

**Town of Bluefield
Town Council
Work Session
August 27, 2019**

The Bluefield, Virginia Town Council held a Work Session on Tuesday, August 27, 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
Kim Hernandez, Interim Town Clerk
Matt Freedman, Town Attorney
Billie Roberts, Comm. Dev. Coordinator
3 Members of Public

ABSENT

Jimmy Jones, Councilmember

CALL TO ORDER

Mayor Harris opened the Work Session at 5:46 p.m.

Charter Amendments

Mr. Watson stated that to change the charter it would require a resolution, Public Hearing and be sent to the General Assembly for approval and would become effective July 1st. He stated that the voting policy for the mayor and the number of council members had been brought up to him and that it was best to have it out the 2nd week of December to the General Assembly.

Mayor Harris asked to go over the changes first.

Mr. Watson stated that in our ordinance it stated majority of elected instead of majority of present, creating an additional member making it 6 council and 1 mayor, and limiting the mayor to a tie breaking vote.

Mayor Harris stated that it was unfair and he was opposed to the Mayor not having a vote. He stated that at one time the mayor was a 2 year term where council was a 4 year term and it was changed.

Mr. Holt stated that he had a lot of residents tell him that it needed to be returned to a healthy form of government and that it was nothing against him personally. He stated that right now if they had a 3-3 vote how you would break it.

Mayor Harris stated that he had been through it and it was unfair because the amount of input and work that the mayor did and to limit them to a tie breaking vote was not fair. He stated that in all probability, he would not be running again and wanted it to be fair for the future. He stated that they had not had any problems since the change.

Mr. Presley stated that the majority of the Towns, the mayor did not have a vote and that he agreed with Mr. Holt that it should be a tie-breaker vote. He stated that the term should remain the same.

Mayor Harris stated that it worked well before.

Mr. Bailey asked if before it was 6 council and 1 mayor.

Mr. Watson stated that no that it was 5 council and 1 mayor and that the charter change was to change the term from 2 years to 4 years and for the mayor to have a vote.

Mr. Bailey asked when it was changed.

Mr. Watson stated November 14, 2011.

Mr. Bailey stated that he understood changing the term but why was the vote changed.

Mayor Harris stated that it gave the mayor an opportunity to vote.

Mr. Bailey stated that it was more of an opportunity for a tie.

Mr. Presley stated that it should be 5 council voting and the mayor as a tie breaker and by doing it this way, it made the mayor and council the same.

Mr. Holt stated that it was nothing to do with the Mayor that it was about who would be in that position in the future. He stated that the Mayor was the spokesperson of the Town and carried out the will of council.

Mayor Harris stated that he was not taking it personal but he felt like he/she should be a part of an important process.

Mr. Holt asked if there was any other Town in the region that had a similar setup.

Mr. Freedman stated that he would have to look that he was not sure but believed that most were the tie-breaker/presider.

Mr. Bailey stated that the mayor's decision would rule in the form of a tie-breaker.

Mr. Holt stated that they did not have to decide then but would like to see the language changed from members elected to members present.

Mr. Presley agreed.

Mr. Holt stated that if they did a resolution or an ordinance with the absence of a member that they would have to have 4 out of the 5 to pass something the way the current charter read but if changed to members present would be the better word for it then it would be 3 to 5 instead of 4 to 5 which was what he thought was probably the intent of it.

Mr. Freedman stated that was the general Roberts Rule/General Assembly Rules but that ours varied from that. He stated that there had to be 4 to operate for a quorum out of the 6 voting members and if one were to recuse then they would still be able to operate and pass it with 3 but would have to have 2 voting for it because it would be members present and voting or if everyone voted out of the 4 then you would only need 3.

Mr. Presley stated that would be for members present.

Mr. Bailey asked if that was uncommon.

Mr. Freedman stated that it was different from the general rule mentioned in the VA Code.

Mr. Bailey asked what that was.

Mr. Freedman stated that it would allow to make an oral motion vote and a second without passing an ordinance to vote each time.

Mr. Bailey asked what he meant by voice vote.

Mr. Freedman stated that by statute for the board to act in General Assembly they were given the power to vote by a voice vote, resolution or ordinance. He stated that some things under VA law were required to be done by resolution or ordinance but other things could be done by voice vote. He stated that our charter seemed to speak by acting but our council seemed to do a lot of voice voting and by adding this it would ratify what we were already doing so there would not be conflict in the future between this and the VA Code.

Mr. Bailey asked if it would be one big charter change.

Mr. Freedman stated yes.

Mr. Watson stated that the more changes made would make it harder to pass in the General Assembly.

Mr. Holt asked if he thought they would go against it.

Mr. Watson stated that it had happened in the past and they did not vote against it but that it just died. He stated that they wanted to do what was consistent but that he would put it all in and see what happened.

Mr. Bailey asked if it would be better to do a little at a time.

Mr. Watson stated that it would depend on what the changes were and that sometimes they passed some and not all.

Mr. Watson stated that he would check other municipalities on the mayor's vote and stated that council were all in agreement about the voice vote and to change to majority present and the additional member would be looked at with a full board and more information.

Mayor Harris stated that they would revisit the extra seat at a later time.

