

**REGULAR MEETING – BOARD OF DIRECTORS
BLUEFIELD, MERCER COUNTY, WEST VIRGINIA
FEBRUARY 23, 2016
NOON**

A regular meeting of the Board of Directors of the City of Bluefield, Mercer County, West Virginia was held on Tuesday, February 23, 2016 at noon in the Municipal Building Boardroom. Present were Mayor Thomas J. 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, and City Clerk Bobbi Kersey. Assistant City Manager Josh Cline and Community and Economic Development Director Jim Spencer were 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 moved that the minutes of February 9, 2016 be approved as presented after a date correction (January 9, 2016 changed to February 9, 2016). With no objections the minutes were approved, second; unanimously approved and so ordered.

Vice Mayor Barbara Thompson Smith moved that the minutes of February 16, 2016, Sixth Month Review, be approved as presented, second; unanimously approved and so ordered.

PRESENTATION

Cori Edwards, Region I Planning and Development Council (GIS/Project Manager) discussed updating hazard mitigation plans and re-submitting them for FEMA approval. The purpose of the MOA is to establish commitment from and a cooperative working relationship between all participating jurisdictions in the development and implementation of the Region I Regional Hazard Mitigation Plan. Mitigation plans form the foundation for a community's long-term strategy to reduce disaster losses and break the cycle of disaster damage, reconstruction, and repeated damage. To maintain eligibility for grant assistance this plan must be approved every five years. There are five steps to the hazard mitigation plan:

1. Memorandum of Agreement executed between participating jurisdictions.
2. Capability Assessment – Ordinances that are now in place. Fire Chief Rick Cary is the point of contact for the City of Bluefield.
3. Storm Events
4. Goals and objectives
5. Adopt plan and implement

City Manager Rideout discussed the importance of a hazard mitigation plan and presented two scenarios: 1) a railroad accident involving hazardous material, 2) a tanker on Interstate 460 overturning and carrying hazardous material that could contaminate our water system. Either scenario would have a significant impact on our City and highlights the necessity to have an emergency plan. The Memorandum of Agreement allows the City of Bluefield to liaison with state and federal agencies in the event of an emergency.

RECOGNITION

Code Enforcement Supervisor Lori Mills presented Ms. Tina Dillard the *Best of Bluefield Award* and gas gift card from Hometown Shell. This award is periodically given to showcase homeowners who take great care and pride in their home. These homes are located in areas that often face challenges and struggles. The City appreciates Ms. Dillard and all the citizens of Bluefield that continue to take pride in their property. Congratulations Ms. Dillard!

CITY MANAGER REPORT: DANE RIDEOUT

Congratulation to Police Chief Dennis Dillow, Lieutenant Dean Pennington, Lieutenant Michael McPherson, Detective Kenneth Adams, and Patrolman Michael Pertee who were presented the *Police Combat Cross*, at the sixth month review on February 16th. This award was given to members who performed an act of extraordinary heroism while engaged with an armed adversary. Mayor Cole stated he was honored to have been a part of the ceremony but was disappointed in the public turn out for the sixth month review.

Assistant City Manager Josh Cline and Economic and Community Development Director Jim Spencer were recognized for their work and organizational input on the Sixth Month Review. Assistant City Manager Josh Cline prepared a booklet outlining various city financials, city departments, and city events for citizens from July-December 2015. Copies of the booklet are available at City Hall and the city website (www.cityofbluefield.com). Assistant City Manager Cline and Economic and Community Development Director Spencer were attending Mercer County Day in Charleston.

City Engineer Tony Wagner, Fire Chief Rick Cary and City Manager Rideout participated with West Virginia American Water in their emergency watershed management program plan. Fire Chief Cary has applied for a grant to acquire a professional to develop a city emergency management plan.

Holiday of Lights Building is up and a gravel floor is being laid. The next step will be building racks for storage of the Christmas lights.

Parks and Recreation announced the Crying Wolf Challenge Mountain Bike Race will be Saturday, May 14th. Bluefield State College will offer a 5K Trail Run before the bike race.

Code Enforcement is actively participating in renovations at the new police substation. Many of the renovations are being accomplished due to private donations and projects being done “in kind”. Director Chuck McGonagle had donated the rough-in-plumbing. Mac Contractor’s service will substantially help this amenity to the city move forward.

New K-9 for police department has arrived and his name is Thor. Police Chief Dillow stated that both dogs should be certified in the next two or three weeks.

PUBLIC COMMENTS:

Art Riley, representing the Downtown Merchants Association, thanked Public Works and all of the city employees that were involved in the clean up during the recent snow fall. Mr. Riley reminded citizens that there is an ordinance (Code 1958, pt. 5, art. 75, § 2; Code 1974§ 18-3) concerning snow removal, especially sidewalks. Mr. Riley said several property owners did not follow the city wide ordinance and would like to see it enforced. City Manager Rideout commented that private contractors should not be pushing snow into the city streets.

ACTION ITEMS

City Treasurer Kelly Davis requested approval to submit eighty-four (84) February accounts for collection in the amount of \$91,626.17. Director Michael Gibson made a motion to approve the eighty-four accounts for February in the amount of \$91,626.17 be sent to collections, second; unanimously approved and so ordered.

