

**REGULAR MEETING – BOARD OF DIRECTORS  
BLUEFIELD, MERCER COUNTY, WEST VIRGINIA  
September 8, 2015**

A regular meeting of the Board of Directors of the City of Bluefield, Mercer County, West Virginia was held on Tuesday, September 8, 2015 at noon in the Municipal Building Boardroom. Present were Mayor Thomas Cole, Vice Mayor Barbara Thompson Smith, Director Ellen Light, Director Michael Gibson and Director Chuck McGonagle; City Manager Dane Rideout, City Attorney Brian Cochran, City Treasurer Kelly Davis, Community Economic Director Jim Spencer and City Clerk Bobbi Kersey. Assistant City Manager 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 Thomas J. Cole called the meeting to order.

**APPROVAL OF THE MINUTES**

Director Ellen Light requested clarification of the August 25, 2015 minutes that an editorial in the Bluefield Daily Telegraph, on August 25, 2015, noted that the Board of Education allows security people to do the same function as a crossing guard, at Athens Elementary School and not several schools. Upon motion and second the following minutes were approved after the correction: Minutes of the August 25, 2015, Board of Directors Regular Board Meeting.

**PRESENTATION**

Police Chief Dennis Dillow made the following remarks in light of the events last week in downtown Bluefield, last Tuesday morning. “First and foremost, I’d like to thank the good Lord for taking care of all our guys that day and looking after all the civilians that were there. Second, I would like to thank the community for all their support, all the cards, all the letters from the children in the schools, the food that has been brought in to the police department. I couldn’t have more support from the community. I would also like everyone to remember the Williams family. They’ve been through a traumatic experience because of what happened that day. This has been very hard for them to deal with, and our thoughts and prayers go out to them”. Chief Dillow thanked his officers for being prepared and expressed how proud he was of the men for doing an outstanding job. Police Chief Dillow introduced the following new hires:

- Brian Copenhaver, a returning six year veteran from Bluefield PD. Mr. Copenhaver is married and has three children.
- Jeffrey Ellison graduated from Pikeview High School. His father is a deputy in the Sheriffs’ Department.
- Westley Blake graduated from Pikeview High School. He has one child.
- Hunter Browning graduated from Princeton High School
- Quintin Steptoe graduated from Bluefield High School. He has one child.
- Joseph Danieley graduated from Graham High School. His wife is a police dispatcher and they have two children.
- Michael Pertee is certified and comes from the McDowell County Sheriffs’ Department. He is married and has one child.

The new hires raised their right hand and City Clerk Bobbi Kersey read the oath of office and swore in the new police hires.

### **CITY MANAGER REPORT: DANE RIDEOUT**

**BLUEFIELD POLICE DEPARTMENT** was recognized and thanked for their professionalism during the events this past week. Chief Dillow was recognized for being a strong leader and taking hold of the situation. The City of Bluefield is very proud of our police department.

**THE LEMONADE FESTIVAL** was a huge success based on the support and hard work of many people. City Manager Rideout thanked City Employees, the Preservation Society and the many individuals who gave of their time and support. Public Works and Parks and Recreation did an outstanding job coordinating the Lemonade Festival, Bike Criterium, Blues Festival and preparing for the Beaver/Graham football game.

**PUBLIC WORKS** continues paving and pothole repair. Approximately eleven hundred tons of asphalt has been utilized.

**FLAG POLE** at Chicory Square has been moved from behind the trees.

**CODE ENFORCEMENT** Officer Lori Mills has completed two hundred (200) rental inspections and four more properties (4) have been placarded as unfit for habitation and will be referred to the Buildings Commission.

**IT DEPARTMENT** Billy Hester continues to update the new telephone system and work behind the scenes on various projects.

**BLUEFIELD PARKS AND RECREATION** reported the Lemonade Festival Criterium was a huge success on August 29<sup>th</sup>. Professional U.S. sanctioned cyclists from Italy, Japan, West Virginia, Maryland, South Carolina, Virginia, and North Carolina participated in the races. The cyclists and officials stated they loved the course and hope the criterium becomes an annual event. This is a huge draw for our economy. Brandon McCain is selling stadium/scoreboard advertisement for \$250.

