

**REGULAR MEETING – BOARD OF DIRECTORS
BLUEFIELD, MERCER COUNTY, WEST VIRGINIA
FEBRUARY 24, 2015**

A regular meeting of the Board of Directors of the City of Bluefield, Mercer County, West Virginia was held on Tuesday, February 24, 2015 at 6:00 p.m., 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, City Attorney Brian Cochran, City Treasurer Kelly Davis and City Clerk Bobbi Kersey. Assistant City Manger Josh Cline was absent.

INVOCATION – PLEDGE OF ALLEGIANCE – CALL TO ORDER

Vice Mayor Barbara Thompson Smith 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 Cole expressed the Board of Director’s condolences to the family of Thomas “Tom” Hall. Mr. Hall was working closely with City Manager Rideout and the Board of Directors on the King Coal Highway Authority. Mr. Hall was an active and dedicated community leader. Mr. Hall passed away February 21, 2015.

Mayor Thomas J. Cole called the meeting to order.

APPROVAL OF THE MINUTES

Upon motion and second the Town Hall minutes of February 3, 2015 and the Regular Board Minutes of February 10, 2015 , were approved without correction.

PRESENTATION

Fire Chief Jeff Warden recognized retired Firefighter Darrin Haynes for his twenty six and a half years of service. Darrin was an asset to the City of Bluefield and continues as an employee of the Bluefield Transit Authority. Firefighter Haynes was first in the state for the Scott Firefighter Competition in 1996. Firefighter Haynes was presented a plaque for Distinguished Service to the City of Bluefield.

CITY MANAGER

City Manager Dane Rideout advised the board of the following:

Five Snow Storms have greatly impacted the regional area, the state, and the northeast. The Bluefield Daily Telegraph stated the city has seven snow plow trucks but it should have read six. Two and one half trucks are currently operational. The mainline truck or big truck can only plow and does not have the capability of laying down salt or pea gravel. There are two vehicles that can plow and lay down salt and gravel. There are 110 miles of streets, with 27 miles that should be taken care of by the State Highway. The State Highway is tapped out of resources, so the city has been taking care of those streets. Approximately 20 miles of alley roads have not been touched. Bluefield is unique in its terrain/geography and public workers have been working 24/7 since the five storms. To date, a total of 749 overtime hours have been used. The GPS in one truck recorded it running for thirty six hours, stopping only to refuel. The extreme weather has not only been hard on the men but impacts the wear and tear on the vehicles. Most of the vehicles are between 8 – 9 years old and

in poor condition. Independent contractors have been assisting in snow removal at a cost to date of eleven thousand dollars. Many contractors can't work 10:00 p.m. until 4:00 a.m. and then do their other jobs. The good news is the city has salt and gravel and more is on the way. The Board of Directors held an emergency meeting at Public Works last Friday and approved purchase of a new truck/unit. The Board of Directors has received a vehicle inventory list and a capital equipment improvement plan is being developed.

City Manger Rideout praised the Public Works Department and the Sanitation Department for doing a great job during this unprecedented cold weather. Manager Rideout said the men were "great Americans" who have put the needs of the City of Bluefield in the forefront. These men are working 24/7 with outdated equipment in subzero temperatures and wind chills. The men start on primary roads, then secondary roads and last tertiary roads.

Mayor Cole stated the terrain of Bluefield hasn't changed in 125 years and it does present challenges. The back to back snow storms were unprecedented and came with Arctic temperatures. Mayor Cole said some of the statements posted on social media are very disappointing. Mayor Cole stated that personal attacks do not help the situation. This was not an every day storm that happens all the time in this area. Mayor Cole thanked the city workers for all of their hard work.

Fire Department has battled two fire structures in the past seven days during the subzero weather. One fire was at 3:30 a.m. and the gauges were freezing, but the firemen were able to contain the fire so no other structures were damaged. City Manager Rideout said when he saw some of the firemen; they had frozen eyelashes and eyebrows.

Police Department/Fire Department/Public Works worked together in helping emergency responders assist those in need due to the inclement weather. One person was carried to a rescue responder. Citizens should be proud of these employees and the extra mile they go to ensure safety in our city.

