

**Town of Bluefield
Town Council
Minutes
November 15, 2022**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, November 15, 2022 at 7:30 p.m. in the Council Chambers of the Town Hall located at 112 Huffard Drive, Bluefield, Virginia.

PRESENT

Donnie Linkous, Mayor
Cathy Payne, Councilmember
Chuck Presley, Councilmember
Rick Holman, Councilmember
Anglis Trigg, Councilmember
Greg DeGray, Councilmember
Ron Holt, Vice-Mayor

ALSO PRESENT

James Hampton, Co Interim Town Mgr./Treasurer
Kim Hernandez, Co Interim Town Mgr. /Town Clerk
Shane Gunter, Chief of Police
7 members of public

CALL TO ORDER

Mayor Linkous called the meeting to order at 7:30 p.m.

INVOCATION AND PLEDGE

Steve Branch, Destiny Outreach Ministries led the Invocation. Mayor Linkous led the Pledge of Allegiance.

APPROVAL OF AGENDA

Councilmember Holman added an Executive Session regarding the Town Attorney to the agenda. Mayor Linkous added discussing the Planning Commission rezoning of Spring Street from R-2 to B-2.

Vice-Mayor Holt made a motion to approve the amended agenda. Councilmember Presley seconded the motion. The motion passed unanimously by voice vote.

CONSENT AGENDA

Councilmember Holman made a motion to approve the October 24, 2022 Council meeting minutes. Councilmember Presley seconded the motion. The motion passed unanimously by voice vote.

Vice-Mayor Holt made a motion to approve the October Monthly Budget Report. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

CITIZEN REQUESTS & SPECIAL PRESENTATIONS

None.

COMMITTEE REPORTS

None.

UNFINISHED BUSINESS AND REPORTS

None.

NEW BUSINESS AND REPORTS

Budget Amendment, ROLL CALL VOTE – Kim Hernandez

Mrs. Hernandez went over the following budget amendment:

PURPOSE: Law Enforcement Block Grant

Revenue		Original Budget	Amended Budget	Change
Line Item				
0400-0413	Misc. State	<u>\$180,942.34</u>	<u>\$183,486.32</u>	<u>\$2,543.98</u>
	Law Enforcement	<u>\$180,942.34</u>	<u>\$183,486.32</u>	<u>\$2,543.98</u>
Expenditure				
Line Item		Original Budget	Amended Budget	Change
3110-8106	Grants	<u>\$23,050.00</u>	<u>\$25,593.98</u>	<u>\$2,543.98</u>
		<u>\$23,050.00</u>	<u>\$25,593.98</u>	<u>\$2,543.98</u>

Mr. Presley made a motion to approve the Budget Amendment. Mr. Trigg seconded the motion.

Mayor Linkous asked the Clerk to do roll call and report.

ROLL CALL VOTE

Councilmember DeGray: Yes
Councilmember Holman: Yes
Vice-Mayor Holt: Yes
Councilmember Presley: Yes
Councilmember Payne: Yes
Councilmember Trigg: Yes
Mayor Linkous: No Vote Permitted

Motion carried 6-0 in favor of approving the Budget Amendment.

Police Department flooring, ROLL CALL VOTE – James Hampton

Mr. Hampton stated that we had received a quote for the flooring in the Police Department from the same company who did the Town Hall side and it was \$26k.

Mr. Trigg made a motion to approve the Police Department flooring. Mr. Presley seconded the motion.

Mayor Linkous asked the Clerk to do roll call and report.

ROLL CALL VOTE

Councilmember DeGray:	Yes
Councilmember Holman:	Yes
Vice-Mayor Holt:	Yes
Councilmember Presley:	Yes
Councilmember Payne:	Yes
Councilmember Trigg:	Yes
Mayor Linkous:	No Vote Permitted

Motion carried 6-0 in favor of approving the Police Department flooring quote in the amount of \$26k.

CITIZENS COMMENTS

Gail Cook stated that the Veteran's Day Ceremony was wonderful and thanked everyone who attended. She stated that she was sad that more of council did not show up.

