Town of Bluefield
Town Council
Work Session
September 8, 2020

The Bluefield, Virginia Town Council held a Work Session on Tuesday, September 8, 2020 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
Jarrod Bailey, Councilmember
Anglis Trigg, Jr., Vice-Mayor

ALSO PRESENT
Mike Watson, Town Manager
Kim Hernandez, Town Clerk
Paul Cassell, Town Attorney
Billie Roberts, Comm. Dev. Coordinator
Rachel Looney, Administrative Asst.
1 member of public

ABSENT
Jimmy Jones, Councilmember
Shane Gunter, Police Chief

CALL TO ORDER

Mayor Harris opened the Work Session at 5:30 p.m.

Executive Session Discussion

Mr. Watson stated that there were several items to discuss. He stated that the first was concerning the Executive Sessions being changed towards the beginning of the meeting. He stated that he had sent out some emails discussing this but according to State Code a regularly scheduled meeting has to start at a certain time. He stated that council sets a time and the agenda within it could be adjusted. He stated that council wanted to have the Executive Session before the regular meeting which would change from week to week if there was an Executive Session but it was required to have a time set for regular meetings. He asked how council wanted to do the agenda and that Kim had brought it up before council and it was voted to move the Executive Sessions to the beginning of the meeting and to have no times listed on the agenda.

Mr. Holt stated that the point was to get away from the meeting going too long in the evening or having an Executive Session too late when there was still business to conduct afterwards. He stated that the School Board started their meeting and went into Executive Session around 5 p.m. and by 6:30 p.m. they were holding their regular meeting

no matter what and that was the way they envisioned it so the people would know what time they were in Executive Session when that motion was made.

Mr. Presley asked if the meeting time could be switched every time before the next meeting.

Mr. Watson stated that they had to vote to set a time for the regular meeting and if the Executive Session were to start at 5 p.m. and the regular meeting time would be at 6:30 p.m.

Mr. Bailey asked if their regular meeting had already began.

Mr. Cassell stated yes that you had to have an Executive Session in the course of a regular meeting regardless of how they were labeling it that a meeting had to be called to order then they could go into Executive Session.

Mr. Presley asked if they could change it as they went if they had an Executive Session.

Mr. Holt stated if they showed up and there was no Executive Session then they would have to wait until the meeting time.

Mr. Presley asked if it had to be a concrete start time each time.

Mayor Harris stated that they needed a regular start time for the meeting so that the citizens would know and then they could adjust the agenda once they were in the meeting.

Mrs. Roberts stated that it would be as it was now and if there was no Executive Session on the agenda then they would just continue on with the meeting.

Mr. Watson stated no, that they would have to start the meeting at a specific time no matter if they had the Executive Session or not but if they tell the public it started at a certain time then you would have to wait until that time to start the regular meeting.

Mr. Holt stated that was exactly right. He stated the School Board came out to start their regular meeting at 6:30 p.m. regardless if they were done with the Executive Session or not.

Mayor Harris stated once more that they had to let the citizens know a time.

Mr. Watson asked why the move from the end of the meeting to the beginning.

Mr. Holt stated that they had some citizens who sit there until the end waiting and sometimes they conducted business afterwards so it could be 10 p.m. before they were done.

Mayor Harris stated that there were very few who stayed.

Mr. Holt stated that they had some diehards who came out and waited.

Mr. Presley asked that tonight's Executive Session be moved to the end of the meeting after the attorney's report.

Mr. Holt agreed.

Mr. Watson asked if council wanted to vote during the regular meeting to change the start time to 6:30 pm.

Mr. Holt stated that he would recommend that they wait until the Organizational Meeting in January and to continue to do as usual until then.

Mr. Bailey stated that he did not care either way and saw the two sides: if they started earlier then they could go home earlier vs. if they changed it and did not have an Executive Session scheduled then they would have to sit there and wait until the meeting could start.

