

**BOARD OF DIRECTORS  
BLUEFIELD, WEST VIRGINIA  
June 26, 2012**

The Board of Directors of the City of Bluefield, West Virginia met in regular session June 26, 2012 at 6 p.m. in the Municipal Boardroom. Present were Mayor Linda K. Whalen; Directors Mary Frances Brammer, Tom Blevins, Deb Sarver and Pete Sternloff; City Attorney Brian Cochran and City Clerk Helen L. Mitchell.

**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 June 12, 2012 meeting were unanimously approved as presented on a motion by Director Pete Sternloff and seconded by Director Mary Frances Brammer.

**DISCUSSION ITEMS**

A public hearing was held at 5:30 p.m. on an ordinance to vacate, abandon and annul a portion of Pine Street. There was not anyone present to speak for or against the ordinance.

The hearing was closed at 5:35 p.m.

Interim City Manager Brian Cochran discussed that road construction had begun on Hill Avenue where a portion of the street had collapsed recently, and should be completed in a couple of weeks.

**ACTION ITEMS**

Interim City Manager Cochran asked for board approval of the contract for the Americans with Disabilities Act (ADA) requirements at Mitchell Stadium.

Manager Cochran explained that bids were opened last week for the construction needed at Mitchell Stadium, and the project contract was awarded to Lambert's Construction with the low bid of \$458,250.

Director Pete Sternloff moved to approve the contract, seconded by Director Tom Blevins.

After discussion, the motion was unanimously approved and so ordered.

Cochran advised that the City had received a grant from the Shott Foundation for the ADA project totaling \$250,000, and the remainder of the funds will most likely come from the hospital proceeds.

Interim City Manager Cochran read into the record by title the second reading of an ordinance vacating, abandoning and annulling a portion of Pine Street that lies between Bluefield Avenue and Highland Avenue.

Cochran explained that Cole Properties, LLC had petitioned the City to close this portion of Pine Street for the specific purpose of constructing a facility that will economically benefit all of the citizens of Bluefield. The first reading of the ordinance was read on June 12, 2012 and a public hearing was held at 5:30 p.m. today.

Director Pete Sternloff moved to approve the ordinance as read by title, seconded by Director Mary Frances Brammer. Unanimously approved and so ordered.

**AN ORDINANCE VACATING, ABANDONING, AND ANNULLING A PORTION OF PINE STREET, BEING AN APPROXIMATE 50 FT WIDE AND APPROXIMATELY 320 FOOT LONG STREET, AND FURTHER DESCRIBED AS BEING THAT PORTION OF PINE STREET THAT LIES BETWEEN BLUEFIELD AVENUE AND HIGHLAND AVENUE; ALL SITUATED IN THE CITY OF BLUEFIELD, MERCER COUNTY, WEST VIRGINIA, AND BEING MORE PARTICULARLY DESCRIBED BELOW:**

**WHEREAS**, It appears to the Board of Directors of the City of Bluefield, Mercer County, West Virginia, that all of that certain tracts or parcels of land, being

1. A portion of Pine Street, being an approximately  $\pm$  50 ft. wide and approximately  $\pm$  320 ft. long street, and further described as being that portion of Pine Street that lies between Bluefield Avenue and Highland Avenue

Bounded on the North by Bluefield Avenue, Bounded on the East by Tax Map 24, Parcel 109, lots 4-5-6, Sec. 153, Bluefield Avenue, owned by Cole Properties LLC, a 20 ft. wide alley, and by Tax Map 24, Parcel 117, Lot 6, Sec. 171, Highland Avenue and Pine Street owned by Cole Properties, LLC, Bounded on the South by Highland Avenue, Bounded on the West by Tax Map 24, Parcel 103, pt lot 1-2, Sec. 172 owned by Cole Properties LLC, Tax Map 24, Parcel 102, pt. Lots 1-2, Sec. 172, Pine, owned by Cole Properties LLC, a 20 ft. wide alley, Tax Map 24, Parcel 101 S. pt. Lot 1, Sec 154 Pine Street, owned by Cole Properties, LLC and Tax Map 24, Parcel 100, N. pt. Lot 1, Sec. 154, Bluefield Ave. and Pine Street, owned by Cole Properties LLC.

