

**REGULAR MEETING – BOARD OF DIRECTORS
BLUEFIELD, MERCER COUNTY, WEST VIRGINIA
JANUARY 27, 2015**

A regular meeting of the Board of Directors of the City of Bluefield, Mercer County, West Virginia was held on Tuesday, January 27, 2015 at 12 noon, in the Municipal Building Boardroom. Present were Mayor Thomas Cole, Vice Mayor Barbara Thompson Smith; Director Ellen Light, Director Chuck McGonagle and Director Michael Gibson; City Manager Dane Rideout, Assistant City Manager Joshua Cline, City Attorney Brian Cochran, City Treasurer Kelly Davis and City Clerk Bobbi Kersey.

INVOCATION – PLEDGE OF ALLEGIANCE – CALL TO ORDER

Reverend Garry Moore invoked divine guidance for the conduct of the meeting and led the Pledge of Allegiance to the Flag of the United States of America.
Mayor Thomas J. Cole called the meeting to order.

APPROVAL OF THE MINUTES

Upon motion and second the minutes of the January 13, 2015, were approved without correction.

CITY MANAGER

City Manager Dane Rideout advised the board of the following:

Town Hall Meeting – The public is invited to attend a Town Hall meeting being held at Westminster Presbyterian Church in the fellowship hall on Tuesday, February 3rd at 6:00 p.m. The topic discussed will be a six month review of the City of Bluefield: where the city was, where the city is now and where the city is going. It is important for citizens to see, hear and know what is going on in the city.

Building/Demolition – The list of houses set for condemnation is exhausted. One hundred and seven structures have been demolished since last June. The Building Commission determines which houses are recommended for demolition. Mayor Cole added that one new property was evaluated at the Building Commission meeting this morning.

West Virginia American Water Company – The City of Bluefield and West Virginia American Water Company bond has been paid off. City Attorney Brian Cochran and City Treasurer Kelly Davis are in negotiations with West Virginia American Water Company concerning water usage from Kee Dam.

Kee Dam – The Bluefield Daily Telegraph editorial concerning illegal dumping at Kee Dam was investigated. A work crew has completed some excavator work, cleaned the area and a monitoring schedule is being followed. Illegal dumping is down to one bag of trash last week.

Police Department – Corporal John Whitt was recognized for his investigative work that led to the conviction of Trevon Strange.

Veterans Clinic – City Manager Rideout revisited a question concerning the Mobile Veterans Health Clinic at the last meeting. City Manager Rideout stated that the Veterans Access, Choice and Accountability Act (VACAA or Choice Act) with revisions was signed into law as the Department of Veterans Affairs Expiring Authorities Act of 2014 so that the Department of Veteran Affairs can provide timely, quality care for our veterans. City Manager Rideout called senior officials who stated that mobile veteran centers and mobile vet centers, along with other health care centers, are not at risk. Parks and Recreation Director Charles Ridlehuber is in the process of making a more presentable waiting area for our veterans at the Bluefield Recreation Center.

Second Chance – Eric Robinson gave an in depth presentation during the morning work session and desires to have another concert this year. City Manager Rideout requested the Board verify that he could proceed with plans for another concert. The City Board was in agreement.

PUBLIC IMPUT:

Rev. Garry Moore, Scott Street Baptist Church, 600 Scott Street, Bluefield, expressed concern regarding the current parking situation in front of the church. Rev. Moore stated that last Sunday while in church several members of the congregation received parking tickets for parking too close to the fire hydrant. Rev. Moore said he had spoken with the past administration concerning the location of the fire hydrant. It was moved several years ago because when the fire hydrant was flushed, the water would run down the hill and flood the basement of Craft Memorial Library. The previous administration gave the church a parking variance. Rev. Moore and several church members stated the necessity for nearby parking, as many members are elderly and need the assistance of the rails to climb the steps. Rev. Moore reminded the Board that the City of Bluefield had placed the Pastor Parking sign, and the Handicapped Parking sign in the present locations. Rev. Moore said he had spoken with West Virginia American Water Company about moving the fire hydrant, but it would be too expensive.

Director Michael Gibson asked Rev. Moore if he was asking the Board to move the fire hydrant or officially issue a variance.

Rev. Moore said the variance had been working fine and stated that there is an exit in the back of the church. However, if parking is going to be a continuing problem, he requested that the fire hydrant be moved.

Police Chief Dennis Dillow stated when the parking garage building was being demolished, it was not possible for some of the water lines to be rerouted. The tickets given to members of the church were changed to a warning ticket. Chief Dillow said he knew this was an inconvenience but the parking situation at the present was illegal and had to be addressed.

