

**Town of Bluefield
Town Council
Work Session
May 28, 2019**

The Bluefield, Virginia Town Council held a Work Session on Tuesday, May 28, 2019 at 5:30 p.m. in the Council Chambers of the Town Hall located at 112 Huffard Drive, Bluefield, Virginia.

TOWN COUNCIL PRESENT

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

ALSO PRESENT

Mike Watson, Town Manager
Lesley Catron, Town Clerk
Matt Freedman, Town Attorney

ABSENT

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

CALL TO ORDER

Mayor Harris opened the Work Session at 5:40 p.m.

Budget

Mr. Watson stated that there were some changes to paving such as carrying over \$160k plus the \$170k budgeted. He stated after July 1st we would have \$330k in paving once it was bid out. He stated in transportation the improvements would include \$621,836 paving from Dudley Street to Luther Street. He stated that he added a line item under transfers to start a long-term capital type savings and that right now we budgeted the purchase of 2 police cars per year and in order to buy and equip a new police car it would cost around \$35k-\$40k per vehicle. He stated that he would like for every police car to have a camera and that it was a necessity for them to have and he would like to add \$10k/year. He stated that he could absorb it into the existing budget in an LGIP.

Rec Park Baseball Field

Mr. Watson stated that another project he would like to talk about was the Rec Park Baseball Field. He stated that he talked to Eric with Little League and he stated that the baseball field was almost big enough for high school to play on (center field was 14 ft. off). He stated that he had priced some cost on the fencing to get it put in and we could put it in

during the fall and extend the fence another 12ft. center wall which would allow another place for the high school to play. He stated that it would be around \$25k for fencing, grass, etc. and he could take it out of the general operating account prior year reserves not an LGIP. He stated that he believed the fencing was around \$20k.

Cameras

Mr. Watson stated that he had a company quote cameras throughout the Town and right now we had 14 cameras but they did not do the job they should do. He stated at the West Graham Playground, the only service you could get was Comcast and the total per camera was \$178 month. He stated that this was not something that would be completed this year.

Mr. Bailey asked if he had checked with WVVA.

Mr. Watson stated that he had and it was \$50 per camera. He stated that he was looking at a different type that would give a view from the Police Department, have time lapse storage at the Police Department and would have an SD card in them to record on sight. He stated it was a 250 gig memory card in every camera and the cameras were around \$25k and that was putting in 16 but he had to get internet to the locations. He stated that the one at the Rec Park fields looked gray when the lights came on. He stated that was something he would like to add to the new budget and would take \$45k from Prior Years Reserves if it was something council approved.

Mr. Bailey asked if the new water meter reading system would create its own cellphone network.

Mr. Watson stated that he wished.

Mr. Bailey asked if it could be tied together.

Mr. Watson stated that it worked off of a different type of frequency.

Micro-Trencher

Mr. Watson stated that another project in the next 2-3 years that would be paid out of Equipment LGIP was to buy a micro-trencher. He stated that it would dig a 2" wide line 12 inches deep and that a lot of municipalities were putting their own fiber in the ground. He stated that fiber was cheap but the machine was around \$30k-\$40k and went on the back of the ditch witch. He stated that Richlands did their own and with the 14 cameras that we had at \$70 each it was \$980/month or \$11,760/year and he knew he was spending even more than that. He reminded council of the 2% increase for the next 5 years that they had already voted on to get better financing on the loan and other than that, that was all of the changes except for the purchase of the Fire Department Pumper Truck which was already voted on as well.

Cemetery

Mr. Watson stated that the cemetery was the same.

Water

Mr. Watson stated that water was doing better this year and he had already ordered a tower but depending on how the other project did would depend on its location.

Agenda

Mr. Watson stated under the Manager's Report he would discuss that we should be close to being able to purchase materials to do South College and we almost had permission to buy the meters and then we could swap them out. He stated that he would like to hire a part-time person so that we can get in 25 meters per day and that a drive by unit and 25 meters had already been donated to us to try.

He stated that the next thing council would do was vote to go to Public Hearing for the budget. He stated that we would have a Public Hearing, 1st Reading, 2nd Reading and then be able to approve the budget.

He stated that if they decided to go forward with Fincastle that it would be an estimated 6 ½% made off of all sales of the restaurant which would be an extra \$30k per year of revenue that we were not seeing right now.

