

**BOARD OF DIRECTORS
BLUEFIELD, WEST VIRGINIA
JUNE 11, 2013**

The Board of Directors of the City of Bluefield, West Virginia met in regular session June 11, 2013 at 12:00 p.m. in the Municipal Boardroom. Present were Director Pete Sternloff, Director Mary Frances Brammer, Director Deb Sarver, City Manager Jim Ferguson, City Attorney Brian Cochran, City Treasurer Ken Mulkey, and City Clerk Bobbi Kersey. Mayor Linda Whalen and Director Tom Blevins were not in attendance.

INVOCATION / PLEDGE

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

MINUTES

Minutes of the May 28, 2013 meeting were approved as presented on a motion by Director Mary Frances Brammer, seconded by Director Deb Sarver.

Director Mary Frances Brammer made a motion to make Director Pete Sternloff "acting Mayor" to authorize him to sign legal documents; seconded by Director Deb Sarver. Unanimously approved and so moved.

DISCUSSION ITEMS

City Manager Jim Ferguson gave the following reports:

Chat and Chew with the City Manager has moved to a new date and time, Monday at 5:30 p.m. The next scheduled meeting will be June 17. Chat and Chew is an opportunity to bring local business people to meet with the City Manager. Chat and Chew is open to the public and light refreshments will be served.

The BAD (Brownsfield and Demolition) Summit will be held in Charleston, West Virginia on June 12. City Inspector Gerald Steele and City Manager Ferguson will participate on a panel to discuss demolition of blighted properties.

City offices will be closed West Virginia Day on June 20.

Team Blue night with the Blue Jays will be June 22. City Manager Ferguson will deputize those wishing to become a part of Team Blue and participants will receive a Team Blue Badge.

City Manager Ferguson has taken the completion walk-through of the Scott Street Open Air Parking Center and reported it is nearing completion. Landscaping details are still in the process of being completed.

ACTION ITEMS

Director Deb Sarver made a motion to "Table" the Second Reading of an ORDINANCE PROVIDING FOR TRAFFIC CHANGES ON RALEIGH AND COMMERCE STREET FROM A TWO-WAY TO ONE WAY, FROM FEDERAL STREET TO SCOTT STREET, for further discussion; seconded by Director Mary Frances Brammer. Unanimously approved and so ordered.

Director Deb Sarver made a motion to approve the First Reading of an ORDINANCE GRANTING APPALACHIAN POWER COMPANY, D/B/A AMERICAN ELECTRIC POWER NON-EXCLUSIVE FRANCHISE, seconded by Director Mary Frances Brammer. Unanimously approved and so ordered. Mayor Sternloff stated a Public Hearing would take place at the June 25 meeting at 5:00 p.m. and the Second Reading would be placed on the agenda.

**ORDINANCE GRANTING APPALACHIAN POWER COMPANY, D/B/A
AMERICAN ELECTRIC POWER NON-EXCLUSIVE FRANCHISE**

WHEREAS, by an Ordinance adopted by the Board of Directors of the City of Bluefield, West Virginia, on _____, 2013* and approved by the Mayor of the City on _____, 2013, the Franchise for an electric light, heat and power transmission and distribution system in the City of Bluefield, West Virginia, was thereby proposed, the same having been advertised once a week for two consecutive weeks in the Bluefield Daily Telegraph, a newspaper of general circulation in said City, and

WHEREAS, APPALACHIAN POWER COMPANY, d/b/a AMERICAN ELECTRIC POWER, has made application for such Franchise, and Board of Directors has duly reported recommending the grant of the Franchise, it is., therefore,

RESOLVED, that the following Ordinance be and same is hereby adopted.

