

**REGULAR MEETING – BOARD OF DIRECTORS
BLUEFIELD, MERCER COUNTY, WEST VIRGINIA
June 28, 2016
NOON**

A regular meeting of the Board of Directors of the City of Bluefield, Mercer County, West Virginia was held on Tuesday, June 28, 2016, at noon in the Municipal Building Boardroom. Present were Mayor Thomas J. Cole, Vice Mayor Barbara Thompson Smith, Director Chuck McGonagle, Director Ellen Light, Director Michael Gibson, City Manager Dane Rideout, Assistant City Manager Josh Cline, City Attorney Brian Cochran, City Treasurer Kelly Davis, Community and Economic Development Director Jim Spencer and City Clerk Bobbi Kersey.

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

Vice Mayor Barbara Thompson Smith made a motion that the minutes of the June 14, 2016, Board of Directors meeting be approved as presented, second; unanimously approved and so ordered.

CITY MANAGER REPORT: DANE RIDEOUT

Fireworks are being sold but according to the Code of Ordinances for the City of Bluefield and State Code the following is prohibited:

- Lighting or using inside the city limits
- Fireworks or sparking devices cannot be lit or discharged into or at a vehicle or building.
- Under the influence of alcohol or drugs.

Citizens are encouraged to attend professional shows like the upcoming fireworks display at Bowen Field on July 1st. (Code 1974, § 14-39; Ord. No. 93-9, 11-23-1993)

State Law reference— Local restrictions on firearms and weapons, W. Va. Code, §§ 8-12-5(16), 8-12-5a.

Paving has been completed for eight of the seventeen roads and will continue after the July 4th holiday. The Board is doing what they said when fees were raised and over three miles will be paved instead of two.

Police Substation located at the old fire station #2 is nearing completion. July 19th has been scheduled for the grand opening.

Parks and Recreation has many programs for adults and children. Katana Mullen and Breanne Vencill have completed their Professional Development training for after school and day care. The after school program is now registered with the State of West Virginia. A detailed schedule is available on the website of all of events at Parks and Recreation. (www.cityofbluefield.com or <https://www.facebook.com/bluefieldparksandrecreationcenter>). Citizens are encouraged to get involved in activities being offered by parks and recreation.

Demolition was slowed due to the weather. Four demos are scheduled to begin this week.

Human Resources Specialist Angie Foley has been instrumental in enrolling approximately seventy employees in a sponsored PEIA program developing Workplace Wellness. The program is all voluntary.

Firefighter Union 347 led by Fireman Scottie Dingus are collecting needed items for the recent flood victims. Cole Harley and Cole Hyundai along with many organizations and churches have all rallied to help those in need. Congressman Evan Jenkins has been in Greenbrier County since day one. Congressman Jenkins helped in getting FEMA to the flood area and has been very involved.

Letter to the Editor in the Bluefield Daily Telegraph printed an editorial stating Board and Lawmakers should support Rideout. City Manager Rideout stated he felt thought this person supported what was being done through the legal channels concerning KVAT/ Kroger. City Manager Rideout said he operates on behalf and under the direction of the Board of Directors. The Board of Directors is very supportive of the City Manager.

Community and Economic Development Director Jim Spencer

- Partnership with Pipestem State Park tours will begin June 18th. Pipestem visitors will arrive in Bluefield for shopping, dinner and a BlueJay's game at Bowen Field. A group from Bluefield will travel to Pipestem on Wednesday, July 6th and 20th.
- Fantastic Friday continues weather permitting. This week produce will be available from McDowell county.
- MyBluefield website will now have a newsletter.
- Representatives from EL Robinson were present and gave an update on a preapplication for updating the old Freight Station/ Commercialization Station. Community and Economic Development Director Jim Spencer read the following Resolution, drafted by Region I.

