

**REGULAR MEETING – BOARD OF DIRECTORS
BLUEFIELD, MERCER COUNTY, WEST VIRGINIA
FEBRUARY 10, 2015**

A regular meeting of the Board of Directors of the City of Bluefield, Mercer County, West Virginia was held on Tuesday, February 10, 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 Doctor William D. Hasty, Jr. invoked divine guidance for the conduct of the meeting and Vice Mayor Barbara Thompson Smith led the Pledge of Allegiance to the Flag of the United States of America.

Mayor Thomas J. Cole called the meeting to order.

BLUEFIELD STATE COLLEGE was recognized for Black History Month.

APPROVAL OF THE MINUTES

Upon motion and second the minutes of the January 27, 2015, were approved without correction.

CITY MANAGER

City Manager Dane Rideout advised the board of the following:

Sixth Month Review - The advertisement in the Bluefield Daily Telegraph outlining the Sixth Month Review for the City of Bluefield will be published again this Sunday, February 15th.

Technology – Vendors and computer applications are being considered allowing citizens to pay bills on line, obtain permits, pay B & O tax, and other various city functions. The upgrade will hopefully take place within the next forty five days.

City Hall - Assistant City Manager Josh Cline has been instrumental in making positive changes in the appearance of City Hall. City Hall has been painted and has new baseboard trim. Beautiful photos taken by Wayne Pelts are now hanging in City Hall. The Bluefield Area Arts Center now has a display at City Hall, highlighting local artist/photographer, Hal Brainerd.

Code Enforcement –New vehicles and uniforms have been purchased for Code Enforcement Officers. Code Enforcement has moved its offices to the second floor of City Hall.

Zoning – A public hearing will be held on March 5th concerning a fence variance for the new dog park. A layout of the dog park will be available and the public is invited to attend.

Public Works - One hundred and sixty parking meters have been removed from the City of Bluefield, along with two pallets of parts. City Manager Rideout recommended putting the parking

meters on eBay. City Attorney Brian Cochran stated if less than \$1,000 was raised, the Board did not need a motion to sell the parking meters. All Board members were in favor of selling the parking meters on eBay.

PUBLIC IMPUT:

Doctor William D. Hasty, President of the Alliance of Arts, Bluefield, stated the Alliance of Arts is working regionally and the Summit Player will perform at the Chuck Mathena Center, “*Nonsense*”, on February 28th. The Alliance of Arts is working with 4Pals on a scheduling issue for an upcoming performance. Dr. Hasty said the Alliance of Arts has some new members and is a community facility.

Betty Brainerd, Director of the Bluefield Area Arts Center, invited the public to come see the many renovations that have taken place at the center. Ms. Brainerd stated the Bluefield Area Arts Center is partnering with Bluefield State College and Craft Memorial Library to bring more events and artists for the public to enjoy. Coming attractions for the public include: Susan Chapman Thomas- one day handmade jewelry creations, Lynne Yancha- watercolor workshop and show and a children’s Easter egg workshop. Alex Brand’s hand blown glass is presently in the Paine Gallery and is open to the public. Mr. Brand’s hand blown has been exhibited internationally. His studio is at the Greenbrier Hotel and his art is in the Corning Museum of Glass in Corning, NY.

Art Riley, representing the Downtown Merchants Association, Bluefield, stated he had attended the Town Hall meeting. Mr. Riley thanked everyone involved and said the six month presentation was well thought out and put together. Mr. Riley reminded everyone that the six month presentation is available on www.cityofbluefield.com website. Mr. Riley stated that Clean Sweep originally began as a sense of community pride and to help clean up debris. Mr. Riley stated, “We only have one chance to make a first impression”. Lastly, Mr. Riley asked if a final report had been received from Parson & Brinckerhoff. He stated as a business owner and a citizen he would like to know how the Board will move forward with the property located in downtown Bluefield. Mayor Cole stated he will have a report at the next board meeting.

Veteran Al Hancock, Bluefield, said that February 18th will be the one year anniversary of the Veteran’s Mobil Health Clinic. The doctor told him they care for over 600 veterans. Mr. Hancock thanked the board for the sixth month review presentation at the Town Hall meeting. Mr. Hancock stated he is awaiting news concerning a Veteran’s Recognition Day bill that will hopefully be passed next Monday.

ACTION ITEMS

CITY TREASURER KELLY DAVIS:

1. City Treasurer Kelly Davis reported that at the close of January 2015, the 7th month of the fiscal year, revenue collected totaled \$6,100,268 (74.87%) of the projected amount of \$8,147,874. Expenditures total \$5,398,676 (53.46%) of the projected budget of \$10,099,424. City Treasurer Kelly Davis requested approval of the Monthly Financial Report.
Director Ellen Light made a motion for approval of the Monthly Financial Report. The motion carried unanimously.
2. City Treasurer Kelly Davis requested approval to send delinquent accounts to collections.

