

**REGULAR MEETING – BOARD OF DIRECTORS
BLUEFIELD, MERCER COUNTY, WEST VIRGINIA
APRIL 28, 2015**

A regular meeting of the Board of Directors of the City of Bluefield, Mercer County, West Virginia was held on Tuesday, April 28, 2015 at 12:00 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, Community Economic Director James Spencer and City Clerk Bobbi Kersey.

INVOCATION – PLEDGE OF ALLEGIANCE – CALL TO ORDER

Vice Mayor Barbara Thompson Smith introduced Student Vice Mayor Omar Logan. Student Vice Mayor Omar Logan 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 and welcomed Bluefield High School students, for Student Government Day. Mayor Cole introduced Student Mayor Emma Cole. Students spent the day job shadowing in respective departments and attended the regular scheduled Board of Directors meeting. The following students participated: Student Mayor Emma Cole, Student Vice Mayor Omar Logan, Student Director Danite Belay, Student Director Cody Goins, Student Director Evan Abbey; Student City Manager Kelsey Fry, Student Assistant Manager Matt Woodrum, Student City Attorney Michael Lawson, Student City Treasurer Mikayla Buchanan, Community Economic Director Aaron Dickason and Student City Clerk Amber Miller. Other participants included: Student Public Works Director Mark Hutchinson, Student Transit Authority Director Carly Helton, Student Police Chief Trevor Mullins, Student Building Inspector Darcey Lewis, Student Rental Enforcement Officers Brandy Lusk and Brianna Punturi, Student Code Enforcement Officer Allison Ratcliff, Student Parks and Recreation Director R.J. Bourne; Student Park Workers: D.J. Stewart, Wayne Walker, Teryn Auville, Courtney Auville, Kadie Farmer, Student Policemen: Cory Coppola, Bo Lambert, Jordan Peters, Bobby Lawrence, Student Firemen: Marcus Santoro, William Parsell and Justin Fox; Public Works Kately Browning, Transit Department: Waylon Neal and Ashley Butcher.

APPROVAL OF THE MINUTES

Student Mayor Emma Cole requested a motion and second for the following minutes under the direction of Mayor Cole. Upon motion and second, the following minutes were approved without correction:

Student Cody Goins made a motion to approve minutes of the April 14, 2015, Public Hearing (Small Cities Grant Application), under the direction of Director Chuck McGonagle.

Student Director Danite Belay made a motion to approve minutes of the April 14, 2015, Regular Board Meeting, under the direction of Director Ellen Light.

Student Director Evan Abbey made a motion to approve minutes of the April 17, 2015, Special Meeting, under the direction of Director Michael Gibson.

Student Vice Mayor Omar Logan made a motion to approve minutes of the April 21, 2015, Public Hearing (Lay the Levy), under the direction of Vice Mayor Barbara Thompson Smith.

Mayor Emma Cole introduced State Forester Andy Sheets.

PRESENTATION

State Forester Andy Sheets presented the City Board of Directors with a Tree City USA flag in recognition of the City of Bluefield being named a Tree City USA, for the fourteenth year. Tree City USA is sponsored by the Arbor Day Foundation, West Virginia Division of Forestry and the National State Association of Foresters.

CITY MANAGER REPORT

City Manager Dane Rideout introduced Student City Manager Kelsey Fry and advised the board of the following:

New Telephone System inside City Hall has a tentative date of May 12 for installation of the temporary T1 PRI. IT Director Billy Hester has been working with LUMOS and Frontier concerning preliminary prep work for the fiber optics that will allow City Hall to advance technologically.

City Engineer Tony Wagner has had the signal light at the intersection at Hardees that was destroyed by a tractor-trailer, replaced at no cost to the city. City Engineer Wagner has also had streetlights fixed at the Midway Tunnel.

Route 460 has received an asphalt capping. City Manager Rideout believes the rough condition of the road is only temporary and a top coat will be added.

East River Mountain Overlook has been cleaned and areas have been painted. More than 30 tons of trash was collected. The overlook is now on a normal sanitary rotation schedule and daily police schedule. The overlook is closed from dusk to dawn. Citizens are asked to report any vandalism or misuse of city property.