Mayor Cole requested approval of a Memorandum of Agreement with Region I Planning and Development Council concerning Hazard Mitigation Plans. Director Michael Gibson made a motion to approve the Memorandum of Agreement with Region I Planning and Development Council concerning Hazard Mitigation Plans, second; unanimously approved and so ordered.

Mayor Cole stated the next action item was approval directing the City Attorney to draft proposed charter amendment relating to staggered election dates and terms. City Manager Rideout said after many in-depth discussions during work sessions, the Board now needs to give the City Attorney specific directions on the intent, yes or no, concerning staggered elections. If the Board is in agreement to move ahead with a proposed staggered election, a charter change would be necessary. City Attorney Brian Cochran stated there are two ways to change the charter: (1) alternative method - a publicized ordinance and a public hearing. If no one is opposed then it would pass like a regular ordinance, (2) revise or amend the charter through a referendum. The question before the Board is if they desire to proceed with a staggered election and whether the Board wants to attempt to change the election dates and terms. Mayor Cole said when they were elected none of the incumbents were re-elected and it took time to "get our feet firmly on the ground" as far as what was expected. The Board understands there are pros and cons on this subject. Director Ellen Light made a motion to instruct the city attorney to draft a proposed change and revision to the city charter to reflect the election cycle to coincide with national primary elections. Director Michael Gibson reminded everyone this was preliminary work requesting a draft from the city attorney related to staggered elections, dates and terms. The motion to instruct the city attorney to draft a proposed change and revision to the city charter to reflect the election cycle to coincide with national primary elections passed 3 to 2.

Director Michael Gibson made a motion to authorize the city attorney to draft language for a proposed charter change establishing staggered elections. Mayor Cole stated this proposal would change when board members are elected. Board members are presently elected at the same time, whereas in a staggered election the at large candidate's term would be staggered from the district candidates' terms. Vice Mayor Barbara Thompson Smith asked if this would be a city election. City Attorney Cochran stated the election would be held during the national election. As a result of the national election dates the motion should include the primary election for staggered elections. A decision should be made as to who would run for the initial thirteen-month term and who would be running for the initial thirty-seven-month term. After the initial election, the election would be held every two years, running for a four-year term. Vice Mayor Barbara Thompson stated that a new slate is sometimes healthy and there were pros and cons. Mayor Cole said many of the department heads expressed it is very difficult when a board is completely new and breaks continuity. Mayor Cole said this subject has been discussed in depth and this motion only authorizes the city attorney to draft a proposal. Art Riley said he had seen a clean slate twice and it took the Board over a year to get their feet on the ground. Mr. Riley stated there was a study at one time and the outcome was favorable. The motion to authorize the city attorney to draft language for a proposed charter change establishing staggered elections with the at large being the shorter term initially was approved and so ordered.

Mayor Cole stated that the Board took office on August 1st and suggested that the timeline be changed to July 1st to coincide with the fiscal year. Director Ellen Light made a motion to change the charter to reflect that board members would take office July 1st, the beginning of the fiscal year, second; unanimously approved and so ordered.

The above motions will be put into one package that will be presented for the approval or disapproval through an election process to the citizens of Bluefield.

Mayor Thomas Cole read the Second Reading of AN ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, CHAPTER 44 ZONING, ARTICLE I. GENERAL, SECTION 44-48, PLANNING COMMISSION CONSTITUTED; AS SET OUT HEREINAFTER BY THE AMENDMENT TO SUBSECTION (a) MEMBERSHIP. City Attorney Brian Cochran stated this ordinance relates to the membership of the Planning Commission. The Planning Commission recommendation to this Board is to establish the City of Bluefield's municipal representatives as voting members of the eleven-member Planning Commission. The Planning Commission would be an eleven-member commission instead of thirteen. Director Chuck McGonagle made a motion to approve the Second Reading of AN ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, CHAPTER 44 ZONING, ARTICLE I. GENERAL, SECTION 44-48, PLANNING COMMISSION CONSTITUTED; AS SET OUT HEREINAFTER BY THE AMENDMENT TO SUBSECTION (a) MEMBERSHIP, second; unanimously approved and so ordered.

Mayor Cole read the Second Reading of AN 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 this is revising the permitted number of unrelated individuals living together from six (6) to four (4) and including adopted children in the family. Director Michael Gibson made a motion to approve Second Reading of AN 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". *Family* means an individual; or two or more persons related by blood, marriage, or adoption living together; or a group of individuals, of not more than four persons, not related by blood or marriage, but living together as a single housekeeping unit.

Mayor Cole read the Second Reading of AN ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II. CODES, AS SET OUT HEREINAFTER BY THE AMENDMENT TO SECTION 6-31, STATE BUILDING CODE ADOPTED. City Attorney Brian Cochran stated this is a formality showing the City has adopted and is following state codes and regulations.

Vice Mayor Barbara Thompson Smith made a motion to approve the ordinance as set forth and amended by City Attorney Brian Cochran, second; unanimously approved and so ordered.

Director Ellen Light made a motion to adjourn the meeting.

Bobbi Kersey, City Clerk

Thomas J. Cole, Mayor