

**BOARD OF DIRECTORS
BLUEFIELD, WEST VIRGINIA
April 23, 2013**

The Board of Directors of the City of Bluefield, West Virginia met in regular session on April 23, 2013 at 6 pm in the Municipal Boardroom. Present were Mayor Linda K. Whalen; Directors Mary Frances Brammer, Deb Sarver and Pete Sternloff; City Manager Jim Ferguson; City Attorney Brian Cochran; City Treasurer Ken Mulkey and City Clerk Bobbi Kersey. Director Tom Blevins was absent.

INVOCATION/PLEDGE

The Invocation was given by Gene Wyatt, followed by the Pledge of Allegiance. Mayor Linda Whalen welcomed everyone to the meeting.

MINUTES

Minutes of the April 9, 2013 meeting were approved as presented on a motion by Director Pete Sternloff, seconded by Director Deb Sarver.

Director Pete Sternloff made a motion to correct and then accept the minutes of the April 16, 2013 *Lay of Levy* to reflect proper attendance. Director Tom Blevins was present and Director Mary Frances Brammer was absent. Director Deb Sarver seconded the motion. The minutes were approved as corrected.

DISCUSSION ITEMS

City Manager Jim Ferguson gave the following reports:

- The Arbor Day Foundation sent a letter congratulating the City of Bluefield for being a "Tree City" for the twelfth year.
- Matt Hatfield and Justin Harris are expected to graduate from the West Virginia Police Academy on June 12.
- Chief Dillow has narrowed the search for a parking enforcement officer. However, necessary pre-employment screening must be completed before an announcement will be made public.
- The Bluefield Police Department has completed training and certification with patrol Rifles. Officer Gary Ruth explained more about the training and reported all officers passed certification.
- Operation Clean Sweep kicked off this past Monday. The WVDEP contacted the City of Bluefield and will provide a tractor trailer in the Bluefield City Park, on June 8, for Mercer County citizens to dispose of old tires and rims from 8 am to 4 pm. City Crews will still be picking up the following items at resident's homes: regular household garbage, bagged lawn debris and brush, non-refrigerated appliances and scrap metal. All items must be brought to the curb. The City Land Fill also offers a free Wednesday once a month for residents to drop off debris.
- The City of Bluefield is working with the Greater Bluefield Chamber of Commerce on Lemonade Day West Virginia. Students from Bluefield Intermediate School,

Matoaka/Lashmeet and, Bluewell Elementary Schools and the Mercer Connections Program in Princeton are participating in a five lesson pilot program designed to develop entrepreneurial ways of thinking in the following areas: goal setting, budgeting, financing, advertising, and community engagement. On May 4, students will be encouraged to set up his/her business through a lemonade stand. This is a National Educational Program with fifteen states participating and is open to third, fourth, and fifth graders. A handout was distributed to the City Board listing participating West Virginia schools. West Virginia has 1,883 students participating statewide and of those students, 557 reside in Mercer County. Volunteers/judges are needed. For more information, call (304) 253-0176. Mayor Whalen volunteered to be a judge.

- Luke Elser, Project Manager of Northern Brownfields Assistance Center recently toured and discussed Bluefield's Abandoned and Dilapidated Buildings Program. Mr. Elser sent an e-mail that was read to the City Board. Mr. Elser was very impressed with Bluefield's design, implementation and accomplishments in the Abandoned and Dilapidated Buildings Program. As their center begins their new BAD (Brownfields, Abandoned & Dilapidated) Program he would like to use Bluefield as an example of success in West Virginia and include aspects of Bluefield's program as lessons learned and best practices. He also identified areas that could be improved including: how to better connect people interested in purchasing a home in Bluefield with the owners of vacant buildings or ready-to-build lots and how to improve reuse planning for many of the now empty lots that dot Bluefield. Finally, Mr. Elser extended an invitation to the Abandoned and Dilapidated Building Summit on June 12. He would like to have Bluefield represented at the Summit both as attendees and as participants.
- Student Government Day was a success. Over fifty Bluefield High School students participated in job shadowing various municipal jobs. The day ended with students holding a mock board meeting.
- As of April 22, fifty-three Pit Bulls have been registered by thirty-nine owners. The Police Department has found forty-five that have not been registered. The City of Bluefield has knowledge of at least ninety-eight Pit Bulls however, that number could exceed one hundred. Per capita, this would be one Pitt Bull for every 100 citizens in the City of Bluefield.

