

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

May 23, 2017 - 6:00 p.m.

A regular meeting of the Board of Directors of the City of Bluefield, Mercer County, West Virginia was held on Tuesday, May 23, 2017, at 6:00 p.m. 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, City Treasurer Kelly Davis, Community and Economic Development Director Jim Spencer and City Clerk Bobbi Kersey.

Elder McKinley Price invoked divine guidance for the conduct of the meeting. 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 Michael Gibson moved that the minutes of the May 9, 2017, Board of Directors meeting be approved, unanimously approved and so ordered.

CITY MANAGER DANE RIDEOUT

Code Enforcement Supervisor Lori Mills was recognized for passing the International Code Council Residential Building Inspectors Exam. Ms. Mills had been studying on her own and attended an intensive class in anticipation of the exam. Code Enforcement Specialist Mills is also one of twelve playground inspectors in the state. The city is very proud of Building Inspector Mills and congratulated her on her accomplishments. Mayor Cole stated not only was Code Enforcement Supervisor Lori Mills studying for the exam but also she is an avid volunteer. Code Enforcement Supervisor Mills has spent countless hours working with Yakkity-Yak Playground and the Ridge Runner Train.

American Electric Power Company continues work around the intersection at Hardee's Restaurant and will continue a power loop for the area. City Manager Rideout wanted to make sure emergency vehicles were aware that AEP would be working in this area on Saturday. The City and American Electric Power Company continues to have a great relationship with the City on streetlights. The City has 4,000 plus power poles and 1,877 streetlights have been identified. Under the direction of City Engineer Tony Wagner, Intern Joseph "Seppi" Huber has identified 103 streetlights located on private property and 143 streetlights not in operation. Streetlight billing is being corrected and the City Engineer is outlining the City into different quadrants, for continual streetlight evaluation, so the police department can help assist in the future.

Pot Hole repair will begin as soon as the asphalt plant opens and the weather cooperates. City Manager Rideout challenged citizens to drive outside the city and do a comparative analysis on the roads. He said there might be a few areas in need of repair but overall the roads are in good condition. Public Works is working hard and doing a good job. City Manager Rideout reminded citizens to use the *Fix It Bluefield* application on the City website.

IT Specialist Billy Hester is overseeing the conversion to LED lights in the Board Room. The LED lights are cleaner and brighter and some of the cost is being covered with AEP rebates.

Parks and Recreation will begin summer camp May 26. Citizens are invited to stop by Parks and Recreation to see the new renovations. The Cole Chevy Mountain Festival will begin May 30. The field turf is complete and is a real asset for our City and regional teams.

Police Department reported K-9 Thor has a genetic defect (hip dysplasia) and will be retired soon. Thor will be replaced and the campaign to obtain more K-9's is ongoing. Niko is the new K-9

and is in service. The department now has two dogs and would like to have a total of four, one for each shift.

Fire Department should receive the new truck in the next six weeks. The men are continually maintaining the two older (1998) primary trucks and the (2008) ladder truck. Two vehicles were down this week and one vehicle had an electrical fire. Thank you to Bland Street Auto for their quick service. Three individuals are now nationally certified to install the proper car seat.

Business after Hours will be held Thursday, May 25 at Bowen Field from 5:00 p.m. – 7:30 p.m. There will be an important announcement and the public is invited.

East River Mountain Town Band will be performing Saturday, May 27 at 8:00 p.m., Pipestem Resort State Park Amphitheater. The concert is free and open to the public. Under the direction of Mel Saunders, the band will perform great American songs.

Memorial Day Celebration in Chicory Square Monday May 29 at 10:30 a.m. The American Legion will sponsor the event and it is free and open to the public.

Community and Economic Development Director Jim Spencer gave the following report:

- CREATE stands for creating resilient economies by assisting transforming entrepreneurs. Community and Economic Development Director Jim Spencer believes everything we try is to create opportunity for someone, whether it be training, jobs, etc. May 16 at the Clover Club, over thirty participants attended a workshop for small business and entrepreneurs. The session started with a marketing session and finished with an overview of social media skills. The next class will be June 13 at Bluefield Area Transit. The session will focus on copyrights and patents. On June 29, there will be a session on lean manufacturing. For information on any of the sessions contact jspencer@cityofbluefield.com.
- Met with Art Riley and other businesses about combining activities during Fantastic Friday such as concerts.
- Plans for the Commercialization Station are about 90% complete. The EDA will then approve the plans because they are the funding source.
- Fantastic Friday will be from 4:00 pm – 7:00 pm. beginning in May.
- May 26 – Movie Night at Craft Memorial Library – 8:30 pm (Bring your own lawn chairs / family friendly/ No charge).
- Local government needs to lead by example so the staff is consolidating ideas from the Blueprint Community, Cool and Connected. One idea is to give city owned vacant downtown buildings a facelift. Over the next few weeks, changes will be taking place. Some of the windows will be used for advertisement for businesses in good standing with the city and historical pictures will be placed in others. Megan Beggs, a summer intern, is working on a Did You Know series and pictures that will give a before and after perspective history of Bluefield. Please contact jspencer@cityofbluefield.com with suggestions and ideas.