The City Treasurer stated she had presented a list of delinquent accounts during the morning work session.

Director Michael Gibson made a motion to send delinquent accounts to collections. The motion carried unanimously.

CLEAN SWEEP:

Assistant City Manager Josh Cline stated that he had received a petition from approximately eighteen citizens requesting that Clean Sweep be discontinued and that the savings be funneled into other needed services. Assistant City Manager Josh Cline stated the city's MindMixer website offers a venue for public opinion and has had responses both positive and negative concerning Clean Sweep. City Manager Rideout and Mayor Cole were in agreement that residents should utilize "special pickup" services to have debris hauled away. City Manager Rideout stated that Clean Sweep's estimated cost to the city is approximately forty-eight thousand dollars. City Manger Rideout recommended maintaining Clean Sweep for this year. If in the future a need is presented then the issue could be revisited. Assistant City Manager Josh Cline reminded citizens there are free days at the Mercer County Landfill for collections and he would post those dates on the city website.

Director Ellen Light made a motion to approve Clean Sweep 2015 with limitations on what will be picked up. The motion carried unanimously.

The dates, zones and items that will and will not be collected will be posted on www.cityofbluefield.com, City Hall, and published by local media. City Manager Rideout stated that the Bluefield Code Enforcement Officers will watch for illegal dumping. Mayor Cole encouraged citizens to take advantage of this years' Clean Sweep. Art Riley suggested that the cost of Clean Sweep 2015 should be recorded for future reference.

HOLIDAY OF LIGHTS:

City Manager Dane Rideout stated that an after action review committee comprised of those involved with the Holiday of Lights met to document what was working and possible improvements to consider for next year. Many suggestions were discussed such as hay rides, more than one Santa night, location of lights, traffic patterns, 5K run, walking nights and a new brochure to provide opportunity for business advertisement. A major problem is the storage of the light displays. Assistant City Manager Rideout requested approval to solicit bids for a Holiday of Lights storage building.

Director Michael Gibson made a motion to approve City Manager Rideout permission to solicit bids for a Holiday of Lights storage building. The motion carried unanimously.

Mayor Cole added that the city is working to put power sources at the City Park underground. City Manger Rideout and the Board of Directors thanked all the volunteers who helped in making the Holiday of Lights a success.

City Manager Dane Rideout stated that a new display for the Holiday of Lights has not been purchased for several years. After deducting all expenses owed to the city the Holiday of Lights has an account balance of \$88,000. Light displays are very expensive and if purchased before the end of March, a 33% discount is available. City Manager Rideout requested approval to spend 10k on Holiday of light displays.

Vice Mayor Barbara Thompson Smith made a motion to approve ten thousand (\$10,000) expenditure for new displays for the Holiday of Lights. The motion carried

unanimously.

Assistant City Manager Josh Cline said he would place three (3) possible light displays on Bluefield MindMixer so citizens could vote for their favorite.

Phone System:

City Manager Dane Rideout stated the City of Bluefield needs to replace the outdated telephone system. The City requested bids for a ShoreTel, or equivalent, IP telephone system. Four bids were received: Ricoh, Communication Consultants, Advanced Network Systems and Frontier Communications. City Manager Rideout recommended that the project be awarded to Advanced Network Systems. Director Michael Gibson asked what services ANS offered to the City of Bluefield. Advanced Network Systems provides the following:

- They are a certified ShoreTel partner with a Net Promoter Score of 100.
- Maintenance Agreement
- Training
- Site survey
- In-house management
- Support/Resolving issues
- Availability in remote locations

City Manager Rideout stated working with Advanced Network Systems is an investment in the future. ANS offers a more advanced system that allows a lot of flexibility to the City of Bluefield.

Director Michael Gibson made a motion to approve Advanced Network Systems as the new phone system for the City of Bluefield. The motion carried unanimously.

CITY ATTORNEY:

Attorney Brian Cochran stated the first reading of the following ordinance is to amend the city's additional annual protection fee of \$14.25 for each vehicle owned and principally kept within the city. The fee will no longer be billed during the second quarterly billing period of the fiscal year. Mayor Thomas J. Cole read the first reading of an ordinance to amend the city's annual vehicle fire protection fee.