He stated that the other item he wanted to discuss besides the budget were election signs and donations.

Mayor Harris stated that 2-3 meetings ago he asked council to give some thought as to how they would like to handle donations going forward and would like to open that up for discussion.

Mr. Holt stated that he knew they had talked about setting a cap on it and it was not a horrible idea and they had also talked about setting a specific amount for each councilmember to give. He stated that if it were causing a problem then they should possibly look at a cap but he thought they should give the tennis team the donation before setting the ground rules.

Mr. Watson stated that he also had a request for \$7,500 to promote Southwest VA and that it would help them so he would like to do it. He stated that he had paid the baseball group \$1k but they had to work for it by cleaning up and doing work.

Mr. Holt asked about setting a cap on request amounts because everyone would start asking for the maximum amount.

Mr. Presley asked on average how much did the people ask for per year.

Mr. Watson stated that it was growing because the word gets out.

Mr. Presley stated that they needed to make it known that there was a cap.

Mr. Trigg stated that one team may have more players or members than another team and asked how they would give the same amount in a situation like that. He stated that he liked making them work it off.

Mr. Watson stated for the tennis donation he had thought about having them to clean up the outside of the old Carpetland building.

Mr. Holt stated that was good to make them work a certain amount of hours for a certain amount of money.

Mr. Presley asked how much was spent in donations each year.

Mr. Bailey stated \$44,660.95 if they did the tennis request and what was included in the sheet he was sent. He stated if they capped it at \$500 with 27 requests that would only put them at \$13,500.

Mr. Holt stated that he was talking about unbudgeted requests because that was what got them in trouble because they had not been budgeted.

Mr. Bailey stated \$7,402 for 7 unbudgeted requests but they could not know if someone was going to state for something and it would not be the same ones hitting you up every year when they did not need it. He stated that he loved the community service factor and if Fincastle went through they could use a lot of people there doing community service.

Mr. Trigg asked who they had given the most to this year.

Mr. Watson stated \$8k to the Sanders House.

Mr. Trigg asked who done the work around there.

Mr. Watson stated that we did.

Mr. Bailey suggested setting a cap on how much they were willing to give away per year and once it was gone then it was gone.

Mr. Holt stated that was what they were talking about earlier and what happened if they received a request to go to state.

Mr. Bailey suggested leaving a reserve amount in your donations for such instances.

Mr. Trigg stated that he had different groups approach him asking if we would give them money because they were thinking that the Town was making a lot.

Mr. Holt asked about the High Street Project.

Mr. Watson stated that the slow part was they had a piece of property there and he did not want to put property maintenance on it.

Mr. Bailey asked how long something could go under property maintenance.

Mr. Freedman stated that it had to be deemed unsafe.

Mr. Watson stated that he had a person to call him today about a piece of property and they were putting a lot of signs out making people mad.

Mr. Holt stated that it was becoming more of an issue in his neighborhood because older folks who used to take care of their properties were selling them and they were turning into rental properties that people did not take care of.

Mr. Bailey stated that there were more abandoned houses in the Town than they realized.

Mr. Watson stated that he was getting tired of listening to the complaints from the citizens in general and that it cost a person about \$200 if the Town mowed their grass.

Mr. Bailey asked if the Town kept mowing it when we would receive the money for it.

Mr. Watson stated that a lot of the properties with tall grass was because the owners were not home.

Mr. Holt stated that they needed to keep mowing then send them his way and they would put a lien on the property.

Mr. Watson stated that they would be amazed at how many letters was sent out. He stated that at the beginning of the year you sent out 1st Offense letters certified and they did not have to sign for it.

Mr. Holt stated that they talked about it being sufficient just to post it.

Mr. Freedman stated that they simplified it to doing a letter and posting it on the property.

Mr. Holt asked if they had to sign for it.

Mr. Freedman stated no.

Mr. Watson stated that the red was for grass and yellow was for property maintenance.

Mr. Holt stated that they would not have to sign as long as it was posted on the door and after 10 days they could go in.

Mr. Watson stated that they had to send a certified letter and once they received the paper back where they did not sign for it then they could.

Mr. Freedman stated that postings were good for 12 months and as long as they were sent a certified letter and it was posted then they did not have to receive it.

Mr. Watson stated that the 1st Offense you had to send a letter and we posted on the property.

Mr. Holt asked if it started from the day it was sent.