Mrs. Hernandez stated on the agenda there would be a start time if we had an Executive Session but if we did not then the citizens would know what time the meeting would start.

Mr. Cassell stated that there was nothing wrong with changing the start time and when we had an Executive Session to put a specific time when the other business would start so that the citizens would know when to come. He stated that they could recess from the Executive Session until the start of the regular session but that the Executive Sessions were a part of the meeting so they had to start the meeting first.

Mr. Bailey asked about those who did not get a copy of the agenda and how they would know.

Mrs. Hernandez stated that it was posted on the website.

Mr. Presley stated if they started posting it at 6:30 p.m. then the people would know to look at the agenda.

Mr. Holt stated that the majority of the time they had an Executive Session.

Mr. Presley asked if they could put a Public Hearing in that time slot.

Mrs. Hernandez stated that there was not always a Public Hearing.

Mr. Bailey asked if they could start the meeting then recess if they had a Public Hearing.

Mr. Watson stated yes but they would have to stop whatever they were doing and have the Public Hearing at the scheduled time.

Mr. Bailey stated that it could be done during the meeting.

Mr. Cassell stated yes that most localities did it that way.

Mr. Bailey stated that the way he looked at it, if they started earlier then they would be able to go home earlier.

Mr. Holt asked to table the discussion until the Organizational Meeting.

Mr. Cassell stated that was what the code called for was to set a start time at the Organizational Meeting.

Mr. Watson asked council to add a vote to the agenda to move the Executive Sessions back to the end of the agenda until the Organizational Meeting and to still leave the times off of the agenda.

Mr. Holt stated yes because if they went through the agenda too quick then it would look bad.

Mr. Cassell stated that he did not think times should be on the agenda other than a start time and if there were a Public Hearing because it created more problems.

Mr. Trigg asked why the change to move it if they thought it was too long at the end of the meeting.

Mr. Presley stated that they thought they could do an Executive Session before the meeting actually started.

Mayor Harris asked council in they were all in agreeance to move Executive Sessions to after Attorney's Report.

Council agreed.

Fincastle Discussion

Mr. Watson stated that he had a conversation with Jarrod regarding Fincastle and the management and when they first took on the project that a committee was formed to make decisions, etc. He stated that during their discussion it was brought up about the possibility of changing it to a management board such as the Cemetery/Sanitary Boards or

if not then he asked if they wanted this committee to get more involved. He stated that the committee was to provide answers to council and give guidance for council to manage the facility.

Mr. Holt stated that his understanding was that he was the Town Manager over the Fincastle Manager and the committee was to report back to council as to what was going on during this timeframe.

Mr. Watson asked if all of council agreed.

Mr. Presley stated that he agreed.

Mr. Bailey stated that the committee was never set forth on who to be hired or how things were to be done.

Mr. Watson stated that he was confused and asked if the operation and management fell under the Town Managers title.

Mr. Holt stated that council liked to be involved upfront on a $2 million investment and to be able to do some decision making upfront. He stated that no one ever interpreted him not having the oversight of the manager there or its operations.

Mr. Trigg stated that he thought Mr. Watson was out and it was the committee doing it.

Mr. Holt stated that anytime they talked about committees that people were getting defensive. He stated they needed to drop the whole defensive thing and that he was the Town Manager and was over the managers.

Mr. Watson stated that his concerns were regarding the overall operations and just to be clear the hiring and firing of management fell under the Town Manager.

Mr. Holt stated that they did not ever think any other way.

Mr. Bailey stated that no one on the committee had that ability to remove/hire anyone.

Mr. Presley asked if the committee was still going.

Mr. Bailey stated that they had not met in a couple of months.

Mr. Presley stated that he would like to get a report on their numbers.

Mr. Watson stated that they were losing money which he had mentioned several times.

Mr. Presley asked to have a Work Session to go over actual numbers.