Mr. Freedman stated to be clear that they would look at the mayor's vote and adding a new member at a later time and that he would put together a draft for the voice vote and majority present vs. majority elected to the board.

Discussion of Cats

Mr. Freedman stated that recently a feral cat injured a child. He stated that he drafted a general ordinance for council to review and asked if it was worded ok other than changing it from cat to domestic animal.

Mr. Bailey asked if the Town currently had a dog ordinance.

Mr. Freedman stated a barking dog ordinance but nothing for bites.

Mr. Bailey asked if this verbiage would cover it.

Mr. Holt stated that people poured out whole bags of food for these animals and that he knew of someone who hired a person to come in and feed the cats. He stated that dead kittens were found the next day or so after the child was bitten and that he tried to trap it but could not catch it. He stated that this was a serious deal since a child had been bitten and that was what he was concerned about. He stated that it was a public nuisance with that type of behavior.

Mr. Freedman asked if the wording sounded like what he was wanting to address.

Mayor Harris stated that the townhouses were private property and cats were being fed there all of the time. He stated that the woman feeding them had moved but still came back to feed them. He suggested getting a trespassing warrant.

Mr. Freedman stated that she was asked not to come back and had an agency working with her to trap and rehome them.

Mr. Bailey stated that the case Mr. Holt was talking about they could not identify who owned the cat that it was being fed at this location and asked what that would impose.

Mr. Freedman stated that the Town would have to argue to the courts that they were the custodian to the cat because they were feeding and taking care of it.

Mr. Holt asked if there was precedence for that.

Mr. Freedman stated that he did not know if the courts had ever addressed something like that before.

Mr. Holt asked that he check and see.

Mr. Trigg stated that once cats were being fed then they would return with babies.

Mr. Watson stated if someone had 5 cats that they were taking care of but were not fixed then what do you do.

Mr. Holt stated that there were descent owners who took care of the offspring.

Mr. Freedman stated that he would leave the first two parts and remove damage and noises. He questioned how they could give "sufficient" amount of feeding to the public to institute a nuisance and that they could get in trouble for that.

Mr. Trigg suggested that they read the article in last Sunday's paper that the Sheriff did referring to this issue.

Mr. Freedman stated that by putting in "creates unsafe or unsanitary conditions" should be enough vs. making it an actual nuisance for feeding.

Mr. Bailey asked what downfall they would receive from this.

Mr. Watson stated the enforcement would be hard and how could you take a certified animal control officer to regulate a nuisance.

Mr. Holt stated that they could not just take them to the animal shelter and he was open for any suggestions.

Mr. Freedman stated that he would check with Wytheville that they had something similar and that he would talk to the General District Court judge to see what he felt.

Mr. Bailey asked how it would be enforced.

Mr. Freedman stated that it would not be through Animal Control that it would be a summons to the people.

Possible Fall Concert

Mr. Watson stated that it was mentioned about having a fall concert with a good band.

Mr. Holt stated that it had been a while since we had one and could use the money for a charitable cause. He stated that he had talked to Erik Robinson about it and that the town could recoup the cost and make money and donate it.

Mr. Watson stated that they would need to move forward immediately if they were wanting to have it. He stated that there would be some upfront cost beforehand and it would cost around \$40-50k to have the event. He stated that the money could be taken out of savings then sale the tickets but to keep some of the money to build up a fund if they were planning to do it annually.

Mr. Holt stated that it could be held at the Graham Rec Park.

Erik Robison stated it could be held on the senior field with the pavilion below it. He stated that he was looking at an artist who needed a date filled which would be 1/2 to 1/3 of normal price so around \$20-25k.

Mr. Trigg asked if they would need more planning.

Mr. Robinson stated that he had put out feelers and would need to know ASAP but that it could be done. He stated that porta johns, security, generators, etc. would be needed.

Mr. Trigg asked what the backup plan would be weather.

Mr. Robinson said that it was outdoors and that would be a chance they would have to take.

Mr. Bailey stated that it would happen rain or shine.

Mr. Robinson stated yes. He stated that it would probably be a small crowd of 1,500 to 2k people with the artist he had found and that not all of the money would go to the artist but the things mentioned above. He stated that there would be a small opening act before the main act.

Mr. Bailey asked what date they were looking at.

Mr. Holt stated October but they could look at the spring. He stated that it would be beneficial for the residents.

Mr. Robinson stated that they would have to be careful with a spring concert because of the little league using the fields then. He stated that it could be done in October if they wanted to move forward with it and that he would be happy to put it together.

Mr. Trigg asked for the town to break even how much would they have to sale the tickets for.

Mr. Robinson stated \$20 per ticket and suggested working with the IDA to do an alcohol license. He stated that was how you made your money along with a few vendors to where you got a percentage of what they sold. He stated that the artist sold items as well and the Town would get a percentage off of what they sold.

Mr. Presley asked if they needed an answer tonight or when.

Mr. Holt stated that a few weeks should be ok.

Mr. Robinson stated that he would need a yay or nay then.

Mr. Presley asked him to email them something more in detail.

Mr. Holt thanked him for his help.

ADJOURN

Mayor Harris adjourned the Work Session at 6:49 p.m.

Don Harris, Mayor

Kim Hernandez, Interim Town Clerk