Mr. Freedman stated yes from the postmark date.

Mr. Watson asked if it was sent out today, would the clock start then on the 10 days or the return received.

Mr. Freedman stated that it was the postmark date of sending the letter and procedurally we would wait until the return because there were many properties that we could not get in touch with someone right away and we liked to give them time to contact us.

Mr. Bailey asked on the 2nd Offense was it 12 inches again?

Mr. Holt stated that a letter did not have to be sent again just posted.

Mr. Freedman stated that it was good for 12 months. He stated that we either received no contact and had to cut it or we went back and forth with someone to keep it cut.

Mr. Holt stated that after the 1st time and a sign was put up again that they should not call anymore and just cut it. He stated that was the way the Town should move forward with these issues.

Mr. Bailey stated that he hated for us to wait until it was 12 inches.

Mr. Holt agreed.

Mr. Watson stated that the State was 10 inches.

Mr. Freedman stated that most tried to work with the Town but the rental properties was where the problem was.

Mr. Bailey stated that abandoned houses were a problem as well and there was one on Fairway.

Mr. Freedman stated that there have been a few houses that we have had to stack up liens on.

Mr. Watson stated if council would like to stiffen up on it that we could put something in the newsletter that stated "breaks were over" and after you had received your 1st warning the next time we would cut it.

Mr. Bailey suggested putting it on Facebook as well.

Mr. Holt suggested having WVVA do a small story on it.

Mr. Bailey stated that they needed to know that once they received a written warning then that was it.

Mr. Freedman stated that they should probably wait before putting anything in the newsletter that he had talked to Mr. Williams about doing a combined nuisance violation to cover everything in a 12 month period. He stated that if they waited then they could tell everyone that any nuisance in the Town such as grass, rubbish, etc. that once you received a notice then that was it.

Mr. Holt asked how long that would take to get together.

Mr. Freedman stated he should have a draft prepared in the next few meetings.

Mr. Bailey asked when the next newsletter went out.

Mrs. Catron stated in 1-2 weeks.

Mr. Bailey stated that if they waited that would be in July.

Mr. Holt suggested that they state they would be tightening down on offenses in July. He stated that he understood if someone had been in the hospital, etc. and they could work with those but not the ones who just would not cut their grass.

Mayor Harris stated that several years ago, a gentleman who lived in Sedgewood was sent to prison and the house was vacant for 5-7 years and the Town cut the grass and put a lien on the property and it was all paid. He stated that it was around \$300 each time and they could have hired someone to do it a lot cheaper.

Mr. Watson stated that they would put something in the newsletter and let everyone know they were going to make the guidelines firm.

Mayor Harris asked to go back to donations to make sure everyone was on the same page.

Mr. Holt stated that they should just leave it alone.

Council agreed.

Mr. Watson asked about the Tennis Donation Request.

Mr. Presley stated that they needed to give them the money.

Mr. Watson asked if they would have to work it off.

Mr. Holt stated that the rules should start after them since they had already turned it in.

Mr. Trigg stated that they needed to let the coaches know and for them to be responsible for the team doing certain things. He stated that when he coached years ago that they were always cleaning up.

Mr. Presley stated that he liked setting a guideline that the requests had to be in by November/December and he thought that was reasonable.

Mr. Holt asked for instance about the VOTECH when they needed money to go to state.

Mr. Trigg stated that they needed to have some lead way for requests like that.

Mayor Harris stated that it would be good to let it be known.

Mr. Bailey suggested that they send anyone who had requested a donation a letter about the policy, when to turn in their request by and they would have to do community service, etc.

Mr. Trigg asked what was going on concerning Dominion.

Mr. Holt stated they were being quiet.

Mayor Harris stated that the gentleman used to come into his shop but had not been by in several months. He stated that it was in the newspaper several months ago that Dominion was losing some of their political clout. He stated that Walmart had applied to do their own power with the SCC but the request was denied.

Mr. Holt stated that when he lived in Richlands they had a different setup for their power.

Mr. Bailey asked if he got a bill from the Town.

Mr. Holt stated yes that power, water, garbage, etc. was all included. He stated that they shipped the power in from KY or somewhere.

Mr. Watson stated that they tried to keep their utilities down and he did not believe they had personal property taxes either.

Mr. Presley stated that Richlands did not have personal property taxes. He asked how they got their power.