Mr. Watson stated that the committee had received an email about the purchase of new golf carts and he told them no. He stated that the committee was set up to make recommendations to council for approval.

Mayor Harris stated that was the way it should be.

Mr. Watson stated that council made the decision and when a committee meeting was called that he was the one calling it and was not sure that he was even on the committee.

Mr. Holt stated that he was pretty sure that he was on it and had been attending the meetings. He stated that he did not know where they were getting off track but he was the Town Manager and was over management stuff.

Mr. Trigg stated that the Town Manager was the backbone and should be involved in all committees including the hospital regardless. He stated that council could not be there for everything and that the Town Manager was working for them.

Mr. Presley stated again that he would like to see the numbers.

Mr. Bailey stated that Mike had shown them the numbers and went through it all the past 11 months.

Mayor Harris stated regarding what Mr. Trigg said that in the past with past councilmembers that the Town Manger was the top man representing the Town. He stated that council did not have time and it was the Town Manager's paid position to keep council informed. He stated that they could not have any committees where the Town Manager had no knowledge of what was going on.

Mr. Holt asked if he was not on the committee or at the meetings.

Mr. Bailey stated yes he was.

Mr. Watson stated that he called the meetings but in his opinion he was not there to make recommendations to council that council wanted recommendations from the committee. He stated that he called the meetings because no one else ever did if something were to come up and council voted. He stated that he never voted on anything in the committee meetings.

Mr. Holt stated so you were at the meetings.

Mr. Watson stated yes.

Mr. Holt stated but not on the committee. He stated that he was confused.

Mr. Bailey stated that it was his understanding that he was on the committee.

Mr. Trigg stated that if the Town Manger was not involved then they would not know what was happening.

Mr. Holt stated that he agreed.

Mr. Trigg stated that they may not like some things he does but they could correct that. He stated that he was not involved in the hospital and by not being involved he could not answer any questions that they may have.

Mayor Harris stated that they all had an obligation to respect the committees and that the Town Manager needed to know all things going on pertaining to the Town of Bluefield.

Mr. Bailey stated that he was never left out of anything that was talked about.

Mr. Holt stated that was why he was confused that he thought he was there for every conversation they had. He stated that they needed to leave feelings out and be professional. He stated that the board had changed and there were members who wanted to be involved and help because that was there job. He stated that he had no idea that he did not feel a part of the committee.

Mr. Watson stated that he would like to know the structure of a committee because they had formed 3 committees in the past 6 months. He stated that this committee was formed to give better information to council and have council to decide on some things. He stated that it was the same with the Hospital/Emergency Services Committee so that council could be involved. He asked council what their desire was for his position on the management side.

Mr. Holt stated that he was the manager of operations and that none of council had gone away from that.

Mr. Watson stated ok and that he would start heavily participating on the Fincastle Committee and would stay off of the other two committees until told differently.

Mr. Holt stated that the Public Safety Committee did not meet until there was a need too and that he was there along with the two council appointees listening to all conversations. He stated that he was 100% still in charge of the Police and Fire Chief and that none of council had any other ideas than that.

Mr. Watson stated that when the committee was formed that he was not a part of it.

Mr. Holt asked that he go back and listen to the minutes because he was absolutely a part of the Public Safety Committee.

Mr. Watson stated that he had a copy of the written minutes.

Mayor Harris stated that if there were any misunderstandings that now was the time to fix it.

Mr. Presley stated that he had not done a good job communicating on the Hospital and would do better.

Mr. Holt asked staff to go back and listen to the recording of those minutes just in case something was not in the written minutes.

Hospital Discussion

Mr. Watson stated that the hospital was asked to brought up for discussion.

Mr. Holt stated that the committee was fine but that the whole board needed to be involved to get something done.

Mr. Presley stated that he would be meeting with Jeff on Thursday and by October they would need to start doing things on their own.

Mr. Trigg stated that BSC was getting involved and that it did not look like there would be any more room.

