adopt a resolution or ordinance (versus a majority of those

electd to the council); clarifying the Town Council may act by motion, ordinance, or resolution; and several general grammatical and language changes.

If Sections 5, 8, 9, and 10 of the existing charter of the Town of Bluefield are approved, made, and reenacted by the General Assembly of Virginia, then such sections of the existing charter of the Town of Bluefield will read in full as follows:

§ 5. Composition of council and vacancies.

The council shall consist of six members and a mayor. The six council members, who shall be voted for at large, shall have terms of office of four years. At the November election, 2020, and every four years thereafter, three council members shall be elected, being the three candidates who receive the largest number of votes, individually, at such election, who will serve for terms of four years from January 1, 2021, and thereafter until their successors have been elected and qualified. At the November election, 2022, and every four years thereafter, three council members shall be elected, being the three candidates who receive the largest number of votes, individually, at such election, who shall serve for terms of four years from January 1, 2023, and thereafter until their successors have been elected and qualified.

The mayor and council members, the terms of whom would have expired on December 31, 2020, shall continue to serve until December 31, 2020, unless their term of office is otherwise terminated. The council members, the terms of whom would have expired on December 31, 2022, shall continue to serve until December 31, 2022, unless their term of office is otherwise terminated.

All elections for members of the council shall be held at the time and in the manner provided for by general law.

Vacancies on the council shall be filled within thirty days, for the unexpired term, by a majority vote of the remaining council members.

§ 8. Council; organization.

A. At a time designated by the council on the first day of January, or at some other times as designated by the council, following a regular municipal election, or if such a day be a Sunday, then on the day following, the council shall meet at the usual place for holding the meetings of the legislative board of the town, at which time the newly elected council members and the mayor, after first having taken the oaths prescribed by law, shall assume the duties of their offices. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution except that they shall regularly meet not less than once each month. The mayor, any council member, or the town manager may call special meetings of the council, at any time at

least twelve hours after written notice, with the purpose of said meeting stated therein, to each member served personally or left at his usual place of business or residence, or such meeting may be held at any time without notice, provided all members of the council attend. No business other than that mentioned in the call shall be considered at such meeting. Notice of any meeting of the council shall be in accordance with the provisions of the Freedom of Information Act as contained in the Code of Virginia.

B. All meetings of the council shall be public, and any citizens may have access to the minutes and records thereof at all reasonable times; however, by majority vote of the council, it may convene an executive session to consider such matters as may be the appropriate subject of an executive session as provided by the Code of Virginia.

C. The council shall appoint a town manager and a town clerk. During the organizational meeting, the council shall appoint one of the members of the council as vice-mayor to act in the absence or disability of the mayor. The vice-mayor shall be appointed by a majority vote of all the council members, and shall serve for a period of two years until the next organizational meeting of the council.

D. The council may appoint all such other boards and commissions as may be deemed proper, and prescribe the powers and duties thereof. The council may determine its own rules or procedures, may punish its own members for misconduct and may compel attendance of members. It shall keep a journal of its proceedings. A majority of all members of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees. All elections and appointments by the council shall be recorded in the journal of the council.

E. The council shall fix the compensation for its members, the mayor, and all other officers the compensation of whom is not otherwise provided for herein.

§ 9. Council; mayor generally.

A. At the November election, 2020, and every four years thereafter, the candidate for mayor who receives the largest number of votes at such election shall be elected and shall serve for a term of four years from January 1, 2021, and thereafter until a successor has been elected and qualified.

B. The mayor shall preside at meetings of the council, perform such other duties consistent with the office as may be imposed by the council, shall have a voice in the proceedings, shall vote only in the case of a tie, and shall have no veto power. The mayor shall be the official head of the town; however, he shall have no jurisdiction or authority to hear, determine or try any civil or

criminal matters. In times of public danger or emergency, the mayor, or during the mayor's absence or disability, the town manager, may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. During the mayor's absence or disability, except as above provided, the mayor's duties shall be performed by the vice-mayor. The mayor shall authenticate by his signature such instruments as the council, this charter, or the laws of the Commonwealth shall require.

C. A vacancy in the office of mayor or vice-mayor shall be filled, within thirty days for the unexpired term, by a majority vote of the remaining council members.

§ 10. Ordinances and resolutions.

A. In addition to the ability to act by motion, the council may act by ordinance or resolution and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, shall be confined to one subject.