Mr. Bailey stated that it was bought off the grid.

Mr. Watson stated that it was bought in bulk and they also had a generator they used to offset the cost.

Mr. Presley asked what the generator ran off of.

Mr. Holt stated diesel.

Mayor Harris asked if the Town Manager was still running it.

Mr. Watson stated yes and that Richlands did their own fiber, water, sewer, electric, trash, etc.

Mayor Harris stated that they pretty much built their own Town Hall and their Town Manager was sharp.

Mr. Watson asked if there was anything else they needed to talk about.

Mr. Holt stated that they were running into a huge problem with the Little League and this season they had 250 kids with no place to practice really after the games started going. He stated that they used the small field beside GHS and the field at Springville but it would take them a year to get those fields ready. He stated that they could use the green field below the upper field at the Rec Park which t-ball used it now. He stated that you could not really have games on that field but he would like to explore fixing it since it was a growing program.

Mr. Watson stated that he would like to look for some funding and maybe they could look at the green space at the Richwood Property. He stated that he thought there was enough space there for a practice soccer field but he would have to do some research.

Mr. Holt stated that it would not take a whole lot to fix the practice field at the Rec Park and make it into a nice field and still have green space on the other side.

Mr. Watson stated that he would have to do some measurements.

Mr. Bailey stated that all they would really need would be enough room to mow around the fence. He stated that they could angle it and recess the dugouts in the hillside bank.

Mr. Watson stated that he would love to slope it off.

Mr. Holt stated that you would want to have enough space behind home plate still to put your stop back at least 20ft. He stated that you would have to have room for the officials and the ball to be able to travel.

Mr. Watson stated that if council would like for him to look at that, he would get some numbers. He stated that they would have to address some parking but there was already some parking there and up above it. He asked if the Little League would be willing to have tournaments to raise some money.

Mr. Holt stated that he was sure that they could do something.

Mr. Watson stated within a few years they could raise enough money to buy lights.

Mr. Holt stated that they needed lights because right now they could not schedule a game past 6 p.m. with it getting dark by 8 p.m.

Mr. Bailey asked if they could use the field across the street at the school.

Mr. Holt stated that they had to submit a usage form but next year they could practice there.

Mr. Watson stated not the high school but the field here at the middle school.

Mr. Holt stated no not that one and that they could use the one at the high school but that softball got first dibs on its.

Mr. Watson asked how they wanted to handle the signs. He stated that it could be addressed in the same way but until June 11th they would not know who was on there. He stated that he was told that day that there was a sign in the Sedgewood area and he would have to get with Mr. Freedman on it.

Mr. Holt stated that they had talked about it last time and that it was unenforceable.

Mr. Freedman stated that was correct.

Mr. Watson asked what if it was under covenants.

Mr. Holt stated that Sedgewood would have to enforce their own that it would not be us.

Mr. Watson stated that one thing in local government was if it were under covenants that was built in and if the Town had agreed to enforce it then we could. He stated that he did not know if we had agreed or not.

Mr. Holt stated that he ran for office and he abided by the code and the 45 day rule and was out picking up his signs the day after the elections but if it were not enforceable and unconstitutional then it needed to be taken off.

Mr. Watson stated that staff needed to know which way council wanted to move forward with this issue.

Mr. Bailey asked Mr. Freedman if there was any way we could enforce it.

Mr. Freedman stated no.

Mr. Holt stated that at the end of the day what he liked was one thing but what was constitutional was another and they could not restrict the content.

Mr. Freedman stated that was correct if they were looking for ways to regulate political signs. He stated that we could not tell them they could not have any signs.

Mr. Bailey stated that we could regulate signs just not the content.

Mr. Freedman stated that was correct.

Mr. Bailey stated that he was ok with that but they needed to regulate them.

Mr. Holt asked how we could enforce it.

Mr. Watson stated that they could do all signs except for yard sale, real estate, etc.

Mr. Holt stated that was what they were saying now.

Mr. Freedman stated that if they wanted to regulate political signs then they would have to do it by safety regulations. He stated that an example would be if someone wanted to put up a barn sized sign in their yard then that would be a distraction and could cause a

car accident. He stated that was something we could regulate but the nature of the sign and how long it was there we could not. He stated that he could put a draft together for it or leave it on the books but not send out the letters. He stated that if the majority of council wanted it that he could do a resolution and encourage the citizens to be mindful of other citizens and the quantity of signs but could not take down the signs or issue citations.