FIRST READING OF AN ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, CHAPTER 2 ADMINISTRATION, ARTICLE III. FINANCE AND TAXATION, DIVISION 2, SPECIAL CHARGES FOR MUNICIPAL SERVICES, SUBDIVISION II. FIRE PROTECTION, AS SET OUT HEREINAFTER BY THE AMENDMENTS TO SECTIONS 2-169, 2-170, AND 2-171; BY THE REPEAL OF SUBSECTION 2-169 (b); BY THE RE-LETTERING OF SUBSECTION 2-169(c) to SUBSECTION 2-169(b); AND BY THE AMENDMENTS TO SECTION 2-170, PROMULGATION OF RULES AND REGULATIONS; FINDINGS OF FACT, AND TO SECTION 2-171, APPEAL.

WHEREAS, the City of Bluefield, pursuant to the provisions of Section 8-13-13 of the West Virginia Code, charges a special service fee for fire protection for structures and vehicles; and

WHEREAS, the Board of Directors of the City of Bluefield, upon recommendation of the City Manager, finds that the fee imposed upon its citizens for fire protection for vehicles contained within subsection 2-169 (b) is unjust and should be repealed; and

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

NOW, THEREFORE, WITNESSETH the following Ordinance, effective July 1, 2015:

Sec. 2-169. - Assessment of fire protection fees for structures.

(Comment - Removed “and vehicles”)

(a) (This subsection shall remain unchanged.)

(1) Residential structures: (This subsection shall remain unchanged.)

(2) Multiunit apartment structures: (This subsection shall remain unchanged.)

(3) Commercial/governmental/nonprofit church structures: (This subsection shall remain unchanged.)

(b) **(This subsection is repealed.)**

(c) Additional fees imposed. (Comment - This subsection is re-lettered to (b).)

(1) (This subsection shall remain unchanged.)

(2) (This subsection shall remain unchanged.)

Motor Vehicle:

(a) (This subsection shall remain unchanged.)

(b) (This subsection shall remain unchanged.)

(c) (This subsection shall remain unchanged.)

Such owners will be required to pay actual costs of man-hours, equipment, and supplies used in excess of the captioned minimums. (This subsection is unchanged.)

Sec. 2-170. - Promulgation of rules and regulations; findings of fact.

(a) (This subsection shall remain unchanged.)

(b) The city treasurer is further empowered to make findings of fact as to the square footage of structures within the city, either on the basis of records contained in the office of the assessor of the county or in conjunction with the city engineer, on the basis of an actual inspection of any premises.

(Comment - Reference to vehicles is removed from section 2-170(b).)

Sec. 2-171. - Appeal.

Upon the request of any interested person made to the city treasurer in writing, any such person may appeal the amount of fire protection fee against him. Any such appeal shall be made within six months of the date of any charge made by the city upon such user. The sole grounds for such appeal shall be the square footage and number of stories in any structure sought to be charged by the city. Any appealing user may submit to the treasurer such proof, by affidavit or otherwise, as he shall feel relevant to his case, within ten days of his original letter of appeal. Within ten days following the receipt of such evidence, the city treasurer shall make his decision known in writing to such user. Any user aggrieved by a decision of the city treasurer after such appeal shall have the right to note a further appeal, in writing, of any adverse decision of the city treasurer against him, within ten days following his receipt of the opinion of the city treasurer. Such further appeal shall be to the board of directors of the city, which appeal shall be de novo, and which shall be decided with finality by such board of directors.

(Comment - Reference to vehicles is removed from section 2-171(c).)

Passed on First Reading: _____

Passes on Second Reading: _____

Mayor Thomas J. Cole

Attest: _____
City Clerk

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

City Attorney Brian Cochran stated section 4-61 of the City Ordinances, dealing with citations for animal issues provided that the animal control officer and/or any police officer could authorize a citation for any violation under this article. City Attorney Cochran stated this would be the second reading of 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 second reading, AN ORDINANCE TO AMEND PART II, CODE OF ORDINACES 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.

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 4-49, 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

That all animal control officers, code enforcement officers, and police officers are authorized to issue citations for any violations of the sections under this article.

MOTION: Director Chuck McGonagle made a motion to approve the SECOND READING, AS AMEMDED. The motion carried unanimously.

Passed on First Reading: January 27, 2015

Passed on Second Reading: February 10, 2015

OTHER:

Mayor Cole stated he would like to revisit having only noon Board of Directors meetings and once a quarter have a Town Hall meeting. This topic will be discussed at the next meeting, February 24, 2015 at 6:00 p.m.

Director Ellen Light made a motion to adjourn. The motion carried unanimously.

Bobbi Kersey, City Clerk

Thomas J. Cole, Mayor