

**REGULAR MEETING – BOARD OF DIRECTORS
BLUEFIELD, MERCER COUNTY, WEST VIRGINIA
September 13, 2016
NOON**

A regular meeting of the Board of Directors of the City of Bluefield, Mercer County, West Virginia was held on Tuesday, September 13, 2016, at noon in the Municipal Building Boardroom. Present were Mayor Thomas J. Cole, Vice Mayor Barbara Thompson Smith, Director Ellen Light, Director Chuck McGonagle, City Manager Dane Rideout, City Attorney Brian Cochran, City Treasurer Kelly Davis, Community and Economic Development Director Jim Spencer and City Clerk Bobbi Kersey. Assistant City Manager Josh Cline and Director Michael Gibson were absent.

INVOCATION – PLEDGE OF ALLEGIANCE – CALL TO ORDER

Reverend Charles H. Collins, Sr. from Mt. Olive Baptist Church invoked divine guidance for the conduct of the meeting and Vice Mayor Barbara Thompson-Smith 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 the August 23, 2016, Board of Directors meeting be approved as presented, unanimously approved and so ordered.

PRESENTATION

Code Enforcement Supervisor Lori Mills presented two *Best of Bluefield Awards*.

1. Colin and Mary Gillespie were recognized for their extremely well-maintained home in their neighborhood.
2. James Hamm was recognized for his contributions towards renovations on Highland Avenue.

CITY MANAGER REPORT: DANE RIDEOUT

City Engineer Tony Wagner reported contracted paving is now complete for the season. Approximately 3.9 miles were paved this year compared to less than a mile in past years. The small increase in street fees helped achieve this goal.

Public Works reported new security gates have been installed on city property at Kee Dam. Public Works crew was thanked for their input and research in finding a 2002 Paver. Payment will be taken from the capital improvement fund.

IT Specialist Billy Hester reported phone and server equipment is being connected to the backup generator.

Parks and Recreation Department will begin the after school program on September 19th. The Trail Committee was recognized for receiving another grant. They plan to build a children's play station along the Family Friendly Trail.

Police Department reported the following:

- Calls for service – 1096
- Arrests made – 84
- Citations written – 560 (347 warnings)

K-9 Monthly Statistics:

- Misdemeanor arrests - 29
- Vehicles searched – 16
- Paraphernalia seized – 25

A full report is available in the City Clerk's office.

Fire Department reported the following:

- EMS Incidents– 18
- Fire Incidents – 35
- Fire Incidents with more than \$1,000.00 in damage – 2

The Fire Department is now 100% CPR certified and they have reinstated the EMS first responder program. They are working towards a fast response vehicle. The department is completing hydrant inspections. A second draw down has been received for being a combination department; full time firefighters and volunteers.

Community and Economic Development Director Jim Spencer

- The City of Bluefield will have the second Small Business Appreciation Day on Saturday, November 26th. Anyone interested in the event should contact Community and Economic Development Director Jim Spencer.
- A resource guide is being developed. The checklist will inform businesses about contacts for grants, forms, funding, etc. He wants to make it easy to do business inside the city and to grow business in the city.
- Two videos were shown: Downtown Merchant's Fair and Lemonade Day's/ Blue's Festival. These were done in house by Intern Ericca Farrington.

PUBLIC COMMENTS:

Marie Blackwell, City Ambassador and Out of Darkness Team representative

recognized and thanked those who helped and participated with the Out of Darkness Walk this past Saturday. Ms. Blackwell also thanked the City of Bluefield for hosting the Realtors luncheon last Thursday.

Virginia Chryssikos, Bluefield resident, summarized a proposal, given earlier to the Board and City Administration, concerning the reburial of the 1976 Bluefield Time Capsule. A copy of the proposal is available in the City Clerk's office. Ms. Chryssikos requested the Board take custody of the time capsule and approve a site for the reburial. A list of individuals who have pledged money for the reburial was presented and Ms. Chryssikos stated the reburial would be of no cost to the City. The capsule with the contents is now at Swope Construction and the marble header is at Craft Memorial Library. After a lengthy discussion, Mayor Cole stated the Board was committed to work with the group and suggested Ms. Chryssikos receive more information regarding the organizations she is contacting, check to see if the capsule content is intact, reorganize if starting a new Civitian Club and who presently owns/responsible for the capsule. City Manager Rideout stated he would also check on some information and return to the Board with his recommendations.

Donnie Kensinger, Bluefield resident, stated he attended the 1976-time capsule ceremony.

He felt this was done for the City and unaware of the involvement of the Bluefield Civitan Club. At that time Mr. Kensinger was chairman of the Fine Arts Commission. He felt the time capsule is a part of the city's history and would like to see it located on municipal property.

