

**BOARD OF DIRECTORS
BLUEFIELD, WEST VIRGINIA
March 26, 2013**

The Board of Directors of the City of Bluefield, West Virginia met in regular session March 26, 2013 at 6 p.m. in the Municipal Boardroom. Present were Mayor Linda K. Whalen; Directors Mary Frances Brammer, Deb Sarver & Pete Sternloff; City Manager Jim Ferguson; City Attorney Brian Cochran and City Clerk Helen Mitchell. Director Tom Blevins was not in attendance.

INVOCATION/PLEDGE

The Invocation was given by Director Mary Frances Brammer, followed by the Pledge of Allegiance.

Mayor Linda Whalen welcomed everyone to the meeting.

MINUTES

Minutes of the March 12, 2013 meeting were unanimously approved as presented on a motion by Director Pete Sternloff, seconded by Director Mary Frances Brammer.

DISCUSSION ITEMS

City Manager Jim Ferguson announced that after a two-month search we have filled the position of Redevelopment and Planning Development. This position is similar to the Economic development position but will focus more on pursuing, writing and obtaining grants. This position will also be responsible for community relations and special projects as assigned by the City Manager. The first assignment will be working with the Blue Momentum teams and the economic development plan that is currently in place. We are progressing and want to keep up the momentum. City Manager Ferguson is encouraged by the team reports and remains optimistic about our economic development plan.

City Manager Ferguson reported that Mr. Joshua David Cline will be filling the position of Redevelopment and Planning Development. Mr. Cline is a resident of Bluefield, WV and a graduate of Bluefield College with a BS in Business Administration with a concentration in management and a minor in communication. He is currently working out his notice with his present employer and will start working for the city next Wednesday. Manager Ferguson said, "I'm very excited about Josh joining our team. He is bright, energetic, and shares our passion to make Bluefield a better place to live."

City Manager Ferguson discussed the following updates concerning the Scott Street Open Air Parking, as the project is currently 85% complete but the following items remaining:

- Masonry on the end of bank is scheduled to begin this week weather permitting
- Fabrication of fence and railing is underway
- Guard rail is to be installed in front of parking spaces along Edward Terrace
- The final grade is to be established
- Installation of lighting on terrace walls and light poles
- Handicap signage, paving and striping

City Manager Ferguson said it may sound like a lot but should be completed in the next two to three weeks.

City Manager Ferguson reported that two additional projects have been planned and will be incorporated into this plan:

1. The Bluefield Sanitary Board is in the process of developing a Storm Water Management System. This will be presented at our next board meeting for approval.
2. The Bluefield Beautification Commission is in the process of creating a very attractive landscape design to present to the board.

City Manager Ferguson announced the asphalt plant is scheduled to open in mid April and the WV Department of Highways has first dibs for asphalt to patch the potholes. We are scheduled as of now to start paving as of May 1st. The project should be completed 100% by mid May.

City Manager Ferguson said, "It became apparent after our last board meeting our current ordinance regarding Pit bulls was not fully understood nor the purpose for a new proposed ordinance that would ban Pit bulls from being introduced to the city in the future." Discussion and review of the specifications under the current ordinance would be open during public comments for citizens to have the opportunity to voice their opinions. Manager Ferguson stated that after the last meeting no pit bulls had been registered in the city as required by law. Ten days after the meeting, only two Pit bulls had been registered and as of March 26, 2013, we have had a total of 8 pit bulls registered. The city registration form for Pit bulls lists all the specifications under our existing ordinance. When someone registers their Pit bull, they will have a full understanding of the law that has been on the books for the past 5 years. Manager Ferguson had registration forms for informational purposes available for citizen who wished to be more informed about the ordinance. There is a zero tolerance for those who do not comply with the city ordinance that is in place. This directive has been given to the Chief of Police and our Animal Control Officer. Manager Ferguson requested that City Attorney Brian Cochran review the existing ordinance and the proposed ordinance that would go into effect if approved by the City Board.

City Attorney Brian Cochran gave a brief history concerning why the Board has reviewed the present city pit bull ordinance and read the following from the Bluefield Municipal Code:

Sec.4-39. Definitions

Sub section (3)

"Pit bill dog," defined to mean any and all of the following dogs:

- a. The Staffordshire Bull Terrier breed of dogs
- b. The American Staffordshire Terrier breed of dogs
- c. The American Pit Bull Terrier breed of dogs
- d. Dogs which have the appearance and characteristics of being predominantly of the breeds of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

Sub section (4)

Any domesticated dog that has in its known history and/or formal pedigree crossbreeding with the wolf-species to include, but not be limited to, animals referred to as a wolf-hybrids or wolf-mixed breeds or the breed known as the Tundra Shepherd.