City Manager Rideout stated he has been making organizational changes inside the city to make it more efficient. Enforcing the fire lanes is part of that efficiency. City Manager Rideout said he has given the fire department, which by state law has the authority to enforce fire lanes and various other concerns, to issue citations for fire lane violations. City Manager Rideout said there have been areas that have been mismarked by the city and those areas need to be corrected. State law requires these laws be enforced because of the risk to public safety. Last Sunday Mt. Zion Pentecostal Church had an electrical fire. There were two hundred people inside the church. Cars had to be physically moved and maneuvered in order for the fire trucks and firemen to do their job. People

inside the building were at risk and those who were trying to do their job were at risk. City Manager Rideout stated the fire department is doing a great job and he backs the fire department in enforcing the laws.

A member of Scott Street Church stated it was her understanding that as long as she was not blocking the fire hydrant she could park. Her friend parked in the designated handicapped space but both were given a ticket.

City Manager Dane Rideout clarified that all tickets had been changed to a warning ticket. City Manager Rideout stated that state law requires fifteen (15) feet clearance in front of a fire hydrant, marked or not. The blue handicapped space will be painted. The Pastor Parking sign stapled to the electrical pole is a violation of a city ordinance. City Manager Rideout said he would revisit the issue with West Virginia American Water Company. City Manager Rideout requested that Rev. Moore communicate with the police department, fire department, and city officials during certain circumstances in organizing special situations/events. The City of Bluefield will work with the church in supporting the church's needs and still provide emergency response services.

Vice Mayor Barbara Smith stated that when the fire department arrived at Mt. Zion Pentecostal Church, illegally parked cars on the sidewalk blocked fire trucks from getting to the church. Members had to come out of the church and move vehicles so the fire trucks could get to the fire. Vice Mayor Smith stated she felt sure the church had not anticipated a fire and the delay hindered public safety.

City Manager Rideout stated that West Virginia American Water Company has the authority for placement of a fire hydrant based on cost and utilization.

Fire Chief Jeff Warden stated that fire hydrants are placed in high risk areas. The Fellowship Home is also located near Scott Street Baptist Church. All the fire hydrants are on a loop system and when looped together the hydrants have more pressure. The population and various structures are also considered for fire hydrant placement.

Mayor Thomas Cole stated that the City of Bluefield can not allow citizens to park illegally but will contact West Virginia American Water Company and see if there is a solution. Mayor Cole thanked Rev. Moore for his comments.

A member of Scott Street Baptist Church asked one final question concerning the yellow areas across the street and asked whether members are permitted to park in that area.

City Manager Dane Rideout said he had sent City Engineer Tony Wagner to the site. The street is thirty four (34) feet wide, seven (7) feet on either side for parking, leaving twenty (20) feet in the middle. City Manager Rideout wants to make sure the blind curve is accessible for emergency vehicles. The city will be working on the areas.

Tonya Quesenberry, Bluefield, had questions concerning multi-family dwellings. Ms. Quesenberry stated there are fourteen or more people living in a house near her home with questionable activities. Ms. Quesenberry felt the police department has exhausted what they can do for her and asked the board for help with her situation. Assistant City Manager Josh Cline requested Ms. Quesenberry meet with him after the board meeting.

Al Hancock, Bluefield, stated he was proud to stand before the City Board and thanked them for their help and support with veteran's issues. City Manager Dane Rideout said the veteran senior official he had spoken with spoke very highly of Mr. Hancock and felt he was a liaison for this area and Mr. Hancock is greatly respected.

Tony Papa, Communication Consultants, Bluefield, stated he thought the Board was going to approve the phone bids but then expressed his understanding that approval would be at the next Board meeting. Mr. Papa said he had been informed that he was not going to get the phone bid due to not meeting the appropriate specs. Mr. Papa stated he thinks he did meet all the specs. Mr. Papa stated he has applied for a variance through the zoning commission for a home business and has applied for a Bluefield City business license. Mr. Papa stated, "He was unaware of who evaluated the bids. There is a twenty thousand dollar difference between the highest and lowest bid and he felt taxpayer's money should be considered. Why would you spend twenty thousand more for something you can get cheaper? I differ that I did not meet the specs and I will be waiting for someone to show me where I did not. That is all I have to say."

ACTION ITEMS

CITY TREASURER KELLY DAVIS:

1. Requested guidance concerning invoices she received after the morning work session from the Beautification Commission. Treasurer Davis read the code concerning the Beautification Commission being reimbursed for their actual expenses incurred for the City of Bluefield. The invoices totaled \$7,000 and included nothing out of the ordinary and she stated that she felt the expenses were appropriate. Due to a procedure not being in place, Ms. Davis requested direction regarding payment.

City Manger Rideout stated many of these commissions and boards have events or solicit donations for activities. Once the money comes to the treasurer it becomes part of city property and requires a vote from the board for audit purposes.

Mayor Cole and the Board were in agreement that vendors need to be paid for their services. This issue is on the "radar screen" with the Board and the City Manager. This will be a discussion item for the next board meeting. Mayor Cole stated that the Beautification Commission is very active in the city and does a lot of fund raising. The commission makes our city a more attractive place to live.