Pete Sternoff, Bluefield resident, stated the 9/11 ceremony held in Chicory Square was one of the most memorable he had attended. He thanked the City for continuing the tradition of honoring the 9/11 victims and families. Mr. Sternoff addressed an agenda item concerning the B & O ordinance. Mr. Sternoff suggested, due to the lapse in time from the Public Hearing, the Board revisit where the money would come from, how it would be handled along with more information being presented to the public. He requested the Board take some time before it was implemented. Mayor Cole stated that this ordinance had received a great deal of scrutiny. Mayor Cole felt they had a clear picture of changes that may occur.

Art Riley, representing the Downtown Merchants Association, thanked Community and Economic Director Jim Spencer for the videos. Mr. Riley asked if the resource paper was on the website. Community and Economic Director Spencer stated it was only 99% complete but would be added to the city website. Mr. Riley asked if there would be a public hearing on the two ordinances on the agenda before the second reading. City Attorney Brian Cochran stated the language of the Home Rule Board stated a good faith reduction. Mayor Cole stated prior to the second reading a public hearing would be scheduled.

ACTION ITEMS:

City Treasurer Kelly Davis stated at the close of August 2016, the 2nd month of the fiscal year, revenue collected totaled \$2,062,691 (23.27%) of the projected amount of \$8,863,208. Expenditures totaled \$1,819,809 (16.71%) of the projected budget of \$10,889,627. City Treasurer Davis requested approval of the August financial statement. **Director Ellen Light moved to approve the August financial report as presented, unanimously approved and so ordered.**

City Treasurer Kelly Davis presented the annual report for the Bluefield Police Pension and Relief Funds for fiscal year, July 1, 2015 -June 30, 2016:

- Beginning Fair Market Value of Pension Plan \$4,875,149.75
- Total Revenues 769,079.21
- Total Expenditures 585,536.62
- Ending Fair Market Value of the Pension Plan 5,058,689.34

City Treasurer Kelly Davis requested approval of the annual report of Policeman's Pension and Relief funds that will be presented to the Municipal Pensions Oversight Board as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a).

City Treasurer Kelly Davis presented the annual report for the Bluefield Firemen's Pension and Relief Funds for fiscal year (July 1, 2015 – June 30, 2016):

- Beginning Fair Market Value of Pension Plan \$4,080,586.78
- Total Revenues 713,623.37
- Total Expenditures 813,891.15
- Ending Fair Market Value of the Pension Plan 3,980,319.00

City Treasurer Kelly Davis requested approval of the annual report of the Firemen's Pension and Relief funds that will be presented to the Municipal Pensions Oversight Board as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a).

Vice Mayor Barbara Thompson Smith moved to approve the Policeman's and Firemen's Pension and Relief funds for the fiscal year, July 1, 2015 – June 30, 2016 that

will be presented to the Municipal Pensions Oversight Board as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a), unanimously approved and so ordered.

Mayor Cole requested approval to appoint Eva McGuire to the Historic Landmarks Commission for a three-year term, September 13, 2016 – September 13, 2019. **Director Chuck McGonagle moved to appoint Eva McGuire to the Historic Landmarks Commission for a three-year term, September 13, 2016 – September 13, 2019, unanimously approved and so ordered.**

Mayor Cole requested approval to appoint Justin Hamm to the Public Housing Authority Board for a five-year term, September 13, 2016 – September 13, 2021. **Director Ellen Light moved to appoint Justin Hamm to the Public Housing Authority Board for a five-year term, September 13, 2016 – September 13, 2021, unanimously approved and so ordered.**

Mayor Cole requested approval to appoint Nicole Coeburn to the Historic Landmarks Commission for a three-year term, September 13, 2016 – September 13, 2019. **Director Chuck McGonagle moved to appoint Nicole Coeburn to the Historic Landmarks Commission for a three-year term, September 13, 2016 – September 13, 2019, unanimously approved and so ordered.**

Mayor Cole requested approval to purchase a 2002 Caterpillar AP-1000B Asphalt Paver for the amount of \$37,900.00 and delivery fee. **Vice Mayor Barbara Thompson Smith moved to approve the purchase of a 2002 Caterpillar AP-1000B Asphalt Paver in the amount of \$37,900.00 and delivery fee, unanimously approved and so ordered.**

Mayor Cole requested approval for a \$38,000 for state surplus equipment for Public Works, Parks and Recreation and the Fire Department. **Director Chuck McGonagle moved to approve \$38,000 for state surplus equipment for Public Works, Parks and Recreation and the Fire Department, unanimously approved and so ordered.**

Mayor Cole requested approval of \$10,000 to purchase new Christmas lights. City Manager Rideout stated this was part of a two-year plan to replace old Christmas lights. Two years ago the City bought the first phase of lights but last year local businesses/merchants purchased lights. City Manager Rideout said this would be a continuation of the plan to replace the old Christmas lights that are around the City. These are not lights for the Holiday of Lights that are purchased with private donations. The new lights will be more energy efficient. **Director Chuck McGonagle moved to approve \$10,000 to purchase new Christmas lights, unanimously approved and so ordered.** Community and Economic Development Director Jim Spencer stated the new Christmas lights present a positive image of the city.