Whereas, the City of Bluefield wishes to submit an application to the 2016 POWER Initiative Grant Program for the Bluefield Commercialization Station Project, and;

Whereas, the City of Bluefield must give assurances that Program Regulations related to grant administration, civil rights and other applicable State and Federal Laws will be followed, and ;

Whereas, the City of Bluefield must designate an official representative to act in connection with the application and execute all necessary program documents:

Now, Therefore, Be It Resolved That:

1. The City of Bluefield authorized the submission of an application to the 2016 POWER Initiative Grant for the Bluefield Commercialization Station Project.
2. The City of Bluefield will comply with all laws and regulations pertaining to the program.
3. Thomas J. Cole, Mayor, is designated as the authorized official to act in connection with the application.

The Resolution was unanimously approved and so ordered by the Bluefield City Board of Directors.

PUBLIC COMMENTS:

Carol Duncan, Bluefield citizen requested Boyd Street be paved.

Kathy Neese, Bluefield citizen discussed traffic issues on Frederick Street and requested speed humps.

Mary Jo Babbitt, chairman of Fine Arts Commission questioned why the Fines Arts Commission code section was being repealed and explained the goals and functions of the commission. Mayor Cole and City Manager Rideout stated that all boards and commissions are being reviewed and evaluated for their need. Director Michael Gibson said there would be a second reading of the ordinance, in the event the first reading passes, Ms. Babbitt would have an opportunity to come with a plan.

Art Riley, representing the Downtown Merchants Association, discussed the following:

- Times for the Pipestem Tour bus – will be in town around 4:00 p.m., will leave for the ballpark around 5:45 p.m.
- Who receives the newsletter – is open for all citizens. If you want to receive go to MyBluefield and sign in with email address. Merchants can send information to Mr. Spencer,
- Can merchants get information on the city calendar – citizens can submit events to the city.
- July 1st celebration in Chicory Square- noon concert- sponsored by Cole Chevy. Everyone is invited.

ACTION ITEMS:

City Treasurer Kelly Davis requested approval to submit eighty –nine (89) June accounts for collection in the amount of \$63,131.00. Director Michael Gibson moved to approve the eighty - nine accounts for May in the amount of \$63,131.00 be sent to collections, second; unanimously approved and so ordered.

Mayor Cole read the title seeking Approval of Resolution Authorizing a Correction to the Zoning Map of the City of Bluefield. City Attorney Brian Cochran stated this resolution was to correct a mistake that certain parcels of real estate located along Greenbrier Street were incorrectly designated on the zoning map of the city to be zoned R-3 (residential). This resolution would authorize and directs the City Manager to correct the Zoning Map of the City of Bluefield to reflect the parcels described in the resolution to be zoned MH (Heavy Industrial Manufacturing). Director Ellen Light moved to approve the Resolution Authorizing a Correction to the Zoning Map of the City of Bluefield, second; unanimously approved and so ordered.

Mayor Cole read the title seeking authorization to accept and record deed of gift from Andrea Braais for certain parcels of real estate situate off Carolina Avenue in the City of Bluefield. City Attorney stated Carolina Avenue is property that the city is looking to acquire for potential street closure. This property is adjacent to the property on Thorn Street the city is also working to acquire. Director Ellen Light moved to accept and record deed of gift from Andrea Braais for certain parcels of real estate situate off Carolina Avenue in the City of Bluefield, second; unanimously approved and so ordered.

Approval of Resolution Authorizing the City of Bluefield to Enter into a Lease Agreement with Nick Harrison. Mayor Cole stated there was a Public Hearing before the board meeting. Director

Michael Gibson moved to approve the Resolution Authorizing the City of Bluefield to Enter into a Lease Agreement with Nick Harrison, second; unanimously approved and so ordered.