Mr. Presley stated after he talked to Jeff that he would send out an email updating everyone.

Mayor Harris asked that Mr. Watson be included in the meeting.

Term Limit Discussion

Mr. Watson stated that term limits were asked to be brought up for discussion.

Mr. Presley stated that last time they worked on changing the term limits that it would be under a blanket term is what Matt said.

Mr. Holt asked if that was correct and was Constitution for Virginia.

Mr. Cassell stated yes that to hold office those qualifications were contained within the constitution. He stated that he believed that was good advice given and he would research it further but it would require two things: an amendment to the charter to authorize and a constitutional amendment to make it legal in Virginia.

Mr. Presley stated not blanket term limits but the ability for all to have term limits.

Mr. Cassell stated that other entities had thought about this as well and their attorneys had given similar advice. He stated that this issue was raised in Chesapeake recently and their attorney gave that advice. He stated at the minimum it would require a charter change with approval from the Legislature.

Mayor Harris suggested that they also look into this during the next Organizational Meeting.

Mr. Presley stated that was fine that it was no rush just something to work on.

Mr. Cassell stated that they could do a resolution encouraging a constitutional change or whatever else.

Petition Discussion

Mr. Watson stated that it was asked to bring up a petition in regards to Jimmy Jones.

Mr. Presley stated that he had 3 different people to contact him stating that the person going around circulating this petition was telling people that someone on council had directed him to do so.

Mr. Holt stated that he would like to set Dave Wohlford straight. He stated that council had sent a letter that they all signed to Mr. Jones asking for his resignation but that this board would not circulate or ask staff to do so. He stated that a citizen had every right to do so on their own. He asked that a statement be put out for clarity. He stated that he agreed 100% that the seat needed to be filled but that it was the approach he was going with that was wrong.

Mayor Harris stated that Dave Scruggs asked him a couple of weeks ago if Dave Wohlford was on council that he had asked him to sign this petition and told him that he was on Town Council.

Mr. Holt stated that the board needed to release a small statement and the extent of their participation that they were not asking anyone to circulate a petition.

Mr. Presley agreed that they needed something.

Mayor Harris suggested that they leave it alone.

Mr. Bailey stated that once he received all of the signatures and brought it before council asking that we do something that we could not without it going to court.

Mr. Cassell stated it would be the responsibility of the person gathering.

Mr. Holt stated that he thought that once he received the number of signatures needed that Council would be able to remove him and that was not true.

Mr. Bailey stated that he told him yesterday that he had 11 more signatures to get. He stated that council did not ask anyone to go out.

Mr. Holt suggested putting the letter that was sent to Mr. Jones on the website stating what council had done. He stated that he agreed with what Mr. Wohlford was saying but the problem was in his approach and it needed to be cleared up.

Mayor Harris stated that this happened 20 years ago when a councilmember took a leave of absence. He stated that this created problems for our little community.

Mr. Holt asked if they needed direction in the regular meeting.

Mr. Watson stated that it would be good to have a vote on it.

Donnie Linkous stated that he had received several calls regarding this and that he was using 3 councilmembers names (Presley, Bailey and Holt) at every house he approached.

Mr. Bailey stated that he did not disagree with what he was doing and that he had every right to do so but him saying that he had direction from the board was not correct.

Mr. Holt stated that if he felt compelled to do this then he could do it that the Town deserved it but he felt his approach in saying the board asked him to circulate was incorrect.

Mayor Harris asked once it was submitted to the court did the judge have to make a ruling.

Mr. Cassell stated that it was taken before a 3 judge panel who would eventually rule on it. He stated that it had to be in proper form and meet technical criteria.

Agenda

Mr. Watson stated that a Public Hearing was scheduled on the BVLL Contract renewal, there were some Budget Amendments to be voted on, a Resolution for the Bond (Grant Money) to be voted on and a Lions Club Donation Request for a Golf Tournament Sponsorship. He stated that they were having it at Fincastle and it was tough to be included as a sponsor.