Mr. Holt asked if you could not take them up then why do we send those letters out when it was against the law.

Mr. Freedman stated that maybe we just encourage them not to put up signs until 45 days before and it would not be binding.

Mayor Harris stated that we were almost 5 months away from elections. He stated that they all had abided by the 45 days and it did not cause any harm even though it was not legal but it kept the Town free from a lot of signs. He stated that the next election they would see signs going up way in advance.

Mr. Freedman stated that this was not his opinion and he was strictly speaking from an enforceability stand point.

Mr. Bailey asked if at the next election they had someone run for council and they put up their signs in January and told us that we could not enforce it then how would we address that.

Mr. Holt stated that he agreed that we did not want to litter up the Town. He stated that he was coming from his respect for the constitution and the laws of the country in the Commonwealth. He stated that he did not like it personally but the bottom line was that the constitution and law stated that it could not been done and the Town could not pick and choose.

Mr. Presley asked if a citizen were to complain about a sign then what.

Mr. Freedman stated that they would set a rule that it would not be by a citizen's complaint.

Mr. Holt stated that anything put close to a right of way and in line of sight was a traffic hazard.

Mr. Freedman stated those could be prohibited.

Mr. Holt stated that they needed to have some sort of restrictions regarding obstruction of view in a right of way.

Mr. Watson stated that if they put a sign in the corner of their property and it was blocking something then that would be a health and safety issue.

Mr. Holt stated that he agreed and as an example if Bill Rich wanted to put up a 10x10 sign in his field that said VOTE TRUMP that it would be hard to say you cannot do that.

Mr. Watson stated that it was limited now on size restrictions, lighting, etc. He stated that commercial and residential districts had rules.

Mr. Bailey stated that was not the issue they were having and that was normal sign code.

Mr. Watson asked if they took out the part that said temporary political signs what restrictions would you have in residential districts based on that.

Mayor Harris stated that they had a problem a few years ago concerning real estate signs.

Mr. Watson stated that the Real Estate Agents were putting up signs on corners of roads and council said to leave them.

Mayor Harris stated that they had 10 signs together.

Mr. Bailey stated that they were bunching them together but now you only seen one.

Mr. Watson stated that he could not remember if they changed the ordinance or what. He stated that he was looking at the ordinance to see if they had any sign regulations in residential districts.

Mr. Freedman told him to look at Sec. 74-1165.

Mr. Watson stated that there was a minimum set back of 10ft from the road. He asked what the restrictions were for signs in residential areas.

Mr. Freedman stated that subdivisions or development signs had a maximum area of 25 sqft. Institutional and bulletin signs could not exceed 25 sqft in height, professional offices, nursing homes, etc. could not exceed 16 sqft. in area and 4 sqft. in height and had to be 10ft behind right of way. He stated that it did not speak of political signs.

Mr. Watson stated if he wanted to put signs up in his yard what would be the restrictions.

Mr. Freedman stated that one sign could be up to 6sqft. 4sqft. high and had to be 10ft. behind the right of way.

Mr. Watson stated that businesses were only allowed a certain amount of signs and could have smaller signs to put up whenever they wanted. He stated that he needed to verify all of this information and if you lived in Sedgewood then you were under their covenants and the property owner would be the one breaking the rules after they bought the property.

Mr. Freedman stated that maybe they should make this more about updating the sign ordinance and that he would talk with the Zoning Administrator about it.

Mr. Watson stated that he needed to do some research.

Mr. Freedman stated that we were not alone in dealing with this and in the last 2 years multiple jurisdictions had come up with a model sign ordinance because they had been dealing with issues like this not just political. He stated that it was a Virginia statewide dilemma as to how to address this issue.

Mr. Bailey stated that he believed they needed to go through it.

Mr. Watson stated that he would sit down with Mr. Watson and Mr. Williams and discuss it.

Mr. Bailey asked if someone could stretch out a 20x10 banner in their yard.

Mr. Freedman stated that if it fell under that regulation of the banner section then maybe. He stated that if it were not addressed in that part of the section of code then probably not if it were addressing political speech.

Council continued to talk amongst themselves.

ADJOURN

Mayor Harris adjourned the Work Session at 7:30 p.m.

Don Harris, Mayor

Lesley Catron, Town Clerk