PUBLIC COMMENTS:

Bernard Franks, Bluefield citizen stated he had been a resident of Bluefield for twenty-two years. During that time, he was very disappointed in the rate increase by the Bluefield Gas Company. Mayor Cole stated a letter of protest was one of the action items on the agenda to be voted on. Mr. Franks said he was looking for improvements on Thomas Street. He would like to see some improvements and it seems like his street is the last to have anything fixed, cut or repaired. Mayor Cole stated that the city is working to improve areas and much has been accomplished through the Building Commission. The City has no right to go on private property and it is up to

citizens to maintain their property. Code Enforcement works continually but must follow the law. Code Enforcement Officer Lori Mills said she would drive through the area and assess the situation.

ACTION ITEMS

City Treasurer Kelly Davis requested approval of General Fund Budget Revision #3. City Treasurer Davis stated the third and final revision to the General Fund Budget increases estimated revenue by \$1,218,469. The revision estimates \$217,411 in additional revenue and \$1,001,058 in accounts receivable. The inclusion of the accounts receivable in the final budget revision is to bring the year-end fund balance into line with the WV State Auditor's request. The increase of \$217,411 of actual revenue is \$45,451 in various taxes; \$3,000 in fines and forfeitures; \$3,430 in license and permits; an additional \$1,515 in charges for service; an additional \$177,630 in grants, contributions and other intergovernmental receipts; and a reduction of \$13,615 in miscellaneous revenues. The accounts receivable consists of the City Fees, the prior year's Excise Tax from the Sanitary Board, the lease payments from the Sanitary Board for the backhoe and sweeper as well as demolition and grass cutting fees. The total increase in the revenue budget is \$1,218,469; thereby, increasing the General Fund Revenue Budget to \$12,926,114. The Budget Revision also increases the expenditure appropriations by \$1,218,469. Some of the expenditures to June 30 include:

- \$5,000 appropriation to cover the WVML Executive Board hosting expenses.
- Additional \$20,000 to cover the judge and prosecutor contracts
- Additional \$12,000 for hourly city attorney fees
- Appropriate \$6,000 to cover the termite treatments for City Hall and increase in cleaning contract
- Additional \$18,150 to cover utility expenditures in Wells Fargo, Commercialization and PD Substation
- \$253,430 appropriated in PD for wage overages due to retirements, K-9 donations, accident reports, etc.
- \$72,050 appropriated in FD for wage overages, bunker gear purchase and other minor overages
- \$151,800 appropriated in ST for wage overages, electric, fuel and other various overages
- \$113,450 appropriated in Parks for wage overages, electric, purchased used bus and other various overages

The overall increase in the expenditure budget totals \$1,218,469, thereby increasing the total General Fund Expenditure Budget to \$12,926,114 and creating a balanced budget as required by State Code. **Director Michael Gibson moved to approve the General Fund Budget Revision #3 summary as presented; unanimously approved and so ordered.**

Mayor Cole read a **RESOLUTION TO APPLY FOR A HUD-CDBG SMALL CITIES BLOCK GRANT**. City Manager Rideout stated the resolution is a required by Region I to complete the application for grant funding for various projects around the city. **Director Michael Gibson moved to approve the RESOLUTION TO APPLY FOR A HUD-CDBG SMALL CITIES BLOCK GRANT, 4-yes / Director Ellen Light was absent during this vote.**

Mayor Cole requested approval of City Attorney contract. Director Michael Gibson said Attorney Colin Cline is a graduate of Ohio University and the University Of Cincinnati College Of Law. Mr. Cline served in the Ohio Army National Guard and been an associate attorney in various law firms. He served as general counsel for the Bluefield Regional Medical Center from 2005-2010. Currently he was serving as a guardian ad litem for children in custody, delinquency, truancy and abuse and neglect matters. Director Gibson and Vice Mayor Barbara-Thompson Smith held interviews for the position and felt the city would be fortunate to have Mr. Cline. Mr. Cline has been a practicing attorney for twenty-eight years. **Director Michael Gibson moved approval of the City**

Attorney contract, three (3) yes, one (1) no and Director Light absent. The motion was approved.