Sec.4-51. Pit bulldog, wolf-hybrid regulations

(a) *Leash and muzzle.* No person shall permit a pit bulldog or wolf-hybrid to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six feet in length. No person shall permit a pit bulldog a pit bulldog or wolf-hybrid to be kept on a chain, rope or other type leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bulldogs or wolf-hybrids on a leash outside the animals kennel must be muzzled by a muzzling device sufficient to prevent such dogs from biting persons or other animals.

(b) *Confinement*. All registered pit bulldogs or wolf-hybrids shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bulldogs or wolf-hybrids must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house pit bulldogs or wolf-hybrids must comply with all zoning and building regulations of the city. All structures must be adequately lighted and ventilated, and kept in a clean and sanitary condition.

(c) *Confinement indoors*. No pit bulldog or wolf-hybrid may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) *Signs*. All owners, keepers or harbored of pit bulldogs or wolf-hybrids must within ten days of the effective date of the ordinance from which this article is derived, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(e) *Penalty*. If the municipal court shall find, as a result of the hearing upon a complaint, that any dog is vicious or dangerous, as provided under this section, it may order dog to be destroyed and the owner is subject to the penalties set forth in section 4-1.
(Code 1974,§ 3-32: Ord. No. 2008-5,4-8-2008)

City Attorney Cochran stated the above is the current ordinance passed in 2008. Attorney Cochran read the purposed changes to the current ordinance:

1. All owners, of pit bulldogs or wolf-hybrids must within ten days of the effective date of the ordinance from which this article is derived register with the city police department any such animal brought into the city limits. This language would be deleted.
2. Any pit bull that is in violation of our current ordinance is considered a new animal.
3. No new pit bulls or those defined by the code would be permitted in the city except those that are currently registered and are following the current code.

ACTION ITEMS

City Manager Jim Ferguson presented the resolution to apply for Small Cities Block Grant for demolition of blighted properties in the City of Bluefield.

RESOLUTION

WHEREAS, the City of Bluefield wishes to resubmit an application to the State of West Virginia HUD Small Cities Block Grant Program to request funding for a demolition project within the City of Bluefield, and

WHEREAS, the City of Bluefield must give assurances that the Small Cities Block Grant and Program Regulations related to grant administration, civil rights and other applicable State and Federal Laws will be followed, and;

WHEREAS, the City of Bluefield must designate an official representative to act in connection with the application and execute all necessary program documents:

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City of Bluefield authorized the filing of an application with the State of West Virginia HUD Small Cities Program for a demolition project within the City of Bluefield.
2. The City of Bluefield will comply with all laws and regulations pertaining to the program.
3. Jim Ferguson, City Manager, is designated as the authorized official to act in connection with the application.

**Linda K. Whalen, Mayor
City of Bluefield**

City Clerk

Mayor Linda Whalen read into the record a resolution of retirement for Helen Mitchell, City Clerk of Bluefield, WV

**RESOLUTION OF APPRECIATION
Helen Mitchell**

WHEREAS, On April 13, 2013, Helen Mitchell will retire from the City of Bluefield after 32 years of service to the citizens of Bluefield; and

WHEREAS, Ms. Mitchell began her career in January 1981 with the City of Bluefield as the Treasurer/Manager of the Bluefield Municipal Credit Union, and in September 1995 took on additional duties as Treasury Clerk. In March, 2008, Ms. Mitchell was appointed as City Clerk for the City of Bluefield; and

WHEREAS, During her 32 years of service, Ms. Mitchell has been a dedicated and loyal employee of the City, and demonstrated a work ethic that brought her to work on evenings, weekends, and holidays; and

WHEREAS, through her responsible work as the City Clerk, Ms. Mitchell's organizational and planning skills kept the numerous Boards, Commissions and special meetings on track, documented, and focused; and

WHEREAS, the City of Bluefield acknowledges and appreciates Ms. Mitchell's high level of courteous service to business and community leaders, and her many other contributions through her work as City Clerk to the benefit of the citizens of which she has faithfully served; and

WHEREAS, Ms. Mitchell is admired by her fellow employees for her integrity, trustworthiness, and dependability, and for her unofficial work as the Decorator and Special Event Planner at City Hall; and

WHEREAS, although she leaves her office for a well-deserved retirement, she will remain a part of our community, and we hope to look forward to her continued friendship, as well as wise counsel.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the City of Bluefield sincerely thanks Helen for her commitment and service to the citizens of the City of Bluefield. Her wisdom, knowledge and dedication will be greatly missed. We further officially and personally extend our

wishes to her for a long, healthy and happy retirement with her family, and direct that a copy of this Resolution be spread upon the records of this City, and presented to her and her family.

Linda K. Whalen, Mayor

Dr. Tom Blevins, Director

Mary Frances Brammer, Director

Deb Sarver, Director

Pete Sternloff, Director

Attest:

Bobbi Kersey, City Clerk

Mayor Linda Whalen read into the record a resolution congratulating the Bluefield High School Boy's Basketball Team as the 2013 WV State Class AA Basketball Champions.