POLICE CHIEF'S REPORT

Chief Gunter stated that it was their busier season with shoplifters, etc. and stated that we welcomed back Officer Jonas who had left 3 months ago to go to Wytheville.

TOWN UPDATES

Personnel Policy Update, ROLL CALL VOTE

Mr. Hampton went over the updates by the sections changed (attached at end).

Mr. Holt asked with the holidays being added that council would not have to vote each time going forward.

Mr. Hampton stated that was correct.

Mayor Linkous stated that the \$4k for education would be per year and if the direct supervisor approved.

Mr. Presley asked if there were some type of repayment plan in place.

Mr. Hampton stated that the contract stated they had to remain employed for “x” amount of years.

Mr. Holt made a motion to approve the personnel policy changes. Mr. Presley seconded the motion.

Mayor Linkous asked the Clerk to do roll call and report.

ROLL CALL VOTE

Councilmember DeGray:	Yes
Councilmember Holman:	Yes
Vice-Mayor Holt:	Yes
Councilmember Presley:	Yes
Councilmember Payne:	Yes
Councilmember Trigg:	Yes
Mayor Linkous:	No Vote Permitted

Motion carried 6-0 in favor of approving the updated Personnel Policy.

Upcoming Events

Mrs. Hernandez went over the following upcoming events:

- November 19th - Tree Lighting @ 6 p.m. (ice skating, other events @ 4 p.m.)
- November 24th-25th – Town Offices Closed-Thanksgiving Holiday
- December 6th - Employee Lunch/Dinner, Fincastle @ 11:30 a.m./6:30 p.m.
- December 7th – Volunteer Dinner, Fincastle @ 6:30 p.m. (bring 3 gifts each)
- December 8th – “Reindeer Games” Christmas Parade @ 6:30 p.m. lineup @ 5:30 p.m.

TOWN ATTORNEY’S REPORT

Mr. Crewe stated that he was still working on Business Licenses and Meals tax and would follow up with suit and issues with repairs on a vehicle where the deposit was not refunded and he would issue a warrant in debt.

COUNCIL COMMENTS

Mr. DeGray thanked Kim and James for the job they were doing. He stated that he was excited about the Tree Lighting.

Mr. Holman stated that he was unable to attend the Veteran's Day Program due to other obligations. He was excited about all upcoming events and thanked the Town Employees.

Mr. Holt stated that the employees were doing a good job and the town looked good. He thanked Kim and James and stated that they were doing good things.

Mr. Trigg stated that all were doing a good job.

Mrs. Payne stated that the Veteran's Day Program was great. She stated that Pinehill Park had an issue with a lot of cats.

Mr. Holt stated that he attempted to address that in the past and it did not go over well but there was a catch and spade/neuter release that was done.

Mr. Presley stated that Kim and James were doing well along with Chief. He stated that the trees past Hardees needed to be cut, he had a lot of people who were happy with the paving and asked if the Police Department had bullet proof windows.

Chief Gunter stated that certain ones were bullet proof.

Mr. Presley stated that he would like to replace some of the council meetings in March – May to have Work Sessions and focus on the budget.

Mayor Linkous stated that the Sanders House Holiday Bazaar was a great event, the Veteran's Day Ceremony turned out fantastic with the Graham Intermediate kid's choir, GHS band and Gavin Scott playing the bagpipes. He stated that all were appreciative. He stated that the American Legion named Dr. Olive Citizen of the year, Rocky would like for council to appoint Cathy to the Baseball Board as soon as possible because they were getting ready to do a big event on January 3rd.

Mr. Presley made a motion to appoint Mrs. Payne to the Baseball Board. Mr. Trigg seconded the motion.

Mayor Linkous asked the Clerk to do roll call and report.

ROLL CALL VOTE

Councilmember DeGray:	Yes
Councilmember Holman:	Yes
Vice-Mayor Holt:	Yes
Councilmember Presley:	Yes
Councilmember Payne:	Abstain
Councilmember Trigg:	Yes
Mayor Linkous:	No Vote Permitted

Motion carried 5-0 in favor of appointing Mrs. Payne to the baseball board.