Mayor Cole read the FIRST READING OF AN ORDINANCE AUTHORIZING THE CITY OF BLUEFIELD TO PURCHASE PARCELS OF REAL ESTATE SITUATED IN THE CITY OF BLUEFIELD, MERCER COUNTY, WEST VIRGINIA FOR A PRICE OF \$10,000.00. City Manager Rideout stated an objective for this Board was to fix the intersection at Stadium Drive and Cherry Street. Part of the road is state owned. Several years ago a firm looked at the intersection but said land needed to be acquired. It has taken time but negotiations are in the works. The intent is for the city to purchase the property and then turn it over to the state and they will redo the intersection making it safe and less congested. **Director Ellen Light moved to approve the FIRST READING OF AN ORDINANCE AUTHORIZING THE CITY OF BLUEFIELD TO PURCHASE PARCELS OF REAL ESTATE SITUATED IN THE CITY OF BLUEFIELD, MERCER COUNTY, WEST VIRGINIA FOR A PRICE OF \$10,000.00, unanimously approved and so ordered.**

Mayor Cole requested authorization to enter into contractual agreement with Special Counsel for a potential civil action. Director Michael Gibson discussed various counties and cities that are filing lawsuits against pharmaceutical companies that provide opioids. He stated companies have flooded jurisdictions with unnecessary medication that causes addiction and the myriad of problems that go hand in hand with addiction. Pharmaceutical companies McKesson Corporation, Amerisource Bergen Drug Company and Cardinal Health Inc. have been named defendants. Director Gibson stated the Board has explored the possibility of participating and filing a lawsuit on its own. The former City Attorney Brian Cochran who is with Brewster Morhous, Cameron law firm would handle the lawsuit. The agreement would provide for a 25% contingency fee of any sum collected by verdict or settlement and the cost of litigation. **Director Michael Gibson moved to enter into a contractual agreement with Brewster, Morhous, and Cameron, to file a lawsuit on behalf of the City of Bluefield against those pharmaceuticals companies for selling opioid addictive drugs within the City of Bluefield in such a manner that are unnecessary and cause our citizens to become addicted.**

Mayor Cole requested approval to send a "Letter of Protest" to Bluefield Gas Company concerning the pending rate increase. **Director Michael Gibson moved to send a letter to the Public Service Commission protesting the pending rate increase on natural gas service to the citizens of Bluefield.** Mayor Cole stated Bluefield Gas Company had mailed letters to citizens concerning the rate increase. City Manager Rideout said the notice given stated Bluefield Gas Company had filed a proposed increase rate effective June 4, 2017. The average monthly bill for residential customers would increase 43.37%. On behalf of the citizens, the Board needs to write a letter. In support of this rate increase, several questions/concerns need to be voiced:

1. The city has some of the oldest gas lines in the state. Infrastructure needs to be updated and replaced.
2. When will John Nash Boulevard and Exit 1 be developed. There is no natural gas past the music store, at the interchange.
3. We have an industrial park that does not have natural gas, making it difficult to bring in businesses. The infrastructure must be improved.

As a city, we agree there needs to be a rate increase to help build a much-needed infrastructure. However, not a 43% rate increase. Community and Economic Development Director Jim Spencer is working with his interns to develop a comparative analysis, across the board, showing not only a gas increase but also all of the other increases in utilities. Bluefield was in a study showing it has the highest rates. Director Gibson encouraged citizens to write in protest to:

The Executive Secretary, Public Service Commission of West Virginia, P.O. Box 812, Charleston, WV 25323. A complete copy of the Company's tariff proposal is available at Bluefield Gas Company.

Director Ellen Light moved to enter into executive session concerning pending litigation, unanimously approved and so ordered. Mayor Cole stated the Board would return to take action. **Unanimously approved and so ordered.**

Mayor Cole called the meeting back into order.

Mayor Cole stated an ordinance concerning vacant buildings and property maintenance was passed in 2015. K-VAT, lessee of the old Kroger on Cumberland Road, has had a vacant building for two years. A lawsuit was filed and there has been a discussion of settlement. **Director Ellen Light moved to authorize Attorney Brian Cochran to make a counteroffer of settlement. Four (4) yes and one (1) abstained (Director Michael Gibson).**

Reports, Boards and Commissions: None

Reports from Officers: None

Carol-Anne Cole, 2017 Valedictorian Bluefield High School moved to adjourn, unanimously approved and so ordered.

Bobbi Kersey, City Clerk

Thomas J. Cole, Mayor