B. Each proposed ordinance or resolution shall be introduced in a written or printed form, and the enacting clause of all ordinances passed by the council shall be, substantially: "Be it ordained by the council of the Town of Bluefield, Virginia."

C. No ordinance, resolution having the effect of an ordinance, or resolution suspending an ordinance, unless it is an emergency measure, shall be passed until it has been read at two meetings not less than one week apart, one of which shall be a regular meeting and the other of which may be either an adjourned or called meeting; however, the requirement of a second reading by the affirmative vote of a majority of the members of the council may be confined to the reading of the title only. Any ordinance or resolution read at one such meeting may be amended and passed as amended at the next such meeting, provided that the amendment does not materially change the ordinance. No ordinance shall be amended unless such section or sections as are intended to be amended shall be reenacted. The ayes and nays shall be taken and recorded upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council. Except as otherwise provided by this charter, the Constitution of Virginia, or the Code of Virginia, a majority vote of the members of the council present and voting at a lawfully held meeting shall be sufficient to adopt any ordinance or resolution.

D. An emergency measure is an ordinance for the immediate preservation of the public peace, property, health or safety, or providing for the daily operation of a municipal department. The emergency shall be stated in every such measure. Ordinances appropriating money may be passed as emergency measures; however, no measure selling or conveying any real estate; making a

grant, renewal, or extension of a franchise or other special privilege; or regulating the rate to be charged for its service by any public utility, shall ever be so passed.

E. Every ordinance or resolution having the effect of an ordinance when passed shall be recorded and indexed by the town clerk in a book kept for that purpose, and shall be authenticated by the signatures of the presiding officer and the town clerk.

F. All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from the original record thereof, from a copy thereof certified by the town clerk, or from any volume of ordinances printed by authority of the council.

All interested persons are invited to appear at the said PUBLIC HEARING and present their views. Any questions/comments concerning this matter may be referred to the Town Clerk of the Town of Bluefield at (276) 322-4626 or hernandez@bluefieldva.org.

Mayor Harris stated this was significant changes that were being proposed and no one had signed up to speak. He asked for anyone with concerns to come forward.

Donnie Linkous stated that he did not sign up because he did not have any idea what it was about since on the paper it only stated Charter Changes. He stated going off of memory and to correct him if he was wrong, that as it stood now the mayor only had a vote in the case of a tie and when they did the charter change to elect a mayor, the General Assembly said that he had a voice and a vote and asked if that had not been changed in the charter since.

Mayor Harris stated that when he first became mayor that the term for mayor was a 2 year term with no vote unless a tie and under the changes it went to a 4 year term and the mayor having a vote.

Mr. Watson stated that what the proposed changes were was going back to the mayor not having a vote.

Mayor Harris stated that this was also to add another council seat and the mayor's vote only in the case of a tie.

Mr. Linkous stated that it would be 6 council and 1 mayor with the mayor only having a tie-breaking vote. He stated going back a little bit and what he remembered having 6 that it was hard to get people to run and now they were talking about having 7. He stated that he had been on council for a long period of time and when he first was on there the mayor was elected by the board and having a vice-mayor seemed to work pretty well. He stated then it was changed to an elected position and a 4 year term. He stated that no matter what was proposed that the General Assembly would ultimately tell them what they could and could not do. He stated that if he understood them correctly that the

proposed changes to the charter were eliminating the vote of the mayor and adding a council position with everything else staying the same.

Mr. Freedman stated that it was more to it than just that and had been advertised in detail in the paper twice. He stated that there was significantly more changes.

Mr. Linkous asked if they could tell them what the other changes were.

Mr. Freedman stated that it was what he had read.

Mayor Harris suggested he get a copy of the newspaper or the legal ad that was ran. He stated that they had to have two meetings to discuss this and that this was the first of the two meetings.

Mr. Freedman stated instead of rereading the entire thing he would give the “meat and potato” summary that read: include eliminating the Mayor’s vote in the Town Council’s proceedings (except in the case of a tie); adding an additional councilmember to the Town Council; updating election years, eliminating the Town Council’s viva voce requirement for its elections of officers (and adding the word appointments therewith); where permitted by law, allowing councilmembers present and voting at a lawfully held meeting to adopt a resolution or ordinance (versus a majority of those elected to the council); clarifying the Town Council may act by motion, ordinance, or resolution; and several general grammatical and language changes.

The mayor asked if there were any more comments.

There were none.

The meeting was adjourned at 6:17 p.m.

Don Harris, Mayor

Kim Hernandez, Town Clerk