ACTION ITEMS

Mayor Linda Whalen presented the Second Reading of an Ordinance Authorizing Sewer Revenue Bonds:

SECOND READING OF BOND ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, BETTERMENTS, AND IMPROVEMENTS, TO THE EXISTING SEWERAGE SYSTEM OF THE CITY OF BLUEFIELD AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$1,600,000 IN AGGREGATE PRINCIPAL OF SEWER REVENUE BONDS. SERIES 2013 A (WEST VIRGINIA SRF PROGRAM); AND NOT MORE THAN \$350,000 IN AGGREGATE PRINCIPAL AMOUNT OF SEWER REVENUE BONDS, SERIES 2013 B (WEST VIRGINIA SRF PROGRAM/GREEN) PROVIDING FOR THE RIGHTS AND REMEDIES OF A SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS, AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND

**CONFIRMING A BOND PURCHASE AGREEMENT RELATING TO SUCH BONDS;
AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF
SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.**

Director Pete Sternloff moved to approve the second reading of the ordinance, seconded by Director Deb Sarver. Unanimously approved and so ordered

First Reading: April 9, 2013

Second Reading: April 23, 2013

The Third Reading and a Public Hearing will be held as described in the ordinance and through publication.

Mayor Linda Whalen then presented the Second Reading of an Ordinance to Amend Part II, Code of Ordinances of the City of Bluefield, Chapter 4 Animals, Article II, Dogs and Cats, Section 4-39(5) and 4-51(1) and (2).

**SECOND READING OF AN ORDINANCE TO AMEND PART II, CODE OF
ORDINANCES OF THE CITY OF BLUEFIELD, CHAPTER 4 ANIMALS,
ARTICLE II, DOGS AND CATS, SECTION 4-39, DEFINITIONS, AND
THE ENACTMENT OF SUBSECTIONS 4-39 (5), AND 4-51 (1) AND (2)**

WHEREAS, Chapter 8, Article 12, of the West Virginia Code grants West Virginia Municipalities the authority to pass Ordinances to promote the safety of its citizens and to prevent risk of harm to its citizens; and

WHEREAS, dangerous animals, specifically described in Article II, Section 4-39 (3) and (4) of the Code of Ordinances of the City of Bluefield, and typically referred to as pit bull dogs, and wolf-hybrids, are aggressive by nature, have a propensity to attack without provocation, and have been found to represent a public health and safety hazard; and

WHEREAS, the ownership, maintenance, and control of dogs and/or other animals within the City of Bluefield is a local concern, which is rationally related to the City's legitimate interests, and which is a proper exercise of its police powers granted by the West Virginia Legislature; and

WHEREAS, for the reasons set forth above, it is the desire of the Board of Directors of the City of Bluefield to amend Section 4-39 and enact subsections 4-39(5), 4-51(1), and 4-51(2) of the Code of Ordinances of the City of Bluefield; and

WHEREAS, the duly elected governing authority of the City of Bluefield is the Board of Directors thereof.

NOW, THEREFORE BE IT RESOLVED, that

the City of Bluefield hereby adopts the amendment of Section 4-39 and the enactment of subsections 4-39(5), 4-51(1), and 4-51(2) as follows, effective April 23,2013:

Sec. 4-39. Definitions.

Dangerous animal means and includes the following:

- 1) (This subsection shall remain unchanged.)
- 2) (This subsection shall remain unchanged.)
- 3) (This subsection shall remain unchanged.)
- 4) (This subsection shall remain unchanged.)

The owner of any animal described in subsections (3) and (4) of this definition shall register such animal with the city police department, ~~within ten days of the enactment of the ordinance from which this definition is derived or within ten days of bringing any such animal within the city limits.~~

(5) The owner of any animal described in subsections (3) and (4) of this section who has registered such animal with the city police department as required above, within ten (10) days of the effective date of Section 4-51(1), and who is in compliance with the proper and adequate safeguards to protect the public health, safety, and welfare described in Section 4-51, subsections (a), (b), (c), and (d), may keep such dog(s) within the confines of the City. However, this exemption shall not apply to such animal(s) acquired subsequent to passage of Section 4-51(1), or to animals found by the municipal court to be in violation of Section 4-51 (a) through (d). Nothing in this section shall prevent an owner of a "service animal," as defined by the Americans with Disabilities Act (ADA), from owning and keeping such service animal in the City.

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

- 1) Except as provided for in Section 4-39(5) of this Article, no person shall own, keep, or harbor a pit bull dog, as defined in Section 4-39(3), or any wolf species as defined in Section 4-39(4), within the corporate limits of the City.
- 2) This section is a necessary control to eliminate the risk of attack by dangerous animals on human beings and on other animals in the City, which have become a threat to the health, safety, and welfare of the public; and the lack of knowledge or lack of intent to injure is eliminated as a defense to any violation thereof.
 - a) *Leash and muzzle.* (This subsection shall remain unchanged.)
 - b) *Confinement.* (This subsection shall remain unchanged.)
 - c) *Confinement indoors.* (This subsection shall remain unchanged.)
 - d) *Signs.* (This subsection shall remain unchanged.)
 - e) *Penalty.* (This subsection shall remain unchanged.)

Director Deb Sarver moved to approve the second reading of the ordinance as read, seconded by Director Pete Sternloff. Unanimously approved and so ordered.