Mayor Cole read the first reading of **AN ORDINANCE AUTHORIZING THE CITY OF BLUEFIELD TO PURCHASE A PARCEL OF REAL ESTATE SITUATED IN THE CITY OF BLUEFIELD, MERCER COUNTY, WEST VIRGINIA FOR A PRICE OF \$2,300.00.** City Attorney Brian Cochran stated these parcels of real estate belonged to Leila Jreisat. These parcels are also located on Carolina Avenue. **Director Ellen Light moved to approve the first reading AN ORDINANCE AUTHORIZING THE CITY OF BLUEFIELD TO PURCHASE A PARCEL OF REAL ESTATE SITUATED IN THE CITY OF BLUEFIELD, MERCER COUNTY, WEST VIRGINIA FOR A PRICE OF \$2,300.00, second; unanimously approved.**

Mayor Cole read the first reading of **AN ORDINANCE AUTHORIZING THE CITY OF BLUEFIELD TO SUBMIT TO THE MUNICIPAL HOME RULE BOARD A PROPOSED AMENDMENT, ATTACHED HERETO AS EXHIBIT A, TO THE CITY OF BLUEFIELD'S MUNICIPAL HOME RULE PLAN CONSISTENT WITH THE WEST VIRGINIA CODE 8-1-5a, REQUESTING APPROVAL FOR THE ABILITY TO EXERCISE THE SAME AUTHORITY AS THE ABCA.** City Attorney Brian Cochran stated there would be a Public Hearing on this ordinance on July 5th. This ordinance authorizes the City to submit to the Municipal Home Rule Board, on July 11th, a proposed amendment for the ability to exercise the same or similar authority as the ABCA. This was the Home Rule ordinance that was recently authorized by State Code regarding the Brunch Bill. **Director Michael Gibson moved to approve the first reading of AN ORDINANCE AUTHORIZING THE CITY OF BLUEFIELD TO SUBMIT TO THE MUNICIPAL HOME RULE BOARD A PROPOSED AMENDMENT, ATTACHED HERETO AS EXHIBIT A, TO THE CITY OF BLUEFIELD'S MUNICIPAL HOME RULE PLAN CONSISTENT WITH THE WEST VIRGINIA CODE 8-1-5a, REQUESTING APPROVAL FOR THE ABILITY TO EXERCISE THE SAME AUTHORITY AS THE ABCA.** The first reading passed with four yes votes and Mayor Cole abstaining.

Mayor Cole read the **first reading of AN ORDINANCE REPEALING AND RESERVING SECTIONS 26-2, 26-3, 26-4, 26-5, AND 26-6 OF ARTICLE I, CHAPTER 26, PART II OF THE CODE OF ORDINANCES OF THE CITY OF BLUEFIELD.** City Manager Dane Rideout stated he was asked to review all boards and commissions. Several things were assessed for the commission: website updates, redundancy in goals, membership update, communication with city, meeting times, etc. City Manager Rideout said provisions will be made for the East River Town Band. **Director Michael Gibson moved to approve the first reading of AN ORDINANCE REPEALING AND RESERVING SECTIONS 26-2, 26-3, 26-4, 26-5, AND 26-6 OF ARTICLE I, CHAPTER 26, PART II OF THE CODE OF ORDINANCES OF THE CITY OF BLUEFIELD.** The first reading passed (3-1-1). Director Ellen Light abstained and Director Chuck McGonagle voted no.

Mayor Cole first reading of **AN ORDINANCE PROVIDING FOR THE AMENDMENT TO CHAPTER 38, SECTION 38-24(a)(6)(b) OF PART II OF THE CODE OF ORDINANCES OF THE CITY OF BLUEFIELD.** City Attorney Brian Cochran stated this would change the yard sale ordinance. Currently the City permits six (6) yard sales per year. If approved the new ordinance would provide yard sales that may occur no more than three (3) times per calendar year at any single location owned or occupied by a family unit. Each sale could last no

longer than 72 hours per sale, and cannot occur less than ten days after any previous sale. Permit holders may apply to the City Manager for one additional special permit. **Director Michael Gibson moved to approve the first reading of AN ORDINANCE PROVIDING FOR THE AMENDMENT TO CHAPTER 38, SECTION 38-24(a)(6)(b) OF PART II OF THE CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, second; unanimously approved and so ordered.**

OTHER:

Director Michael Gibson moved to adjourn, second; unanimously approved and so ordered.

Bobbi Kersey, City Clerk

Thomas J. Cole, Mayor