**HUMAN RESOURCES DEPARTMENT** Angie Foley was recognized for her work behind the scenes. Ms. Foley takes care of the paperwork necessary for insurance, payroll, new hires, workers compensation, and much more. Ms. Foley has just completed a three year audit on city employee time cards. A special thank you was given for all her hard work and dedication.

**COMMUNITY AND ECONOMIC DIRECTOR JIM SPENCER** stated he took time during Lemonade Days to video downtown activities and his intern, Ericca Farrington, is putting together a short video using the material. The video is in the beginning stages but will be used as a marketing tool. Community and Economic Director Spencer stated that someone had to tell our story and if someone else tells it we may not like what is being told. Director Spencer stated ninety three individuals took the residential survey. He will read and compile all the ideas. Director Spencer said he was disappointed more citizens did not participate. The business survey will be online soon asking businesses for input as to their needs and suggestions. Director Spencer said there are financial incentives to attract and expand businesses. The Board is looking at alternative incentives to help business in ways other than financial. A business directory is being compiled for businesses

to up date information so they can network with other businesses. For the businesses listed in the directory, the city will do a quick review and offer suggestions concerning current web pages or preparing a web page.

### **PUBLIC COMMENTS:**

**Lee Burton, Bluefield Citizen** voiced concern regarding the proposed townhouses to be built on Gateway Drive and Locust Street. Ms. Burton stated this is residential neighborhood zoned R-1. She feels this will make the area very congested with the added traffic. Ms. Burton said she had no objection to a single family home or duplex being built. She was also concerned with who would be renting the townhouses and if they would keep up the property.

**Brenda Perdue, Bluefield Citizen** said the proposed townhouses would double the amount of traffic on a very narrow street. She believes the lot is not large enough to accommodate the volume of traffic and people being proposed. Ms. Perdue stated they live in a city with zoning laws and feels the Board should abide by the laws. The Board may look at this an improvement but if they had to live across the street they may feel differently.

**Steve Watson, Bluefield Citizen** stated he had to take off work to attend the meetings concerning the building of the townhouses but wanted to preserve his neighborhood. He said he has presented a petition with everyone's signature in the neighborhood opposing the building of the townhouses. Mr. Watson expressed concerns regarding parking for four townhouses that could legally house six adults per unit. He was not opposed to a single family home being built.

**Becky Lewis, Bluefield Citizen** stated the speed humps installed to slow traffic were not sufficient, near Whitethorn Elementary School and felt something needed to be done before a child gets hurt. Mayor Cole said he understood her concerns but the Board had made the decision and the city would not be funding a crossing guard.

**Charles Blankenship, Bluefield Citizen** stated he wanted to thank the emergency first responders, fire department and police department for providing citizens a safe place to live. He requested that everyone stand behind all emergency responders and should appreciate how they put their lives on the line for the citizens of Bluefield.

**Sam Kline, APAX Properties**, stated he felt he had made his points concerning the building of the townhouses several times over.

### **ACTION ITEMS**

City Treasurer Kelly Davis reported at the close of August 2015, the 2nd month of the new fiscal year, revenue collected totaled \$1,973,224 (22.47%) of the projected amount of \$8,782,952. Expenditures totaled \$1,848,561 (18.02%) of the projected budget of \$10,258,814. Projections at the end of August are 16.66%. Director Ellen Light made a motion to approve the August financial report, seconded; unanimously approved and so ordered.

City Treasurer Kelly Davis provided documentation to approve seventy seven (77) accounts for collection. However, four of the seventy seven have now paid in full and can be removed from the list and eighteen are making monthly payments. City Treasurer Davis requested the eighteen making

monthly payments be included should they miss a monthly payment. Director Michael Gibson made a motion to send the accounts to collections including the eighteen highlighted by City Treasurer Davis in the event an installment on their obligation is missed, seconded; unanimously approved and so ordered.

Mayor Cole read a Resolution concerning a contractual agreement with the Division of Justice and Community Services

**RESOLUTION TO ENTER INTO A CONTRACTUAL AGREEMENT  
WITH THE DIVISION OF JUSTICE AND COMMUNITY SERVICES**

**WHEREAS**, the City of Bluefield Board of Directors met on September 8, 2015 with a quorum present and passed the following resolution

**NOW THEREFORE BE IT RESOLVED**, that the City of Bluefield Board of Directors does hereby authorize Thomas J. Cole, Mayor of the City of Bluefield, to act on its behalf to enter into a contractual agreement with the Division of Justice and Community Services to receive and administer grant funds pursuant to provisions of the Justice Assistance Grant program.