Skid Loader was delivered on April 23 along with attachments. The skid loader will be used for some corrections at the Holiday of Lights, the Dog Park and some of the trails at Parks and Recreation. There are four (4) individuals that will be allowed to operate this expensive piece of equipment.

Police Department has almost completed the Heads Up Mercer County application for the public forum. This is a mass notification emergency application for smart phones that was completely organized, constructed and developed by the Bluefield Police Department for Mercer County. The application was paid for by a FEMA Grant. The Police Department has applied for four (4) grants. The first grant is for \$25,000 for the replacement of the inside camera system. The second grant is for \$40,000 for a digital fingerprint system. The third grant is for \$8,750 to help replace ballistic vests. The final grant is for \$76,000 for personal body cameras.

Robert Flowers was hired for the vacancy in code enforcement and starts May 4. Mr. Flowers is a former police officer and has a background in code enforcement.

Parks and Recreation Department reported eleven (11) adult basketball teams have registered for a new program. The CiTo (Cache in Trash out) event was held on Saturday, April 25. Concord University participated in the event.

Condolences were expressed to the family and loved ones of Mildred Christine Lester Cregger. Ms. Cregger was the only citizen who was present for the first wedding of the Bluefield's and also attended the 90th celebration this past summer. Ms. Cregger took pictures of the 90th wedding celebration, connecting the past with the present. The City Board and the citizens of Bluefield extended sympathy to family members that were present at the board meeting.

Kroger Parking Lot is being monitored by the Bluefield Police Department. City Engineer Tony Wagner has contacted owner Mr. Lilly concerning the parking markings.

Community Economic Director James Spencer introduced Student Community Economic Director Aaron Dickason. Mr. Spencer advised the board of the following events: Mr. Spencer would like to construct a SWOT analysis of the city's strengths, weaknesses, opportunities and threats. He discussed how important it was to have the next generation's voice heard and would like to work with the civics/government classes at Bluefield High School.

Mr. Spencer stated he will be meeting with a possible economic business opportunity for the area on Wednesday. The city is now a member of the International Economic Development Council. This group has excellent resource material and will keep the city aware of the most current economic issues.

Mr. Spencer has spent his first week at work meeting people and walking streets to discuss economic opportunities.

Mr. Spencer stated that during May 12 – 14, he will travel with Mayor Cole and City Manager Rideout to Washington to meet with Federal elected officials representing West Virginia. They will be discussing the King Coal Highway and will schedule meetings on opportunities for economic development.

Mr. Spencer stated he had spoken to board members concerning the development of a business directory. Mr. Spencer would like the city directory (on the city's webpage and in hard copy) to show a list of city businesses in good standing allowing the city to market available services. Mr. Spencer was seeking approval to move forward with a city business directory.

Student Attorney Michael Lawson, under the direction of City Attorney Brian Cochran, stated that a motion would not be necessary and the board only needed to give consent to move forward with a city business directory.

Mayor Cole asked the students what they thought of Mr. Spencer's idea of a city business directory. Student Director Cody Goins stated he felt it was a good idea. He agreed with Mr. Spencer that if each business would create just one job it would be good economically for the city. Student Director Danite Belay thought getting opinions from people of all ages was a really good idea. She believed a SWOT analysis should be completed. The City Board gave their consent for Mr. Spencer to move forward with a city business directory.

STUDENT MAYOR EMMA COLE STATED THE MEETING WAS OPEN FOR PUBLIC COMMENTS:

Art Riley, representing the Downtown Merchants Association, made the following comments:

- Congratulated the students of Bluefield High School.
- Mr. Riley would like to see a determined effort to collect the short fall in fees. Mr. Riley suggested a full time employee at City Hall or an intern could devote time toward, collections. City Manager Rideout stated the city has an 80% collection rate for city fees. The City Treasurer Kelly Davis has been sending collections to Feuchtenberger and Barringer, making phone calls and sending letters. City Treasurer Davis has recommended hiring a qualified individual that would be dedicated to business and occupation collections. The city has not performed audits, other than a few internal audits, in some time. The city needs to spot check and make sure that all businesses are paying correct amounts of business and occupation taxes. The city is in the process of working on solutions.
- Mr. Riley requested the board to consider having the public hearing concerning raising fees in the evening.
- Mr. Riley asked about progress regarding the proposed Dog Park. City Manager Rideout said he will be meeting with an architect and City Engineer Tony Wagner on Monday, at the Dog Park, concerning modifications and plans. The area is being patrolled by the Bluefield City Police.
- Mr. Riley stated he felt a business directory was an excellent idea.