Mayor Linkous stated that Planning Commission had a lot of areas in the town they wanted to look at rezoning to clean things up. He stated that they would have a Joint Public Hearing on December 5th to discuss the rezoning of Spring Street.

Mr. Crewe stated that it would require advertising.

EXECUTIVE SESSION

Mayor Linkous asked the Clerk to read the Executive Session.

MOTION FOR CLOSED MEETING

It is hereby moved that the Council of the Town of Bluefield, Virginia enter into a closed meeting pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia as amended, The specific purpose for this motion is to discuss the following matter(s):

Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body with such closed meeting being confined to the following subject (s): Town Attorney.

Mayor Linkous asked for a motion to enter into Executive Session.

Councilmember Holman made a motion to enter into Executive Session as described above. Vice-Mayor Holt seconded the motion.

Mayor Linkous asked the Clerk to do roll call and report.

ROLL CALL VOTE

Councilmember DeGray:	Yes
Councilmember Holman:	Yes
Vice-Mayor Holt:	Yes
Councilmember Presley:	Yes
Councilmember Payne:	Yes
Councilmember Trigg:	Yes
Mayor Linkous:	No Vote Permitted

Mrs. Hernandez stated that it was 6-0 in favor of going into Executive Session.

Mayor Linkous asked for a motion to resume open meeting.

Councilmember Presley made a motion to enter back into regular session. Councilmember Holman seconded the motion.

Mayor Linkous asked the clerk to read the certification.

CERTIFICATION OF EXECUTIVE SESSION

WHEREAS, the Town Council of Bluefield, Virginia convened a closed meeting on November 15, 2022, pursuant to a duly adopted motion, attached hereto, and such closed meeting was convened in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Town Council of Bluefield, Virginia returned to its open meeting held on November 15, 2022.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA HEREBY CERTIFIES that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the closed meeting held on November 15, 2022, to which this certification applies and (ii) only such public business matters as were identified in the motion convening such closed meeting were heard, discussed, or considered by the Council of the Town of Bluefield, Virginia in such closed meeting.

Mayor Linkous asked for a motion to approve the certification.

Councilmember Trigg made a motion to approve the certification. Councilmember Presley seconded the motion.

Mayor Linkous asked the Clerk to do roll call and report.

ROLL CALL VOTE

Councilmember DeGray:	Yes
Councilmember Holman:	Yes
Vice-Mayor Holt:	Yes
Councilmember Presley:	Yes
Councilmember Payne:	Yes
Councilmember Trigg:	Yes
Mayor Linkous:	Yes

Motion carried 7-0 approving the certification.

ADJOURN

Mayor Linkous asked for a motion and a second to adjourn.

The meeting was adjourned at 8:46 p.m.

D.S. Linkous, Mayor

Kim Hernandez, Town Clerk

SECTION 4 BENEFITS

4.1 ANNUAL LEAVE

Annual leave credits for regular full-time employees shall be determined by the number of years of service with the Town as follows:

Years of Service	Working Days earned each Year
0-1	2 hours per pay period
1-5	3 hours per pay period
5-10	4 hours per pay period
10-15	4.62 hours per pay period
More Than 15	6.15 hours per pay period

No employee shall accumulate more than 160 hours of vacation. Any accrued vacation in excess of 160 hours shall be automatically converted to sick leave each pay period.

All full-time employees shall be required to take forty (40) hours of vacation each year. If an employee fails to take 40 hours vacation, that time shall be forfeit.

Employees will be paid for earned annual leave up to 160 hours upon resignation if proper two-week notice is given.

Upon retirement, employees will be paid for earned annual leave up to 160 hours plus accrued sick leave up to 160 hours.

In the event of death, settlement payment will be made to the employee's survivors or estate.

Temporary/seasonal or Permanent/part time employees will not earn annual leave.

No annual leave credit shall be provided for less than a full two weeks pay period. The credit shall be proportional to the number of days that can be earned each year.

Annual leave may be used at the option of the employee to provide paid absences in excess of credits available for other kinds of leave.