**Given under our hands this the 8<sup>th</sup> day of September 2015.**

**Vice Mayor Barbara Thompson Smith made a motion to approve the RESOLUTION TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE DIVISION OF JUSTICE AND COMMUNITY SERVICES, seconded; unanimously approved and so ordered.** City Manager Dane Rideout congratulated Lieutenant Dean Pennington and the Bluefield Police Department in acquiring this \$50,000 grant.

Mayor Cole read **AN ORDINANCE AUTHORIZING A PLANNED UNIT DEVELOPMENT TO BE LOCATED AT THE CORNER OF GATEWAY DRIVE AND LOCUST GROVE ROAD, TO CONSTRUCT FOUR APPROXIMATE 18' X 28' MULTI-FAMILY USE TOWNHOUSES, AS SHOWN ON THE ATTACHED ARCHITECTURAL DRAWING, AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH THEREIN.** City Attorney Brian Cochran stated this is the first reading of the ordinance and if approved there will be a public hearing and second reading. This planned unit development first appeared before the Zoning Board of Adjustment for a variance on lot area density and setbacks for the yards. The Zoning Board of Adjustment granted those variances. The next step was to appear before the Planning Commission. Six members of the Planning Commission were present. There was some discussion concerning parking and traffic. They voted 3 to 2, to pass which was not a majority. The Planning Commission Chairman voted saying he would pass the decision on to the Board of Directors making the vote 4-2. The decision this Board has to make would be whether to pass this ordinance through the first reading and then have a public hearing and second reading. What this Board needs to take into consideration is the input given today regarding comments, particularly traffic is going to be doubled, and this is a single family residential neighborhood, the size of the proposed building, the character of the neighborhood and other issues discussed by long time residents. Mayor Cole confirmed this area is zoned R-1 for single family residents.

Director Michael Gibson made a motion that due to the substantial community interest and questioning of the Board, earlier today, about the details concerning the construction that this matter

be tabled until the next meeting. This would allow the Board the opportunity to visit the site and see the complaints that have been registered by the citizens. Mayor Cole stated that with the motion to table the ordinance he would open the matter to discussion. Mayor Cole stated he had a concern about tabling the ordinance due to Mr. Watson had to take off work to attend this and other meetings. City Attorney Cochran said if the matter is tabled it will be brought up at the next meeting for a first reading. Mayor Cole said he would like to discuss the subject and figure out how Board members felt on the subject. Mayor Cole stated if the ordinance was passed at this meeting, a public hearing and second vote would still be required. Mayor Cole said members could change their vote at the second reading. Director Ellen Light stated she intended to vote against the ordinance no matter how many times it was discussed, due to the density issue. Director Light said she was the ex-officio board representative and had attended both meetings concerning this issue. City Attorney Cochran recommended tabling the ordinance until there was additional investigation. The motion to table the ordinance was approved: Mayor Cole voted to proceed with the first reading; Director Light abstained, Director Gibson, Director McGonagle, and Vice Mayor Smith voted in favor of tabling the ordinance.

Mayor Cole read a Recommendation directed to the Planning Commission, sitting as the Zoning Commission, pursuant to Code of Ordinances of the City of Bluefield, Section 44-49, Amendments-Initiation Procedure, to study and make a recommendation concerning proposed amendments to Section 44-3, Definitions; and Section 44-85, Permitted Uses; and other amendments as the Commission deems necessary and proper. City Attorney Brian Cochran stated the Board is recommending the Planning Commission take a look at the potential problem of single family structures and being converted into multi-family rental units. The Board would like a discussion with the Planning Commission to limit or prevent single family homes being converted into multi-family dwellings without going through the Zoning Board. Director Ellen Light made a motion to refer the Recommendation directed to the Planning Commission, sitting as the Zoning Commission, pursuant to Code of Ordinances of the City of Bluefield, Section 44-49, Amendments-Initiation Procedure, to study and make a recommendation concerning proposed amendments to Section 44-3, Definitions; and Section 44-85, Permitted Uses; and other amendments as the Commission deems necessary and proper, seconded; unanimously approved and so ordered.