Charles Blankenship, Bluefield Resident, stated he felt a lot of good and positive things were happening in Bluefield. Mr. Blankenship reminded citizens that *Facebook* is not the place to take care of city business and citizens should attend board meetings. Mr. Blankenship asked, “Is this fee going to be applied to every structure in the city”? He feels if the fees are raised everyone should participate; pay the appropriate fee based on square footage of the property and regulations should be established in the ordinance. Mr. Blankenship welcomed Community Economic Director James Spencer. Mr. Blankenship requested Mr. Spencer bring the “necessities” into the city, such as a larger grocery store.

Richard Dillon, Bluefield Resident, thanked the Bluefield Fire Department and Bluefield Police Department for their dedication and hard work for the City of Bluefield.

ACTION ITEMS:

Mayor Cole read the **SECOND READING OF AN ORDINANCE PROVIDING FOR A TRAFFIC PATTERN CHANGE ON ROCKBRIDGE STREET FROM TWO-WAY TO ONE-WAY, FROM WYTHE AVENUE TO EAST RIVER AVENUE.**

WHEREAS, pursuant to Section 40-11(a)(2) of the Code of Ordinances of the City of Bluefield, the City Manager of the City of Bluefield recommends an amendment to the Bluefield traffic control map regulating traffic on Rockbridge Street; and

WHEREAS, the City manager recommends that traffic on Rockbridge Street be changed from two-way to one-way, as described on the attached map; and

WHEREAS, the Board of Directors finds that the City Manager's recommendation is in the best interests of the City, its residents, and the businesses located in the area affected; and

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

NOW THEREFORE BE IT RESOLVED, that pursuant to West Virginia Code § 8-12-5(4), the Board of Directors hereby amends the traffic control map of the City of Bluefield by changing the traffic pattern of Rockbridge Street, from Wythe Avenue to East River Avenue, from two-way to one-way, as described on the attached map.

First Reading: April 14, 2015

Second Reading: April 28, 2015

Director Michael Gibson made a motion to approve the SECOND READING OF AN ORDINANCE PROVIDING FOR A TRAFFIC PATTERN CHANGE ON ROCKBRIDGE STREET FROM TWO-WAY TO ONE-WAY, FROM WYTHE AVENUE TO EAST RIVER AVENUE, second; unanimously approved, so ordered. City Attorney Brian Cochran stated this ordinance will go into effect as soon as the proper signage is erected.

Mayor Cole read the title for the **FIRST READING OF AN ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD; CHAPTER 8 BUSINESSES AND BUSINESS REGULATIONS; BY THE ADOPTION OF SECTION 8-0(b), 8-4(1), 8-9, and 8-127.** City Attorney Brian Cochran stated the title has been amended to include sections 8-2(b), 8-4(1), 8-9, and 8-

AN ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD; CHAPTER 8 BUSINESSES AND BUSINESS REGULATIONS; BY THE ADOPTION OF SECTION 8-0, AND BY THE AMENDMENTS TO SECTIONS 8-2(b), 8-4(1), 8-9, and 8-127.

WHEREAS, the City of Bluefield, pursuant to the provisions of West Virginia Code §§ 11-12-4 and 8-13-4, provides for the regulation of business and fees associated therewith; and

WHEREAS, the Board of Directors of the City of Bluefield, upon recommendation of the City Manager, finds that in order to create a fair, uniformed, and simplified process for business licensing within the City, the fees derived therefrom need simplified and amended; and

WHEREAS, prior to adoption, notice of this proposed Ordinance has been properly advertised in the Bluefield Daily Telegraph, a newspaper of general circulation in the City of Bluefield, in compliance with West Virginia Code § 8-11-4; and

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

NOW, THEREFORE, WITNESSETH the following Ordinance:

Sec. 8-0. Simplification of Annual Municipal Business License Fees.