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 BOARD OF EDUCATION OF THE COUNTY OF MERCER, GRANTEE, ALL OF ITS INTEREST IN A CERTAIN ALLEY WHICH FRONTS ON MARYLAND AVENUE AND RUNS ALONG THE NORTHERN BOUNDARY OF GRANTEE'S REAL ESTATE, IN THE CITY OF BLUEFIELD, MERCER COUNTY, WEST VIRGINIA.** City Attorney Brian Cochran stated the alley, behind residences on College Avenue and between Whitethorn School and fronts on Maryland Avenue, there is a retaining wall that has been compromised. The Mercer County Board of Education has agreed to repair the wall in exchange for the City quitclaiming the interest that the City has in that alley way. **Director Ellen Light moved to approve the first reading of ORDINANCE AUTHORIZING THE CITY OF BLUEFIELD TO EXECUTE A**

QUITCLAIM DEED GRANTING, CONVEYING AND QUITCLAIMING TO THE BOARD OF EDUCATION OF THE COUNTY OF MERCER, GRANTEE, ALL OF ITS INTEREST IN A CERTAIN ALLEY WHICH FRONTS ON MARYLAND AVENUE AND RUNS ALONG THE NORTHERN BOUNDARY OF GRANTEE'S REAL ESTATE, IN THE CITY OF BLUEFIELD, MERCER COUNTY, WEST VIRGINIA, unanimously approved and so ordered.

Mayor Cole requested approval of the first reading of an **ORDINANCE ENACTING CHAPTER 3, SECTION 3-10, PROVIDING FOR MUNICIPAL SALES AND SERVICE TAX AND MUNICIPAL USE TAX IN ACCORDANCE WITH WEST VIRGINIA CODE §8-1-5a.** City Attorney Brian Cochran stated this ordinance dealt with the 1% sales tax. Vice Mayor Barbara Thompson Smith moved to table the first reading of an **ORDINANCE ENACTING CHAPTER 3, SECTION 3-10, PROVIDING FOR MUNICIPAL SALES AND SERVICE TAX AND MUNICIPAL USE TAX IN ACCORDANCE WITH WEST VIRGINIA CODE §8-1-5a,** unanimously approved and so ordered.

Mayor Cole requested approval of the first reading of an **ORDINANCE PROVIDING FOR THE AMENDMENTS TO CHAPTER 38, SECTIONS 38-51 and 38-56 OF PART II OF THE CODE OF ORDINANCES OF THE CITY OF BLUEFIELD.** City Attorney Brian Cochran stated this ordinance dealt with B & O tax and felt the Board had expressed a desire for him to revise the ordinance he had prepared. The ordinance prepared called for a reduction in the retail and construction tax. The Board would like to revise the ordinance to reflect a reduction in utilities to reflect more savings to the citizens. **No motion was made and the ordinance dies.**

Mayor Cole read the second reading of an **ORDINANCE ENACTING CHAPTER 3, SECTION 3-9, OF THE CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, AND TO AMEND CHAPTER 24, Article II, SECTIONS 24-69 and 24-74 FOR THE PURPOSE OF ALLOWING CERTAIN ALCOHOLIC BEVERAGE CONTROL ADMINISTRATION CLASS "A" LICENSE HOLDERS TO BEGIN SERVING ALCOHOL AT TEN O'CLOCK ON SUNDAYS.** City Attorney Brian Cochran stated this is the Brunch Bill. This will allow, upon passage, effective immediately, that businesses with a Class A license can serve certain alcoholic beverages starting at 10:00 a.m. Mayor Cole stated that he was going to recuse himself from voting. Vice Mayor Barbara Thompson Smith requested a motion for the first reading of the Brunch Bill Ordinance. **Director Chuck McGonagle moved to approve** the second reading of an **ORDINANCE ENACTING CHAPTER 3, SECTION 3-9, OF THE CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, AND TO AMEND CHAPTER 24, Article II, SECTIONS 24-69 and 24-74 FOR THE PURPOSE OF ALLOWING CERTAIN ALCOHOLIC BEVERAGE CONTROL ADMINISTRATION CLASS "A" LICENSE HOLDERS TO BEGIN SERVING ALCOHOL AT TEN O'CLOCK ON SUNDAYS.** The motion passed 3 -0/ Mayor Cole recused himself from voting.

OTHER:

Director Ellen Light moved to adjourn, unanimously approved and so ordered.

Bobbi Kersey, City Clerk

Thomas J. Cole, Mayor