Mayor Cole read a **Recommendation directed to the Planning Commission, sitting as the Zoning Commission, pursuant to Code of Ordinances of the City of Bluefield, to study and make a recommendation concerning a proposed ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, CHAPTER 44 ZONING, ARTICLE I. GENERAL, SECTION 44-3, DEFINITIONS; AS SET OUT HEREINAFTER BY THE AMENDMENT TO THE DEFINITION OF “FAMILY”.** City Attorney Brian Cochran stated the definition of family in our current code includes six (6) unrelated individuals. The Board is asking the Planning Commission to see if the number should be reduced to four (4) individuals. **Director Michael Gibson made a motion to refer the Recommendation directed to the Planning Commission, sitting as the Zoning Commission, pursuant to Code of Ordinances of the City of Bluefield, to study and make a recommendation concerning a proposed ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, CHAPTER 44 ZONING, ARTICLE I. GENERAL, SECTION 44-3, DEFINITIONS; AS SET OUT HEREINAFTER BY THE AMENDMENT TO THE DEFINITION OF “FAMILY”, seconded; unanimously approved and so ordered.**

Mayor Cole read the **First Reading of AN ORDINANCE TO ENACT SECTION 24-230, DRUG PARAPHERNALIA, TO BE CODIFIED WITHIN CHAPTER 24, ARTICLE VII, CONTROLLED SUBSTANCES.** City Attorney Brian Cochran stated the Board is proposing this ordinance be enacted making it illegal to possess or sell any type of drug paraphernalia. This was recommended by Police Chief Dillow who stated it would prohibit convenient stores from selling various drug paraphernalia. The ordinance is very specific on items used for drug use and would be an added tool for the police force. **Vice Mayor Barbara Thompson Smith made a motion to approve the First Reading of AN ORDINANCE TO ENACT SECTION 24-230, DRUG PARAPHERNALIA, TO BE CODIFIED WITHIN CHAPTER 24, ARTICLE VII, CONTROLLED SUBSTANCES, seconded; unanimously approved and so ordered.**

Mayor Cole read for approval an Authorization for City Manager to auction, after publication, that certain lot or parcel of land situate in the City of Bluefield, Mercer County, West Virginia, known as Lot 4 Section 681, 2412 Princeton Avenue, Bluefield, Mercer County, West Virginia, for a minimum bid of \$6,000.00, with pre-bid requirements of a "Notice of Intent to Bid" and a \$1,000 deposit to be submitted with said Notice of Intent. City Attorney Brian Cochran stated several years ago a city worker had a seizure and ran into a house that was previously a dental implant business. The insurance company compensated them and the city also had to pay some money. The city demolished the house and received deed. The adjoining property owner has now expressed a desire to purchase the property and build a car wash. Any person can bid on the property but a \$1,000 deposit must be submitted with a Notice of Intent. **Director Chuck McGonagle made a motion to approve Authorization for City Manager to auction, after publication, that certain lot or parcel of land situate in the City of Bluefield, Mercer County, West Virginia, known as Lot 4 Section 681, 2412 Princeton Avenue, Bluefield, Mercer County, West Virginia, for a minimum bid of \$6,000.00, with pre-bid requirements of a "Notice of Intent to Bid" and a \$1,000 deposit to be submitted with said Notice of Intent, seconded; unanimously approved and so ordered.**

### **Board Members Comments**

Mayor Cole, Vice Mayor Barbara Thompson Smith, Director Ellen Light, Director Chuck McGonagle and Director Michael Gibson praised and thanked the Bluefield Police Department, Bluefield Fire Department and all of the first responders for their professionalism, character and dedication in connection with the events of last week. Civilian lives were spared and all first responders walked away from the situation unharmed. The Board offered condolences to the Williams family and requested that everyone remember the family in their prayers.

Board Members expressed their thanks to all the individuals that participated in the Lemonade Festival events, Bike Criterium, Blues Festival and preparation for the Beaver/Graham football game.

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

---

Bobbi Kersey, City Clerk

---

Thomas J. Cole, Mayor