Mr. Holt stated that he thought all donation requests had been put on halt after COVID hit and asked if they were back on the table because he had some organizations asking for donations.

Mr. Bailey asked if there had been anything that we had not donated too since COVID such as the Orioles $5k donation.

Mr. Watson stated that they had not yet requested their money and that he had not held back on any budgeted donations.

Mr. Bailey stated that he had talked to Jim Justice concerning the golf tournament and that it was all taken care of except for the scholarships to GHS. He suggested if the Town gave anything that it go towards the support of the scholarships.

Mr. Watson stated that he believed it was the Andora Giffen Scholarship.

Mr. Holt asked if they could start taking donation requests again.

Mr. Watson stated that he had not approved any donation requests.

Mr. Bailey asked if we had received any during the COVID19.

Mr. Watson stated maybe one or so but that he had held back on them.

Mr. Cassell stated that he had more information regarding the petition. He stated that once the petition was served then the court gave issue to the officer which is a requirement for him to show cause why he should not be removed from office. He stated that then a trial would be given which would have preference over all other matters and he would have between 5-10 days to answer it then it would be set for a specific trial date for the judge to determine if there was statutory reason for the removal of an officer (certain crimes committed, misuse of office, etc.). He stated in summary that the judge had to find the petition to be in good form, would order a response then would set a date of hearing to determine if statue had been met. He asked Mayor Harris if that answered his question.

Mayor Harris stated yes.

Mr. Bailey asked if they received a donation request going forward did they have money.

Mr. Watson stated that the Autumn Jamboree Committee money would carry over until next year or to other events. He stated that he had forwarded a copy of the BVLL contract to council, a Public Hearing was held and the only change was allowing council to approve any organization to use the fields. He stated that the next thing on the agenda was the Intermunicipal Agreement with the PSA. He stated that they had requested to increase their daily water from 75k gallon to 200k gallons per day going from 5% capacity to 10% capacity. He stated that in order to reserve capacity that they had to pay debt and right now we had $100k worth debt towards the plant and after the CIP was finished in October then there would be another $68k debt on the plant not the lines which would raise their monthly payment to $1,377 no matter if they bought a gallon or not. He stated that if

we did not have the extra then we would not send it so if there were problems at the plant then we would just tell them.

Mr. Bailey asked if they would still pay during that time.

Mr. Watson stated yes $16k/year that it was plant cost per gallon based on production cost and an additional 12.5% on top of that making it around $0.18/gallon for up to 200k gallon per day. He stated that they were looking at a $10k profit from it and that this contract would double the revenue. He stated that we have been feeding more than 75k gallon per day for a while but they were not paying the debt on it but we did not have any additional debt on it as of yet. He asked council if they would like to discuss it further or go ahead and approve it. He stated that the actual numbers on the debt could go $1 or $2 in either direction based on how the plant project went but it should be finished the 2nd week of October and payments would start 6 months later.

Mr. Bailey asked if there payment would start when we started paying.

Mr. Watson stated no that there debt would start as soon as possible.

Mr. Bailey asked if it were 10% of debt.

Mr. Watson stated yes that once we told them that we were going to give them capacity then they would pay 10% capacity.

Mr. Bailey asked if they could drop it from year to year.

Mr. Watson stated that they would have to come back. He stated that they put a pump in at Falls Mills/Yards that could fill the Pocahontas tank from the Town of Bluefield. He stated that when water was run at the prison that we could subsidize water through there and it could run at a faster speed now.

Mr. Bailey asked if our capacity was down at all during this time.

Mr. Watson stated no that they shut down on Sunday and open back on Monday around 2 p.m. to do testing, etc.

Mr. Presley asked if he was good with it.

Mr. stated yes that it was the same agreement but they were adjusting the numbers and would pay more of our debt.