Zoning Commission will meet March 12th at 4:30 p.m. and the public is invited. The City of Bluefield is requesting a variance from the Zoning Commission to erect a 5 foot chain link fence for a dog park. An artist rendition / map will be available for viewing.

Senator Manchin met with City Manager Rideout, Marie Blackwell, and Al Hancock concerning the Veterans Clinic to be placed in Princeton, West Virginia. They would like to see the Veterans Clinic placed in Bluefield. The Veterans Mobile Clinic will be leaving Bluefield. The location was a Federal issue not a State issue.

Senator Capito Staff met with City Manager Rideout to discuss the King Coal Highway that is on our five year plan. The city is exploring the possibility of a terminal facility and customs facility with the railroad.

PUBLIC INPUT

Pete Sternloff, Bluefield, thanked the Public Works employees who have unselfishly given of their time and effort to do everything they can with the resources available. Mr. Sternloff encouraged the Board to compile a vehicle inventory list and work towards getting the fleet back in shape. Mr. Sternloff would like the Board to revisit the suggestion of the work session and board meeting being held once a month in the Board Room. He also feels presentations should be made at board meetings. Director Michael Gibson stated that the Board had been presented an inventory list

during the work session this morning and was in the process of reviewing the list.

Cy Gadd, Bluefield, asked if police cameras and laptops were being utilized by the officers. Police Chief Dillow requested that Mr. Gadd meet with him for a discussion that he could not give a simple answer. One complication is the waiting on Federal funds and storage issues are expensive. The laptops are more of a liability when used in a patrol car than a benefit.

Joe Rhea, Bluefield, stated he had attended the Board work session this morning and felt he was very well informed. He stated that he did not understand why the city was so ill prepared for this weather. City Manager Rideout stated that these trucks are used all year round for leaf removal, special trash collections, moving supplies and various other city jobs. We do have some issues that are being addressed, such as no storage for equipment. If quality equipment is bought then it will last longer, such as stainless steel vs. aluminum. The city is working on a long term solution.

Art Riley, representing the Downtown Merchants Association, Bluefield, said on behalf of the merchants he would like to commend the city workers and administration for what they have done during the storms. Mr. Riley stated he felt they were doing the best they could with the equipment they had and hopes a capital improvement vehicle plan will be put in place. Mr. Riley referred to the vehicle inventory list and noted the poor condition and requested consideration that vehicle upgrades for Public Works and the Sanitary Department be budgeted for the next fiscal year. Mr. Riley stated that old vehicles that are no longer working should be “junked” and sold for scrap. The proceeds could then be used towards the purchase of new equipment.

Mr. Riley reminded everyone that there is an ordinance that states there is no parking downtown between the hours of midnight and 5:00 a.m. This ordinance allows the city worker to plow snow in the winter and sweep streets in the summer. Mr. Riley would like to see the ordinance enforced. Police Chief Dillow said the ordinance is enforced. The problem was the storm came so quickly that cars were abandoned due to snow.

Mr. Riley would like the Board to revisit the possibility of a skate board park. Six or seven years ago the idea of a skate board park was discussed, plans were developed, and a grant was acquired but timed out. Bluefield State also did a study in making the Old Freight Station an indoor skate board park and someone has those plans.

Veteran Al Hancock, Bluefield, stated he was very disappointed with the decision to move the Mobile Veterans Clinic from Bluefield. He was glad there was going to be a brick and mortar veteran’s clinic but wished it had been located in Bluefield.

Kristen Pujari, Bluefield, stated she wanted to thank everyone for their hard work. Ms. Pujari said she was disgusted with some of the remarks she has heard were placed on social media. Ms. Pujari questioned why the people who had written such negative comments were not at the board meeting. She reminded everyone they can be part of the problem or part of the solution. Ms. Pujari challenged everyone to work together.

ACTION ITEMS

City Christmas Decorations:

Director Ellen Light made a motion to table the approval to spend \$10,000 on City Christmas decorations. The motion carried unanimously.