BE IT ORDAINED by the Board of Directors of the City of Bluefield, State of West Virginia and it is hereby ordained by the authority of the same that:

SECTION I

Appalachian Power Company, d/b/a American "Electric Power, its successors and assigns (hereinafter called "Grantee") is hereby granted the right, privilege, franchise and authority to acquire, construct, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges and public places (as the same now exist or may hereinafter be laid out), of the City of Bluefield, County of Mercer, State of West Virginia, lines for the distribution and transmission of electric energy either by means of overhead or underground conductors, with all necessary or desirable appurtenances for the purpose of supplying and distributing electric energy to said City and the inhabitants therefore, and persons or corporations beyond the limits thereof, for light, heat, power or any other purpose or purposes for which electric energy is now or may hereafter be used and for the transmission of the same through or across the City.

SECTION II

Said lines and appurtenances shall be constructed in a manner that shall not unreasonably interfere with the traveling public in its use of the streets, thoroughfares, alleys, bridges and public places (sometimes hereinafter referred to as streets.)

SECTION III

The rights, privileges and franchise hereby granted shall be in force for a period of thirty years from the date of the passage of this Ordinance. This franchise shall automatically renew on each successive anniversary thereafter, unless the Mayor or Grantee shall provide a written termination notice to the other party at least six months prior to the expiration of the then current term. The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the Board of Directors of said City hereby reserves the right to grant similar rights, privileges and franchise to any other person or persons, firm or firms, corporation or corporations.

SECTION IV

The granting of this Franchise is made upon the express condition that the exercise of the same shall be subject to such regulations as may be adopted by the West Virginia Public Service Commission or such other body upon which said State may hereafter confer regulatory powers over like corporations for the purpose of securing efficiency of public service at reasonable rates from said Grantee, its successors and assigns, in said City.

SECTION V

Said Warrantee shall save the City harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance or operation of said lines for the distribution of electric energy.

SECTION VI

Whenever said Grantee shall begin the erection of any lines or equipment, it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges and public places where such work is done in as good condition or repair as before such work was commenced.

SECTION VII

Whenever, in this Ordinance, either City or Grantee is referred to, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges, and obligations herein contained by or on behalf of said City or by or on behalf of said Grantee, shall bind and inure to the benefit of the respective successors or assigns of said City or said Grantee, whether so expressed or not.

SECTION VIII

In consideration of the benefits which in the judgment of said City will accrue to it by reason of the construction and operation of said electric light, heat, and power system and as an inducement to said Grantee proposing to construct, maintain and operate said system, the said City hereby agrees with the said Grantee that no franchise or specific pole or wire tax

shall be imposed or charged against said Grantee, its successors or assigns, by said City during the life of this Franchise for the use of the public right of way.

SECTION IX

This Franchise shall be accepted by the Grantee within (60) days from the date of the passage of the same.

Passed by the Board of Directors this _____ day of _____, 2013, on a motion by _____ and seconded by _____.

Linda K. Whalen, Mayor

ATTEST:

City Clerk

City Manager Jim Ferguson stated the Change Order for the Scott Street Parking Center due to the addition of the storm water management system, increase in the price of soil, landscaping and additional water hydrants. Director Mary Frances Brammer made a motion to approve the Scott Street Open Air Parking Center Change Order in the amount of \$96,325; seconded by Director Deb Sarver. Unanimously approved and so ordered. .

City Manager Jim Ferguson introduced Officer Lightfoot, of the Bluefield Police Department, who advised the Board that Chief Dillow had updated the department's policies and procedure manual. Director Deb Sarver made a motion to approve the updated Police Department policies and procedure manual, seconded by Director Mary Frances Brammer. Unanimously approved and so ordered.

John Stump, attorney from the Law Firm of Steptoe and Johnson and Lori Shrewsberry, representative from Region I, appeared before the Board in regards to the Ordinance for the ISSUANCE OF SEWER REVENUE BONDS. They advised the Board that the legal requirements had been met and they presented the following:

A proposed Supplemental Resolution providing for the issuance of the Sewer Revenue Bonds, Series A and Sewer Revenue Bonds, Series 2013 B (the "Bonds").

A Draw Resolution for the payment of invoices from the Bonds.

An Authorizing Resolution to appoint persons authorized to sign documents with respect to the Bonds.

City of Bluefield/Bluefield Sanitary Board ADA WWTP Upgrade & Pumps Sewer Project #C-544493 Requisition #1 in the amount of \$185,727.00.