All situated in the City of Bluefield, Mercer County, West Virginia, and as laid down, designated, and dedicated to public use, is not needed for street purposes or for any other public use or public purpose and that it is proper that the same be Vacated, Abandoned, and Annulled; and

**WHEREAS**, it further appearing that in the interests of the City of Bluefield and of the public generally that the portion of this street described above be vacated, abandoned, and annulled as a public street within said City; and

**WHEREAS**, it further appearing that the property of no person, firm, or corporation will be injured or damaged thereby, and that the owner of all property abutting said tracts and parcels, Tom Cole of Cole Properties LLC, has petitioned the Board of Directors to close said portion of Pine Street; and

**WHEREAS**, The City of Bluefield shall retain any and all public utility easements and right of ways lying within the area; and

**WHEREAS**, prior to adoption, a Public Hearing has been conducted and notice of this proposed Ordinance has been properly advertised in the Bluefield Daily Telegraph, a newspaper of general circulation in 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 ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF BLUEFIELD, MERCER COUNTY WEST VIRGINIA, IN REGULAR SESSION ASSEMBLED AS FOLLOWS:

**Section 1.** That for reasons hereinbefore set forth, that all of that certain tracts or parcels of land, as described above and situated in the City of Bluefield, Mercer County, West Virginia, and as laid down, designated, and dedicated to public use, is hereby vacated, abandoned, and annulled and from and after the date of the adoption of this Ordinance, the same shall cease to be a public way or public street within the City of Bluefield.

**Section 2.** That upon the adoption of this ordinance, the City Clerk of the City of Bluefield shall cause a duly certified copy thereof to be recorded in the appropriate deed book in the office of the Clerk of the County Commission of Mercer County, West Virginia, as evidence of the abandonment of said certain tracts or parcels of land.

**Section 3.** Prior to adoption of this ordinance, Tom Cole shall pay to the City Clerk the cost of this proceeding.

**Section 4.** This Ordinance shall be effective from the date of its adoption.

FIRST READING: June 12, 2012

PUBLIC HEARING: June 26, 2012

SECOND READING: June 26, 2012

ADOPTION:

FILED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Interim City Manager Cochran asked permission from the board to negotiate and enter into the same agreements as in the years past with both Graham High School and Bluefield High School Booster Clubs to provide concessions at the stadium during the high school football games.

Director Mary Frances Brammer moved to approve the concession agreement as presented, seconded by Director Tom Blevins. Unanimously approved and so ordered.

Cochran asked for authorization to close the Blue Grey Horse Show Special Revenue Fund.

Director Pete Sternloff moved to close the Blue Grey Horse Show Special Revenue Fund, seconded by Director Tom Blevins. Unanimously approved and so ordered.

Cochran asked for authorization to establish a Ridge Runner Special Revenue Fund.

The board voted unanimously to establish a Ridge Runner Special Revenue Fund on a motion made by Director Pete Sternloff and seconded by Director Tom Blevins.

Mayor Whalen advised that revenue from the Ridge Runner will be kept separate, and the fund will be used to pay expenses for the Ridge Runner.

## **REPORTS OF OFFICERS, BOARD AND STANDING COMMITTEES**

Director Deb Sarver asked about the status of concessions for the park.

Cochran advised that he had reviewed the one proposal received, and because it was vague as to what they were going to do, he had requested that a new proposal be submitted. Cochran said that he had received the new proposal, and would contact them to negotiate a fair and reasonable contract for everyone.

Director Sarver said that she would like to see concessions provided for the park.

Director Tom Blevins commented that he had been contacted regarding damaged sidewalks and overgrown grass in the city.

Director Blevins asked the property owners in the city to please keep the grass cut on their rental properties.