(a) **Purpose:** The Board of Directors believes that it is in the best interests of the City to amend its Application Procedure and fees for Licenses in order to create a fair, uniform, and simplified municipal administration process for business licensing pursuant to West Virginia Code §11-12-4, §8-12-5(24) and §8-13-4.

(b) **Procedure for License:** Notwithstanding provisions specifically concerning annual licensing fees contained within this Chapter, the

(c) Business License Fee Schedule:

1. General Licensing Category
 - i. General Business License - \$20.00
 - ii. Insurance Companies, which by state law are exempt from Business and Occupational Tax. - \$100.00
Note: Insurance Agents are classified under the General Business License Fee.
2. ABCA Related Licensing Category
 - i. Sections 8-127, 8-131, 8-133, and 8-134 shall remain unchanged and the fees associated therewith shall not be subject to Section 8-0(b) or (c).
3. Transient Category
 - i. Itinerant Vendors - \$500.00

(d) No Retroactive Application: The provisions of this article cannot be retroactively asserted or applied to any municipal business license as the application of this section is exclusively prospective to become effective on July 1, 2015.

(e) Severability: The provisions of this Section are severable. If any part of this section is held to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter and of this Section shall remain in full force and effect.

Sec. 8-2. - License required; fees levied.

(a) [This subsection shall remain unchanged]

(b) Both this general business license fee and fees charged to individuals and entities in the specialized businesses or professions hereinafter treated in this Code shall be prorated for the initial license year, depending upon the remaining length of the city's fiscal year, semiannually. As an example, an individual applying for a business license after July 1 but before January 1 shall pay the full yearly fee. An individual applying for a business license After December 31 of

any year shall pay a prorated fee based upon one-half of the fiscal year remaining.

Sec. 8-4. - Causes for denial.

The board of directors may refuse to authorize a license to any applicant under the provisions of this article if it shall determine that:

- (1) The applicant is not qualified by law to be licensed;

[the remaining subsections of 8-4 remain unchanged]

Sec. 8-9. - Period of license, proration of fee, minimum fee.

All annual licenses issued under the provisions of this article shall be for a period of one year beginning on July 1 and ending on the following June 30; provided, however, in the event any business, activity, trade or employment is begun after July 1 of any year, a license effective until the following June 30 shall be issued upon the payment of that proportion of the annual fee designated by Section 8-2(b). No license for any purpose for any length of time shall be issued for less than \$3.00. Each of the provisions of this section shall be deemed subject to such expressly contrary provisions as may appear elsewhere in this article.

Sec. 8-127. - Nonintoxicating beer – Definitions and other provisions of state law; license required, etc.

There is levied and imposed an annual license tax upon all dealers in and of nonintoxicating beer, which license period shall begin on July 1st of each year and end on June 30th of the following year, and if granted for a less period, the same shall be computed semiannually, in proportion to the remainder of the fiscal year, as follows:

- (1) In the case of a retail dealer, the license fee shall be \$150.00 for each place of business;
- (2) In the case of a distributor, the license fee shall be \$1,000.00 for each place of business;
- (3) In the case of a brewer, with its place of business located within the city, the license fee shall be \$1,500.00 for each place of manufacture.

This ordinance shall be effective on July 1, 2015.

Vice Mayor Barbara Thompson Smith made a motion to approve the **FIRST READING OF AN ORDINANCE TO AMEND PART II, CODE OF THE CITY OF BLUEFIELD; CHAPTER 8 BUSINESSES AND BUSINESS REGULATIONS; BY THE ADOPTION OF SECTION 8-0, AND BY THE AMENDMENT TO SECTIONS 8-2(b), 8-4(1), 8-9, AND 8-127, second; unanimously approved, so ordered.**

Student Evan Abbey, under the direction of Director Michael Gibson, made a motion to set a **Public Hearing on May 12, 2015 at 11:30 a.m., for the SECOND READING OF AN ORDINANCE TO AMEND PART II, CODE OF THE CITY OF BLUEFIELD; CHAPTER 8 BUSINESSES AND BUSINESS REGULATIONS; BY THE ADOPTION OF SECTION 8-0, AND BY THE AMENDMENT TO SECTIONS 8-2(b), 8-4(1), 8-9, AND 8-127, second; unanimously approved, so ordered.**

