

**REGULAR MEETING – BOARD OF DIRECTORS  
BLUEFIELD, MERCER COUNTY, WEST VIRGINIA  
July 26, 2016  
NOON**

A regular meeting of the Board of Directors of the City of Bluefield, Mercer County, West Virginia was held on Tuesday, July 28, 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, Director Chuck McGonagle, City Manager Dane Rideout, Assistant City Manager Josh Cline, City Treasurer Kelly Davis, Community and Economic Development Director Jim Spencer and City Clerk Bobbi Kersey. City Attorney Brian Cochran 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**

Vice Mayor Barbara Thompson Smith moved that the minutes of the June 12, 2016, Board of Directors meeting be approved as presented, second; unanimously approved and so ordered.

**BLUEFIELD FIRE DEPARTMENT FLOOD RELIEF UPDATE**

Bluefield Fire Chief Rick Cary introduced Fireman Matthew Pettrey, Fireman Brian Carr, and Fireman Brandon McKinney, representing local chapter 347. The firemen volunteered over 500 hours gathering and delivering donated goods (thirteen trailer loads). They also volunteered time helping in building and cleaning efforts throughout areas that suffered devastation during the recent flood. The men presented a slide show showing the destruction of the flood waters on June 23<sup>rd</sup> and 24<sup>th</sup>. The firemen thanked fellow local firefighters who helped man fire stations and organized donated items from the public. Supplies are still being delivered and citizens can still make a donation. For more information, contact the Bluefield Fire Department.

**CITY MANAGER REPORT: DANE RIDEOUT**

**Fireman Scottie Dingus** was recognized for his time, work and dedication working on the flood relief efforts.

**Assistant City Manager Josh Cline** was recognized for his coordinating efforts with Bluefield College, Bluefield Virginia, Bluefield Public Works and many volunteers in acquiring furniture for flood victims.

**Mel Saunders and his son** were recognized for spending the weekend aiding flood victims. Mr. Saunders's son is in the military (Army) and drove up from Virginia Beach to volunteer and provide assistance to those in need. City Manager Rideout thanked all the city employees that reached out to help others during this unprecedented event.

**Dirt removal** will begin behind the Bluefield City Park tennis courts in preparation for putting in bleachers. Money was given to install bleachers approximately three years ago but zoning regulations had to be confirmed by Bluefield, Virginia. City Engineer Tony Wagner will be spear heading this project.

**Public Works** are working to fill pot holes. The men are milling and patching up to 40/50 pot holes per day. The second phase of our 3.4 miles of paving should begin at the end of July or first of August.

**Midway Culvert** was closed to traffic July 5<sup>th</sup> and 6<sup>th</sup> due to heavy rainfall. The Bluefield Fire Department did a water rescue due to the high water in the tunnel. A car became trapped in over three feet of water. Crews also cleaned up and hauled away approximately 25 tons of rock and mud from the area.

**Speed Humps** are requested every day. The City does not have funds to purchase any more. New speed humps are being purchased by businesses or individuals.

**Crosswalks** are being repainted and all school crosswalks should be completed by the start of school. When completed, crews will repaint street markers. Citizens are reminded to keep an eye out for employees when driving.

**Parks and Recreation** will host the two Virginias 5K Challenge on August 27<sup>th</sup>. Mitchell Stadium clean up date is set for Wednesday, August 3<sup>rd</sup> from 8am-2pm., volunteers are welcome. A complete schedule of events is listed on [www.cityofbluefield.com](http://www.cityofbluefield.com) under parks and recreation.

For a complete list of department updates contact the [cityclerk@cityofbluefield.com](mailto:cityclerk@cityofbluefield.com) .

### **Community and Economic Development Director Jim Spencer**

- Military Family Appreciation night at Bowen Field will be August 5<sup>th</sup>. For more information contact [marie.blackwell@cityofbluefield.com](mailto:marie.blackwell@cityofbluefield.com).
- Bluefield to Pipestem tour was a success. Over eighty people participated. Over 300 folks have requested information on Bluefield, based on the WV travel guide.
- August 4<sup>th</sup>, VT Knowledge Works program will be open for approximately 30 citizens and potential entrepreneurs. The class will be from 11:00 a.m. to 3:00 p.m. at the Clover Club. For more information contact [j.spencer@cityofbluefield.com](mailto:j.spencer@cityofbluefield.com).