2. The second revision to the General Fund Budget reduces anticipated revenue by \$405,829. It also includes several housekeeping items such as corrections to revenue posted incorrectly and various grants listed individually. The revision estimates an additional \$27,636 in taxes; an additional \$16,500 in fines and forfeitures; a reduction of \$100,000 in license and permits; a reduction of \$423,250 in charges for service budget; the addition of \$34,285 in grant receipts; and an additional \$39,000 in miscellaneous revenues such as reimbursements and the sale of material. The total decrease in anticipated revenue is \$405,829; thereby, decreasing the General Fund Revenue Budget to \$10,099,424. The expenditure revision also cleans up some misappropriated expenditures and decreases the expenditure budget by \$405,829. The overall decrease in the expenditure budget totals \$405,829; thereby decreasing

the Total General Fund Expenditure Budget to \$10,099,424 and creating a balanced budget as required by State Code.

MOTION: Director Ellen Light made a motion for approval of General Fund Revision No. 2. The motion carried unanimously.

3. **MOTION:** Director Michael Gibson made a motion for approval of payment for the City Manager's Vehicle. The motion carried unanimously.

CITY ATTORNEY:

City Attorney Brian Cochran stated City Manager Dane Rideout had contacted him regarding section 4-61 of the City Ordinances, dealing with citations for animal issues. That section provided that the animal control officer and/or any police officer could authorize a citation for any violation under this article. It is a good idea to include our code enforcement officer's authorization to enforce animal code violation citations. For the first reading, City Attorney Cochran recommended a minor adjustment in the proposed amendment to state that all city animal control officers, code enforcement officers and police officers are authorized to issue citations.

Section 4-49 is a separate section dealing with dangerous animals. Attorney Cochran stated that due to a 3-2 Supreme Court decision it is necessary to remove the language in that code section that authorized our municipal court to order the euthanizing of a dog. The language will now be consistent with the ruling from the Supreme Court.

Mayor Thomas Cole presented for the first reading, AN ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, CHAPTER 4 ANIMALS, ARTICLE II. DOGS AND CATS, SECTION 4-49, DANGEROUS ANIMALS. AND SECTION 4-61, ISSUANCE OF CITATION.

AN ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, CHAPTER 4 ANIMALS, ARTICLE II. DOGS AND CATS, SECTION 4-49, DANGEROUS ANIMALS. AND SECTION 4-61, ISSUANCE OF CITATION.

WHEREAS, West Virginia Code, Chapter 8, Article 12 grants West Virginia Municipalities the authority to adopt Ordinances to promote the safety, health, and welfare of its citizens; and

WHEREAS, the enforcement of Ordinances affecting the ownership, maintenance, and control of dogs and/or other animals within the City of Bluefield is a proper exercise of the City of Bluefield's 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 4-61 to provide for the effective enforcement of Chapter 4, Article II of the Code of Ordinances of the City of Bluefield, and to amend Section 4-49 to comply with West Virginia Code.

NOW, THEREFORE BE IT RESOLVED, that the City of Bluefield hereby adopts the amendments of Sections 4-49 and 4-61 as follows, effective immediately upon passage:

Sec. 4-49. - Dangerous animals.

No person shall own, keep or harbor any dangerous animal known by him to be vicious, dangerous or in the habit of biting or attacking persons, whether or not such dog wears a tag or muzzle. Vicious or dangerous animals are declared to be a public nuisance and a menace to the public safety.

Sec. 4-61. Issuance of citation.

The animal control officer, code enforcement officer, and/or any police officer are authorized to issue citations for any violations of the sections under this article.

Passed on First Reading: _____

Passes on Second Reading: _____

MOTION: Director Ellen Light made a motion to approve the FIRST READING, AS AMEMDED. The motion carried unanimously.

GPS – City Manager Dane Rideout requested approval to enter into a three year contract in the amount of \$15,000 for GPS tracking devices in select city vehicles. City Manager Rideout said the GPS systems would alert officials in the tampering of vehicles. Recently, \$2,800 of batteries was stolen from the Public Works area. GPS systems also can be used as training tools, help in accountability of workers and vehicles, and improves efficiency.

MOTION: Vice Mayor Barbara Thompson Smith made a motion to approve a three year contract in the amount of \$15,000 for GPS tracking devices in select city vehicles. The motion carried unanimously.

OTHER:

City Manager Rideout stated he is researching possible ways to recoup fees for emergency response vehicles. Often, insurance companies have a built in fee on individual policies that will provide payment for emergency response vehicles. In other municipalities, this service is outsourced or billed internally. No action was taken on this issue.

Director Chuck McGonagle made a motion to adjourn for executive session, for the discussion of personnel and future development. The motion carried unanimously.

With no further business, Mayor Cole adjourned the meeting into executive session only to return to adjourn the meeting.

Bobbi Kersey, City Clerk

Thomas J. Cole, Mayor