Mr. Bailey asked on page 8 based on the rates if it was paid in advance or was a year behind.

Mr. Watson stated it was 15 years on one debt and 30 years on the other. He stated that they paid a year behind on cost of water.

Mr. Bailey asked when they paid the water bill on sales from.

Mr. Watson stated that they paid the water bill but paid the same rate for an entire year taking last year's cost and selling it to them for this year. He stated that it did not cost until the end of the year.

Mr. Bailey stated if there were a catastrophic failure and they had to raise water rates immediately to help offset because they would have to go more in debt to fix would what they pay change or would only the residents have to pay higher.

Mr. Watson stated that it was based on the plant and we could re-negotiate the rate to make up for the difference.

Mr. Bailey stated that if it did go up then we could re-negotiate which he did not think that would happen but if it did and the county paid regular prices but the citizens paid more that it would not look good.

Mr. Watson stated that he would have to look at it but the arbitration was over $50k. He stated that he would move forward with the vote during the regular meeting.

Mrs. Roberts went over the Envision Center Moral Obligation which was a fancy name for the Spring Street building. She stated that a business plan had been sent out and she had one signed tenant for 3 years at $900/month beginning in November in the 2,200 sqft section. She stated that there was another one around 1,500 sqft with an interested tenant who they were in negotiations with on cost of lease, term and build out and a 2nd suite which was a little further behind. She stated that the IDA was trying to figure out how to go about getting the loan and had decided to go with Virginia Community Capital where they were looking to get a 12 or 18 month at 0% interest construction loan. She stated between the12-18 months they hoped to have all tenants signed and be receiving $1,800 in revenue on the low end for 3 years rent. She stated that they were trying to get a loan as low as possible so that even if there was only one tenant that they would be ok so they had to do a 20 year term. She stated that the bank asked what would happen after the 3 years and asked for a moral obligation from the Town to have the back of the IDA if it could not make the payment. She stated that they needed an extra safety net and that the building was collateral but part of the process of underwriting was to have a letter of moral obligation for the loan. She stated that she had been talking with the attorney and he would write up something if council was in agreement. She stated that she would need a vote during the meeting to approve.

Mr. Bailey asked if it were 12-18 months 0% loan for construction then the other loan would pay this off.

Mrs. Roberts stated yes that the loan would be $168k-$170k which included the build out of Suite 1 and to do outside construction and the build out for Suite 2 as well. She stated that they could talk outside of the minutes on the businesses going there but $168k-$170K was the total for everything including 5% contingency and interest as they went. She stated that they had a lot of padding and would not have to touch what was in the IDA. She talked about the CARES ACT and at the last committee meeting applications were given out but they have asked for additional documentation because the Town would be liable if audited later on by the Federal Government for what was given out. She stated that they had received 13 applications and in the non-specific category they had received $70k in requests and only had $12k to give out. She stated that they were communicating with the applicants during this time and she would have recommendations for council at the next meeting.

Mayor Harris asked her how many applications total.

Mrs. Roberts stated 13 total and that she had received the most for non-specific business such as hair salons, dog groomers and fitness centers. She stated that she had 4 restaurants and 3 in retail who had also applied and they hoped to give everyone a piece of the pie. She stated that the committee would be meeting again on Thursday and she hoped to get something in the packets on Friday.

Mayor Harris thanked her on behalf of his fellow councilmembers for all of her hard work on this project.

Mr. Holt stated that there was an opportunity for some free training for Drug Interjections Street Survival if there was a venue available. He stated that it would be between 75-85 attendees and suggested Fincastle.

Mr. Watson stated that he would talk to Chief Gunter and John at Fincastle to see if they could host it. He asked for a contact name.

Mr. Holt stated that he would send it to him.

ADJOURN

Mayor Harris adjourned the Work Session at 6:54 p.m.

Don Harris, Mayor

Kim Hernandez, Town Clerk