**RESOLUTION OF THE CITY OF BLUEFIELD
CONGRATULATING THE BLUEFIELD HIGH SCHOOL BOYS' BASKETBALL TEAM
AS THE 2013 WV STATE CLASS AA BASKETBALL CHAMPIONS**

WHEREAS, the Bluefield High School Beavers have a rich tradition of basketball excellence; and,

WHEREAS, for the 2012 – 2013 Class AA basketball season the Bluefield Beavers scored 25 wins and only 3 losses; and,

WHEREAS, the Bluefield Beavers won the West Virginia Class AA State Basketball Tournament on March 16, 2013; and,

WEREAS, the winning Head Coach of the Bluefield Beavers' Basketball Team is Buster Large; and,

WHEREAS, the winning Assistant Coaches of the Bluefield Beavers' Basketball Team are Don Jones, Tony Webster, and David Hubbard; and,

WHEREAS, the winning members of the Bluefield Beavers' Basketball Team are Aaron Miller, David Woodrum, Jordon Ponder, Dakota Smalls, Lykel Collier, Trevor Mullins, D.J. Edwards, Michael Yost, Brandon Lilly, Matthew Woodrum, Anthony Eades, Corey Coppola, Jordan Masterson, and Raheem Reed; and

WHEREAS, the citizens of Bluefield are extremely proud of the accomplishments of the Bluefield Beavers' Basketball Team; and,

WHEREAS, the Board of Directors of the City of Bluefield has determined that the Bluefield Beavers' Basketball Team is worthy and deserving of praise and recognition; and,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF BLUEFIELD WEST VIRGINIA:

The City of Bluefield lauds and honors the Bluefield Beavers' Basketball Team for its accomplishments during the 2012 -2013 basketball season and in particular winning the West Virginia State Class AA Championship and declares March 26, 2013 as Bluefield Beavers' Basketball Day and presents this resolution to the team in recognition thereof.

Given under our hands this the 26th Day of March 2013.

Linda K. Whalen, Mayor

Pete Sternloff, Director

Mary Frances Brammer, Director

Dr. Tom Blevins, Director

Deb Sarver, Director

Attest:

Helen Mitchell, City Clerk

City Manager Jim Ferguson asked for the Board's approval of the budget for the FY 2013-2014. All members had been given a copy of the budget prior to board meeting. Director Pete Sternloff moved to approve the budget and Mary Francis Brammer seconded. Unanimously approved and so ordered.

Bobbi Kersey was introduced as the new City Clerk. City Clerk Helen Mitchell administered the Oath of Office to Ms. Kersey.

REPORTS OF OFFICERS, BOARD AND STANDING COMMITTEES

Director Pete Sternloff congratulated the Bluefield Basketball team. Director Sternloff said he was impressed with the number of people and citizens who contribute their time to making the team successful. He stated that it was an honor for him to attend the reception and was very proud of the community and team. Director Sternloff commented on how pleased he is with the Economic Development Committee and the progress they are making.

Director Mary Francis Brammer thanked the city crew for keeping our streets clean and safe during the winter weather. Director Brammer welcomed the public for attending the board meeting and requested that everyone be treated with "respect" when speaking. Director Brammer also told of how proud she was of the Bluefield Beaver Basketball Team.

Director Deb Sarver reminded everyone that the naming contest for the Colonial Intermodal Project is still on going. The winner will receive \$200.00. She encouraged everyone to participate.

City Attorney Brian Cochran thanked the Chief of Police and his staff for the job that they do everyday.

PUBLIC COMMENTS

Art Riley, representing Downtown Merchants spoke of his appreciation towards City Clerk Helen Mitchell. Mr. Riley wanted questioned the sidewalk grant on Bland. City Manager Ferguson said when the weather breaks the project should be completed. Mr. Riley asked if the clean sweep campaign would take place in the city this year. City Manager Ferguson responded he was getting the details together and would have more information at the next board meeting.

The following persons spoke in opposition of a new pit bull ordinance: Leisa Motion, Keisha Farmer, Darlene Thomas, Bryan Powers, Richard Dillon, Amanda Dempsey, Blaine Braithwaite, Michael Moorefield, Danny and Jozette Hayes, Deea Narcis, Brian Marshall and Derrick Flack.

ANNOUNCEMENTS AND OTHER

- April 5-6 - Lions Club Pancake Jamboree - Herb Sims Youth Center
- April 13 - Heritage Festival - Bluefield Area Arts Center - 10 a.m. - 4 p.m.

Director Pete Sternloff moved that the Board retire into Executive Session to discuss personnel issues only to return to adjourn the meeting, seconded by Director Deb Sarver. Unanimously approved and so ordered.

Hearing no further business the meeting was adjourned.

Bobbi H. Kersey, City Clerk

Linda K. Whalen, Mayor

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