First Reading: April 9, 2013

Second Reading and Passage: April 23, 2013

Attest:

Bobbi Kersey, Clerk

Linda K. Whalen, Mayor

Mayor Whalen presented a request for approval for payment for landscaping at the Scott Street Open Air Parking Center in the amount of \$15,792.00. Director Pete Sternloff moved to approve the request Scott, Director Deb Sarver seconded the motion. Director Sternloff questioned if the money would come from the

hospital funds and Attorney Cochran confirmed that to be the source of funds. Mayor Whalen stated that the guarantee for the landscaping should be assured. Unanimously approved and so ordered.

Mayor Whalen presented a request for authorization for the City of Bluefield to enter into a stadium usage agreement with Second Chance Learning Center. City Manager Ferguson explained a previous agreement was negotiated between Eric Robinson and Attorney Cochran. After speaking with city department heads, the amount was increased to \$17,000 to adequately cover the cost to the City of Bluefield. June the 29, 2013. Second Chance Learning Center will pay for the cleanup directly and that cost will not come from the city.

Director Pete Sternloff made a motion to authorize the agreement with Second Chance Learning Center as presented by City Manager Jim Ferguson, seconded by Director Deb Sarver. Unanimously approved and so ordered.

REPORTS OF OFFICERS, BOARD AND STANDING COMMITTEES

Director Mary Frances Brammer thanked everyone for attending. Director Brammer requested that all present speak with understanding, respect and common sense. She reminded everyone of the goal was to have a better understanding of concerns from the Board and the Citizens of Bluefield.

Mayor Linda Whalen reported that Bluefield High School Student Government Day was a good experience. She stated her appreciation for the students at BHS and stressed the importance our schools represent to this community.

City Manager Jim Ferguson recognized, Josh Cline, the new Redevelopment and Planning Director. Mr. Cline said he has been busy reviewing projects set forth by his predecessor. He is very pleased with the progress of the Blue Print Community. Mr. Cline summarized his upcoming schedule to address the goals of the Blue Print Community. Mr. Cline will look at reconvening the Blue Momentum Team and the current grant cycle and how it can be better developed for the City of Bluefield. Mr. Cline spoke about his experience this past week when attending a three day advanced grant-writing conference in Charleston, West Virginia.

Mayor Whalen expressed her excitement about having Mr. Cline's input and knowledge acquiring grants for the betterment of the City of Bluefield.

Director Mary Frances Brammer asked City Manager Jim Ferguson to review some of the activities currently happening in the City of Bluefield. Mr. Ferguson highlighted the following:

1. Updating and replacement of equipment at three playgrounds in the city.
2. The demolition program is very aggressive with 50 homes set for demolition.
3. The Interpretive Walk Way groundbreaking is scheduled for May 24.
4. The Bluefield Recreation Center is undergoing improvements.
5. The Bluefield Preservation Society is working towards renovations in the downtown area.
6. August 31st a Lemonade Festival is planned.
7. AEP will be starting a 3.3 million dollar electrical project in a few weeks.
8. CASE is starting new home construction on Highland Avenue.

Lori Mills reported that there were 863 riders the opening weekend on the Ridge Runner located at the Bluefield City Park. This past weekend there were 430 riders. We are on track.

City Manager Jim Ferguson reported on the Blue Momentum Industrial Team. He said the group led by Alan Peacock and Jay Disibbio is working hard on the vision for the John Nash Blvd. area.

Mayor Whalen reminded everyone that the city is having a renaming contest for the Colonial Intermodal Center. The site itself will have a railroad theme and the winner will receive a \$250.00 reward.

Mayor Whalen reminded everyone that volunteers are needed to serve on the Recreational Advisory Board. Application forms are available at City Hall.

PUBLIC COMMENT

The following people spoke in opposition of the Pit Bull Ordinance: Brian Marshall, Summer Wyatt, Laura Harman and Keisha Davis.

A member of the audience expressed confusion about whether Pit Bull mix breeds need to be registered. Mayor Whalen stated that the City Manager would look into that question and requested she leave her name and phone number with Mr. Ferguson.

ANNOUNCEMENTS AND OTHER

- Annual Better Living Show - Brushfork National Guard Armory - April 26 -10 am – 8 pm & April 27 – 10 am – 6 pm
- Business after Hours "Sneak Peak" - April 25 - 5:30 p.m. - 7:30 p.m.
- East River Mountain Town Band - Tuesday, May 7, 2013 @ 7:30 pm. Bluefield Performing Arts Center at Bluefield High School
- "*Soldier Come Home*" performances at the Summit Theatre - April 26-28 & May 3-5. Call for more information/reservations (304) 325-8000.
- "*Steel Magnolia's*" performances at the Ramsey - May 2-4 & May 10-11. Special Mother's Day showing on May 12. Call for more information/reservations (304) 589-0339.
- Mercer County Convention & Visitors Bureau will hold an Open House for National Tourism Week on May 8, 2 pm – 5 pm at 704 Bland Street.

Director Pete Sternloff moved to adjourn the meeting, seconded by Director Deb Sarver. Unanimously approved and so ordered.

Hearing no further business the meeting was adjourned.

Bobbi Kersey, City Clerk

Linda Whalen, Mayor