Mayor Cole read a RESOLUTION DECLARING AUGUST AS ANIMAL AWARENESS MONTH

**WHEREAS**, the Concerned Citizens for Animals, Second Chance for Cats, the Mercer County Spay Association, and other animal awareness groups have requested the City of Bluefield to declare August as Animal Awareness Month; and

**WHEREAS**, the purpose of this Resolution is to inform and/or remind the citizens of Bluefield, West Virginia of the animal ordinances of the city, and to provide the citizens with the information of the various groups who offer assistance regarding the ethical and humane treatment of animals; and

**WHEREAS**, the Code of Ordinances of the City of Bluefield were enacted to promote the health, safety, and general welfare of the residents of the city; and

**WHEREAS**, in an effort to reduce the number of stray dogs and cats, which leads to hundreds of dogs and cats being euthanized each year because they are not wanted, the Code of Ordinances of the City of Bluefield provides that no person shall cause or allow any dog or cat owned, harbored, or kept within the city to breed without first obtaining a breeding permit; and

**WHEREAS**, it is unlawful to own, possess, or keep in the city any dog or cat over the age of six (6) months that has not been spayed or neutered except; when the owner has obtained an unaltered animal permit from the city clerk to keep the pet intact; or a licensed veterinarian states in writing that the animal is medically unfit to undergo the procedure; or the animal is kept in the city for fewer than thirty (30) days in a one-year period; and

**WHEREAS**, the owner of any female dog in heat shall keep such dog confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another dog, except for planned breeding; and

**WHEREAS**, no person shall own, harbor, or permit any dog without first having such dog vaccinated against rabies and without first procuring a city dog license as provided in section 3-22 of the Code of Ordinances of the City of Bluefield. Such tag shall be fastened securely; and

**WHEREAS**, the Code of Ordinances of the City of Bluefield provides that no household shall keep within the city more than three (3) adult dogs or three (3) adult cats without the owner thereof having received a permit to keep the same from the city clerk and approved by the city manager; and

**WHEREAS**, no person within the city limits shall keep on a leash, tie to a structure, confine to a pen, run, or cage or leave in a vehicle, any dog without adequate protection from direct sunlight or exposure to the weather or without adequate fresh water at all times; and

**WHEREAS**, the Code of Ordinances of the City of Bluefield further provides that no person shall allow any dog owned by him or in his custody to run at large within the city. Running at large shall be defined as allowing a dog to leave the property limits of property owned, leased, or occupied by its owner without restraint. Restraint is defined as being secured by a leash or lead, or being under the control of a responsible person and obedient to that person's command.

**NOW THEREFORE LET IT BE RESOLVED**, the month of August 2016 is hereby declared as Animal Awareness Month in the City of Bluefield, West Virginia.

Given under our hands this the 26<sup>th</sup> day of July, 2016.

Director Michael Gibson moved to approve the RESOLUTION DECLARING AUGUST AS ANIMAL AWARENESS MONTH; unanimously approved and so ordered. Kathy Nelson and Judy Silbaugh accepted the Resolution on behalf of the Mercer County Spay and Neuter Association. Ms. Silbaugh requested citizens support the association with donations and to follow city ordinances, for the safety of our animals.

## **PUBLIC COMMENTS:**

Chair of the Fine Arts Commission Mary Jo Babbitt stated the commission met twice in the last two and a half weeks. Members had discussed the Fine Arts Commission dissolving. Ms. Babbitt said, "I understood that all commissions/boards are being revisited by the Board and you want to get rid of volunteers. Most communities cherish their volunteers, and I'm trying to understand that. We know we can't fight City Hall. I know you want us to be dissolved. You are repealing and reserving sections Section 26-2, Section 26-3, Section 26-4, Section 26-5, and Section 26-6 of Article 1, Chapter 26, Part II, of the Code of Ordinances of the City of Bluefield. This has been in existence since 1958." Ms. Babbitt asked if sections were being reserved so a new Fine Arts Commission could be appointed. Director Ellen Light, Director Michael Gibson, and other members of the Board saw inactivity and wondered if they wanted to be active again, as the commission had not met in over a year. There was a discussion concerning the activity of the group, future plans for the commission and funding. Mayor Cole stated he was very concerned with the "tone" in Ms. Babbitt's voice and stated that the City does value all volunteers. Ms. Babbitt said that City Manager Rideout indicated to her the City was getting rid of a lot of volunteers. City Manager Rideout stated the conversations he had with Ms. Babbitt were completely opposite of what was represented. They had discussed that the city could not have a commission operating and representing the city that is not under the purview of the Board; a city created commission that stores money in a bank account not associated with the city - creating an auditing problem. Extra time was given so Ms. Babbitt and her commission could meet to present a plan of activities to the Board at this meeting. Ms. Babbitt said they would like to continue as a fine arts body of people in some capacity. The next Fine Arts meeting is scheduled for August 16<sup>th</sup> and members of the Board were invited.