Director Mary Frances Brammer made a motion to adopt the Resolutions and Requisition #1 presented by John Stump and Lori Shrewsberry; seconded by Director Deb Sarver. Unanimously approved and so moved.

REPORTS OF OFFICERS, BOARD AND STANDING COMMITTEES

Director Deb Sarver commended the work of the Bluefield Sanitary Board.

Director Mary Frances Brammer congratulated all new graduates and the newly elected Board Members. Director Brammer thanked the Park and Recreation Department for helping the community in making Bluefield a safe place for the children.

Mayor Pete Sternloff thanked the Bluefield Police Department and Task Force for their work in keeping our City safe.

Mayor Sternloff stated a Delegation from Russia had visited Bluefield today. The delegation commented on the cleanliness and the beauty of the City.

PUBLIC COMMENTS

Art Riley, representing the Downtown Merchants, reported the following:

The Colonial Intermodal Naming contest Winner will be announced at the opening of the Interpretative Walkway.

Concert in Chicory Square is open to the public every Friday at 12 noon.

The Downtown Merchants Street Festival will be

Blaine Braithwaite stated he had concerns regarding the AEP Franchise. He reminded the Board a copy of the Ordinance must be made available to the public. Mayor Sternloff stated copies will be made available and are located at the desk in the main lobby of City Hall.

ANNOUNCEMENTS AND OTHER

June 13, Blue Momentum Economic Development Teams will be convening at City Hall to meet the new Economic Redevelopment and Planning Director, evaluate current progress and set future steps. Blueprint Communities team members will also be present to share their role and learn further how to work with Blue Momentum teams.

June 21, the Website Redevelopment Committee will receive first drafts of the new website. From that point, a site map will be created and content will be collected. Committee members include Deb Sarver, Pete Sternloff, Billy Hester and Joshua Cline. A target date to launch the new website has been set for the end of July.

June 1-27: Appalachian Artist Association Spring Show, Paine Gallery, Bluefield Area Arts Center, Bluefield. Information: appalart@gmail.com

June 1- 30: Civil War Exhibit and Currency Show at the Bronze Look II in Bluefield. Also available is the WV 150th Birthday Glass piece created by Hinkle and Blenko Glass. Orders are being taken. Information: (304) 324-2933 or (304)425-5005.

June 17-20: Bluefield State College Men's Basketball Camp, Ned Shott Gymnasium. Camp Fee: \$75.00 per camper. Information: (304) 327-4207.

June 19: "Book Signing" Author, Susan Tekulve will be at Hearthside Books in Bluefield, WV. She will read from her new book, "Garden of Stone," sign copies and answer questions. Garden of Stone is the winner of the South Carolina First Novel Prize. Time: 5:00pm-7:00pm. Information: (304) 325-6896

June 20: West Virginia's 150th Birthday! 150th Celebration of WV's Statehood at the State Capitol in Charleston. Check out wvl50.com for a complete schedule of events.

June 24: Summer programs will begin at the Craft Memorial Library. You can sign up in person at the library, online at <http://craftmemoriai.lib.wv.us/eventscaiendar.htmi> or by calling 304-325-3943.

June 24-27: Bluefield State College Women's Basketball Camp. Ned Short Gymnasium. Camp Eligibility: Girls 8-18 years of age (High School Graduates Not Eligible). Registration: \$75.00 per camper. Information: (304) 327-4207.

June 29: Second Chance Rocks the Two Virginia's, Mitchell Stadium, Bluefield, WV. Featuring Justin Moore, Craig Campbell and Shooter Jennings. Doors open at 12:00 noon. Information (877-497-8499). Ticket locations: Second Chance Learning Center, All Grant Supermarket locations, Greater Bluefield Chamber of Commerce and Black Bear Harley-Davidson.

June 24: Summer programs will begin at the Craft Memorial Library. You can sign up in person at the library, online at <http://craftmemorial.lib.wv.us/eventscaiendar.htmi> or by calling 304-325-3943.

Director Mary Frances Brammer 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