Mayor Emma Cole, under the direction of Mayor Thomas Cole, requested City Attorney Brian Cochran to review the renewal lease with Citizens Telecommunications Company of West Virginia. City Attorney Brian Cochran stated this renewal lease is for two parking lots rented by Frontier for the last five years. Mayor Emma Cole, under the direction of Mayor Cole requested a motion. **Student Danite Belay, under the direction of Director Ellen Light, made a motion authorizing the City of Bluefield to Enter into Renewal Lease Amendment Number Four with Citizens Telecommunications Company of West Virginia, second; unanimously approved, so ordered.**

Mayor Emma Cole, under the direction of Mayor Thomas Cole, requested City Attorney Brian Cochran to review Amendment Number One to Ground Lease with Hardy Cellular Telephone Company. City Attorney Brian Cochran stated the company has offered a one-time payment of \$2,500 to adjust the easement amending the current lease for a tower on East River Mountain. **Student Cody Goins, under the direction of Director Chuck McGonagle, made a motion to approve Amendment Number One to Ground Lease with Hardy Cellular Telephone Company, second; unanimously approved, so ordered.**

Student Vice Mayor Omar Logan, under the direction of Vice Mayor Barbara Thompson Smith, read a **Resolution for 2015 Small Cities Block Grant Application.** Assistant City Manager Josh Cline stated that the resolution read was incorrect and needed to be revised. Director **Ellen Light made a motion to table the Resolution for 2015 Small Cities Block Grant Application, second; unanimously approved, so ordered.**

Student Mayor Emma Cole read a **Resolution to Observe Arbor Day 2015.**

RESOLUTION TO OBSERVE ARBOR DAY 2015

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and this holiday, called Arbor Day was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed through out the nation and the world because trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and trees in our city increase property values, enhance the economic vitality of business areas, beautify our community, and are a source of joy and spiritual renewal, and

WHEREAS, the City of Bluefield has been named a Tree City USA designee for fourteen years with responsible care of its natural landscape,

NOW THEREFORE BE IT RESOLVED, that we, the City of Bluefield Board of Directors, do encourage all citizens to observe Arbor Day 2015 and urge them to care, maintains, and when able, plant trees on their property.

Given under our hands this the 28 day of April 2015

Student Evan Abbey, under the direction of Director Michael Gibson, made a motion to approve the Resolution for Arbor Day 2015, second; unanimously approved, so ordered.

Reports of Officers, Boards and Standing Committees:

Director Ellen Light stated this had been a wonderful day. Director Light stated the students had heard the discussion concerning the fees during the work session and said the increase made sense to them. The students understood that the increase would help in improving the community, making it a better and safer place to live.

Director Chuck McGonagle stated he was impressed with the great group of young men and women representing Bluefield High School for Student Government Day. Director McGonagle wished students the best of luck in the future and requested should they remain in the area, to get active in Bluefield.

Director Michael Gibson stated this was a learning experience for the students and the Board of Directors and members. Director Gibson wished the seniors good luck and requested they remember the lessons they learned today.

Vice Mayor Barbara Thompson Smith stated she was very excited to see and have the students at City Hall. Vice Mayor Smith said the board and city employees are working hard so young people will want to return to Bluefield and for those staying to get involved now.

Mayor Thomas Cole requested the students strive to be a part of the solution and not part of the problem. Mayor Cole said one of the main reasons he ran for the board was because of the young people and he wanted to help make Bluefield a place his children and others could thrive. Mayor Cole proudly stated this could be a historic moment for Bluefield with a third generation mayor: his father, Paul Cole for thirteen years, himself for two years, and his daughter being mayor for the day. Mayor Cole thanked the students.

OTHER

Student board members helped plant a Dogwood Tree in honor of Arbor Day located across the street from City Hall.

Director Michael Gibson made a motion for the board to move into executive session to discuss a real estate matter and return only to adjourn, second; unanimously approved and so ordered.

Bobbi Kersey, City Clerk

Thomas J. Cole, Mayor