**Bluefield Resident Willie Hunt**, expressed concern about the condition of Hardy Street, grass cutting on Hardy Street and violence at Kelsey's Bar and Grill. Mr. Hunt stated the Board could not give him an answer but wanted to make them aware of the situation.

**Art Riley, representing the Downtown Merchants Association**, invited the public to the 18<sup>th</sup> Annual Downtown Merchants Street Fair on Friday, July 29 and Saturday, July 30. The festival begins at noon with the Downtown Chicory Square Concert. There will be street vendors, a kid's zone, face painting, beauty contest, downhill derby, charity auction and much more. The festival is free and open to the public.

**Bluefield Resident Jauline Beauford**, voiced a concern about grass cutting, the sweeper truck not being in her neighborhood and a missing stop sign.

**Bluefield Resident Judy Silbaugh**, reminded everyone of the Almost Heaven Farmers Market now open on Saturday mornings. Ms. Silbaugh requested the city say thank you to the Kmart employees and let them know how much they were appreciated.

**Bluefield Resident Don Irvin**, stated he had been a resident on Washington Street for 42 years. He received a parking ticket for being parked the wrong way. He stated he had never seen a sign telling that you are supposed to park uphill and thought he should have received a warning.

## **ACTION ITEMS**

City Treasurer Kelly Davis stated the first revision of the budget for the new fiscal year is mandated by the WV State Auditor's Office to revise the fund balance that was estimated in March 2016 to the

actual carry-over on July 1, 2016. After year-end closing adjustments and accruals, the fund balance that was estimated at \$1,440,000 in March was actually \$2,026,419, an increase of \$586,419. In addition, several revenue lines have been revised based on final year end performance and new or additional information since the budget was created. Overall, the revenue budget increases by \$768,003. The expenditure side of the revision appropriates the \$768,003 increase in anticipated revenue. Allocations have been made for the purchase of the Thorn Street property (\$65,000), additional funds for the Sidewalk Improvement Program (\$15,000), \$50,000 more in Code Enforcement for grass mowing and demolitions, \$10,000 in the City Hall budget for replacement of an HVAC unit and \$120,000 for 5 police vehicles. Also a \$50,000 allocation in the Street Department for capital equipment and a \$200,000 appropriation for replacing the field turf at Mitchell Stadium. The \$768,003 increase in the General Fund Budget brings both the revenue and expenditures to a balanced budget of \$10,889,626. Director Ellen Light moved to approve the Fiscal Year 2017 General Fund Budget Revision #1, unanimously approved and so ordered.

City Treasurer Kelly Davis stated the first revision to the Coal Severance Fund adjusts the estimated fund balance of \$6,700 to the actual fund balance of \$6,398 – a decrease of \$302. The expenditure revision decreases the Police Capital Equipment line by the same amount; thereby creating a balanced budget as required by the State Code, in the amount of \$32,423. Director Chuck McGonagle moved to approve the Fiscal Year 2017 Coal Severance Fund Revision #1, unanimously approved and so ordered.

Mayor Cole requested approval of the first reading of a Resolution Authorizing the City of Bluefield to Enter into a Lease Agreement with Jason McCloud. City Manager Rideout stated this is a house owned by the City behind the Bluefield Area Transit. The individual that was renting the house passed away. This is a standard lease for one year, can be cancelled with a thirty-day notice, lessee shall be solely responsible for all maintenance and shall pay for all utilities and services. Director Chuck McGonagle moved to approve the first reading of a Resolution Authorizing the City of Bluefield to Enter into a Lease Agreement with Jason McCloud, unanimously approved and so ordered.