Director Pete Sternloff discussed the recent announcement that Artist Gary Bowling had been asked to leave the Bluefield Area Arts Center after receiving an eviction notice from the Alliance for the Arts.

Director Sternloff said the Alliance for the Arts has a contract with the city that gives them complete control over the building. Sternloff said the Alliance has come to the board asking for certain amounts of money that was once contributed by the city to be reinstated. Sternloff said the city has contributed a large amount of money to maintain the building in the past year.

Director Sternloff said the city needs to take a look at the Alliance's financial situation and their track record for maintenance and repairs. Director Sternloff said that he believes the city has a strong responsibility to the arts and feels that the city should evaluate whether the Alliance is meeting the contractual agreement set forth by the city.

Director Sternloff commented that it would be a sad loss if Gary Bowling's House of Art were to leave Bluefield and go somewhere else.

Director Mary Frances Brammer thanked everyone for coming to the meeting. Director Brammer commented that the Bluefield State College swimming pool has been renovated and invited everyone to come out and swim.

Director Brammer invited everyone to view the painting on the wall located in the Alliance for the Arts parking lot.

Director Brammer invited everyone to come out and support the Blue Jays.

Mayor Whalen said that she agreed with Director Sternloff, "The arts have become a focus of our downtown." Whalen commented there were two magazines and several tour groups that were planning to visit Gary Bowling's House of Art in August.

Mayor Whalen said many businesses consider whether or not there is an active arts community when they are deciding to locate in an area.

Mayor Whalen thanked Patch Whiskey for his artwork that he has shared with the City of Bluefield.

Mayor Whalen requested that the Planning Commission hold a meeting to take a look at the zoning on College Ave.

The board unanimously agreed to ask the Planning Commission to look into the zoning on College Ave on a motion made by Director Pete Sternloff and seconded by Deb Sarver.

Mayor Whalen announced that Greg Shrewsbury had been hired as the Economic Development Director. Whalen said, "The city has committed money from the hospital proceeds to fund the position and the costs associated with it."

Mayor Whalen discussed the proposed fire fee by the Mercer County Commission for all county residents and how it would impact the city residents. Mayor Whalen asked that this proposed fire fee be put on the next agenda for the city to take the necessary steps to exclude Bluefield from the ordinance.

Attorney Cochran stated that he felt that city representatives should appear at the County Commission Meeting to see how it would affect the citizens of Bluefield.

## **PUBLIC COMMENTS**

Art Riley representing Downtown Merchants Association commented on the deterioration of city buildings and their preservation.

Mr. Riley questioned the net cost to the city for the ADA renovations at Mitchell Stadium.

Attorney Cochran advised Mr. Riley that the cost to the city would be \$208,000.

Mr. Riley invited everyone to attend the Concert in the Square on Friday, and commented on the events planned for the Downtown Street Fair to be held on August 3-4.

## **ANNOUNCEMENTS AND OTHER**

- June 29, 2012 - Second Chance Rocks the Two Virginias - Mitchell Stadium - Gates open at 4:30 p.m. Concert begins at 6:30 p.m.
- Downtown Street Fair - August 3-4
- Concerts at Chicory Square at noon on Friday
- Fireworks on July 4<sup>th</sup> after the Blue Jays game

Mayor Whalen announced that a local business owner was now leasing indoor spaces for flea market vendors in the former Coca-Cola Bottling plant on Bluefield Avenue, and the outside flea market will continue at the Wade Center.

Attorney Cochran commended Dallas Fowler and his public works department for the great and hard work they do around the city.

Attorney Cochran also thanked the police department for their work in recent days. Cochran said, "They are out there every day involved in serious stuff, and they have a great record for solving the cases they are presented with."

Mayor Whalen thanked Dallas Fowler and his crew for their work around the city, and thanked Attorney Brian Cochran for the great job that he is doing as the Interim City Manager.

Helen L. Mitchell, City Clerk

Linda K. Whalen, Mayor