Skid Loader:

Director Chuck McGonagle made a motion to approve authorization for City Manager Rideout to acquire bid proposals for a skid loader with various attachments for summer and winter jobs. The motion carried unanimously.

2015- 2016 City Calendar:

City Manager Rideout stated the city staff had organized a 2015 – 2016 fiscal year calendar. April 15th needs to be added to the calendar as Lay the Levy day and a mistake on December 31st should read New Years Eve. The calendar will be posted on the Bluefield website for public viewing.

Director Michael Gibson made a motion to approve as amended the 2015 – 2016 city calendar. The motion carried unanimously.

Snow Removal Equipment/Vehicle and Funding Source:

City Manager Rideout reminded the Board of Directors that they had approved the purchase of one system snow removal equipment/vehicle during the emergency meeting held February 20, 2015. City Manager Rideout requested the purchase of a second system. City Attorney Cochran stated that a motion was not necessary as the funding for the vehicles were from the budget General Fund and City Treasurer Kelly Davis would request a budget revision at a later date.

Director Michael Gibson made a motion to approve the purchase a second system snow removal equipment/vehicle not to exceed \$ 49,100. The motion carried unanimously.

Board Meeting Time Change:

Mayor Cole read the first reading of an ordinance that would change the Board of Directors meeting time from 6:00 p.m. to noon on the 4th Tuesday of the month. Mayor Cole stated that the board had studied and a recorded attendance before coming to this decision.

AN ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, CHAPTER 2 ADMINISTRATION, ARTICLE II. BOARDS AND COMMISSIONS, DIVISION 2 BOARD OF DIRECTORS, SECTION 2-59, REGULAR MEETINGS; SPECIAL MEETINGS; COMPENSATION OF DIRECTORS, AS SET OUT HEREINAFTER BY THE AMENDMENT OF SUBSECTION (a).

WHEREAS, Chapter 2, Article II, Section 2-59(a) of the Code of Ordinances of the City of Bluefield currently requires that regular meetings of the board of directors of the city shall be held bimonthly on the second and fourth Tuesday of each month, in the board of director's room of the Municipal Building with the meeting on the second Tuesday held at 12:00 p.m. and the meeting on the Fourth Tuesday held at 6:00 p.m.; and

WHEREAS, the public's interests, public attendance, and constructive public input has been limited at the Board of Directors meetings for a period of time; and

WHEREAS, the Board of Directors of the City of Bluefield finds that the Board of Directors evening meeting time contributes to the citizen's lack of interest, lack of attendance, and lack of constructive public input; and

WHEREAS, for the reasons set forth above, it is the desire of the Board of Directors of the City of Bluefield to change the meeting time of the fourth Tuesday's regularly scheduled Board meeting from 6:00 p.m. to 12:00 p.m., whereby both regular meetings will now be held at 12:00 p.m.; 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 April 1, 2015:

Sec. 2-59. Regular meetings; special meetings; compensation of directors.

(a) *Regular meetings.* Regular meetings of the board of directors of the city shall be held bimonthly at 12:00 p.m. on the second and fourth Tuesday of each month in the board of director's room of the Municipal Building.

Passed on First Reading: 2-24-2015

Tabled: March 10, 2015

Passes on Second Reading: 3-24-2015

Effective: April 1, 2015

Attest: _____
City Clerk

Thomas J. Cole, Mayor

MOTION: Director Michael Gibson made a motion to approve the First Reading as amended. The motion carried unanimously.

* This ordinance, if passed, will become effective after the second reading.

Mayor Cole read the second reading of an ordinance that would eliminate an 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.

SECOND 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: 2-10-2015

Passes on Second Reading: 2-24-2015

Mayor Thomas J. Cole

Attest: _____
City Clerk

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

OTHER

Mr. and Mrs. Dennis Smith presented the Board of Directors with a beautiful wood coat rack that belonged to Susie Mitchell, Dennis Smith's Aunt. Vice Mayor Barbara Thompson Smith stated it will be nice having a place to hang a coat in the conference room. All of the Board members were very appreciative.

Director Michael Gibson made a motion to adjourn. The motion carried unanimously.

Bobbi Kersey, City Clerk

Thomas J. Cole, Mayor