Mayor Cole requested the approval of the first reading of AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF CERTAIN PARCELS OF REAL ESTATE IN THE CITY OF BLUEFIELD FROM (R-2) SINGLE FAMILY DISTRICT TO (RMF) MULTI-FAMILY RESIDENTIAL DISTRICT BY AMENDING THE ZONING MAP OF THE CITY OF BLUEFIELD AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE APART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH THEREIN. City Manager Rideout stated this property was owned by Jerry Crews. Mr. Crews is now in contract to sell the property to Mr. Robert Deeb. Mr. Deeb would like to build upper level housing. Mr. Crews came before the Planning Commission in 2011 with a zoning request for multifamily housing. His request was granted by the Planning Commission and the Board of Directors. However, Mr. Crews never began the project and the property reverted back to a R-2 or single family district. On Tuesday, July 19<sup>th</sup>, 2016, the Planning Commission of the City of Bluefield, sitting as the Zoning Commission, held a public hearing and made its recommendation to the Board that this property be reclassified and rezoned as RMF. Vice Mayor Barbara Thompson Smith moved to approve the first reading of AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF CERTAIN PARCELS OF REAL ESTATE IN THE CITY OF BLUEFIELD FROM (R-2) SINGLE FAMILY DISTRICT TO (RMF) MULTI-FAMILY RESIDENTIAL DISTRICT BY AMENDING THE ZONING MAP OF THE CITY OF BLUEFIELD AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE APART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH THEREIN, unanimously approved and so ordered.

Mayor Cole requested approval of the first 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 Manager Rideout stated the State approved a new code therefore making it necessary for the City to make changes to our ordinances to be in compliance. Director Chuck McGonagle moved to approve the first 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, unanimously approved and so ordered.

Mayor Cole requested approval of the first reading of an ORDINANCE AUTHORIZING THE CITY OF BLUEFIELD TO EXECUTE A QUITCLAIM DEED GRANTING, CONVEYING AND QUITCLAIMING TO THE BLUEFIELD PRESERVATION SOCIETY, INC., GRANTEE, ALL OF ITS INTEREST IN A CERTAIN PARCEL OF REAL ESTATE SITUATED AT RALEIGH AND COMMERCE STREETS, IN THE CITY OF BLUEFIELD, MERCER COUNTY, WEST VIRGINIA, FOR \$2,746.00. Assistant City Manager Josh Cline stated the City of Bluefield acquired this property through the tax sale process. The Bluefield Preservation Society has incubated the Blue Spoon Café and they are ready to look for a buyer to take over the business. The City of Bluefield is selling its interest in the property to the Preservation Society. Director Michael Gibson stated the City does not own the entire tract of land but only a partial interest. Director Chuck McGonagle moved to approve the first reading of a first reading of an ORDINANCE AUTHORIZING THE CITY OF BLUEFIELD TO EXECUTE A QUITCLAIM DEED GRANTING, CONVEYING AND QUITCLAIMING TO THE BLUEFIELD PRESERVATION SOCIETY, INC., GRANTEE, ALL OF ITS INTEREST IN A CERTAIN PARCEL OF REAL ESTATE SITUATED AT RALEIGH AND COMMERCE STREETS, IN THE CITY OF BLUEFIELD, MERCER COUNTY, WEST VIRGINIA, FOR \$2,746.00, unanimously approved and so ordered.

Mayor Cole requested approval of the second reading of an ORDINANCE AUTHORIZING THE CITY OF BLUEFIELD TO PURCHASE CERTAIN PARCELS OF REAL ESTATE SITUATED IN THE CITY OF BLUEFIELD, MERCER COUNTY, WEST VIRGINIA FROM STOVALL REAL ESTATE, LLC., FOR A PRICE OF \$60,000.00. City Manager Dane Rideout stated this property is located on Thorn Street that butts up against the Bluefield City Park. City Manager Dane Rideout said acquiring this property will double the size of the park on the West Virginia side, offers timber, and allows for flexible possibilities for future development. Director Michael Gibson moved to approve the second reading of an ORDINANCE AUTHORIZING THE CITY OF BLUEFIELD TO PURCHASE CERTAIN PARCELS OF REAL ESTATE SITUATED IN THE CITY OF BLUEFIELD, MERCER COUNTY, WEST VIRGINIA FROM STOVALL REAL ESTATE, LLC., FOR A PRICE OF \$60,000.00, unanimously approved and so ordered.

Director Ellen Light moved the second 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 remain tabled for sixty (60) days, unanimously approved and so ordered.

Mayor Cole requested approval to appoint Community and Economic Development Director Jim Spencer as the City of Bluefield representative to the Mercer County Convention and Visitors Bureau (MCCVB). Vice Mayor Barbara Thompson Smith moved to appoint Community and Economic Development Director Jim Spencer as the City of Bluefield representative to the Mercer County Convention and Visitors Bureau (MCCVB), unanimously approved and so ordered.

**OTHER**

Mayor Cole moved to adjourn, unanimously approved and so ordered.

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Bobbi Kersey, City Clerk

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Thomas J. Cole, Mayor