Annual leave may be taken by application on a "Request for Leave" form directed to the Bookkeeper only upon prior approval of the Department Head.

4.2 HOLIDAYS

The Town Council authorizes the following holidays to be observed with full pay for all full-time employees:

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
Presidents Day	3rd Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Friday after Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25
New Year's Eve	December 31

Whenever any such day falls on Saturday, the Friday before such day, or whenever any of such days fall on Sunday, the Monday following such day.

All holidays shall be taken pursuant to Section 3.14 of this policy.

4.3 PERSONAL LEAVE

Full-time employees shall earn two (2) days of Personal Leave on January 1 of each year. Personal leave may be taken upon appropriate notice to their supervisor. Personal Leave can not be carried over to the next calendar year.

4.4 SICK LEAVE

Sick leave credits for regular full-time employees shall be accrued at the rate of four (4) hours per two-week pay period.

If an employee must be absent because of illness, he or she shall notify his/her Department Head of such illness prior to the beginning of his/her regular work time. The Department Head may require proof of such illness by a doctor's statement or by personal visit.

Violation of sick privileges will result in disciplinary action.

Sick leave credits may be used for authorized absences as follows:

that employee (if insured at the time of death) will be carried for one additional month after the death of the employee.

4.15 TRAINING AND EDUCATIONAL DEVELOPMENT

- A. The Town offers financial assistance to an employee who takes educational courses that are related directly to his/her duties and responsibilities and which are likely to increase his/her value to the Town. This assistance program is not designated to support a full-time course of study, but is intended to enhance the quality of work that the individual brings to the job. All educational course reimbursement will be considered on a class-by-class basis. Additionally, the Town will not reimburse employees for books purchased for a class that has not been determined to be job related. Any employee using Town assistance to pursue a degree in their chosen field shall be required to sign an agreement with the Town to remain in its employ for a mutually agreed period after the completion of the degree.
- B. Upon the recommendation of the Department Head, the availability of budgetary funds, and the prior approval of the Town Manager, the Town will provide:
- 1 Reimbursement for the cost of taking special qualifying examinations, such as the GED or trade and professional certifications, if previously approved by the Department head or Town Manager.
 2. The cost of training and related expenses undertaken at the direction of the manager.
 3. For training requested by an employee. The employee may receive reimbursement of tuition costs if (a) the training was approved in advance by the manager and (b) the employee shows successful completion of the course
- C. The total reimbursement for the above is limited to a maximum amount of \$4,000 a year.

5.5 WORK HOURS

Regular work hours for town administrative offices are 8:00 A.M. 4:30 P.M. Regular hours for Maintenance Personnel are 7:30 A.M. 4:00 P.M. Each Department Head is responsible for his/her employees, subject to the approval of the Town Manager. This does not preclude the establishment of specified schedules other than forty (40) hours in a given workweek if approved by the Town Manager. The Town of Bluefield will follow the Tazewell County Government Offices snow schedule for closure and late schedule.

Flexible scheduling may be considered within the standard workweek so long as the standard hours in a workweek, usually forty (40), are not altered. Some examples are:

- Arrive earlier in the morning and leave earlier in the afternoon.
- Arrive later in the morning and leave later in the afternoon.
- Work four 10-hour days
- Work four 9-hour days and one 4-hour day.

Other temporary or occasional flexible work schedules may be used to allow employees to have medical appointments or take care of personal business without being charged leave.

If an employee is not able to come to work, or expects to be late, they shall contact their supervisor as soon as possible, but no later than the beginning of their scheduled work period, giving the reason for their absence or tardiness. If an employee has difficulty reaching his supervisor, they should leave a message reporting their absence but continue to attempt to contact their supervisor. The responsibility to notify a supervisor of tardiness or absence always rests with the employee.

Work hours, schedules and duty assignments of short duration of individual employees or work units may be altered under the authorization of the department head or their designee within the established workweek and schedule as conditions may warrant. Schedules may be adjusted to meet FMLA and ADA requirements.

5.6 USE OF PERSONAL VEHICLE FOR TOWN BUSINESS

When it is necessary to use a personal vehicle for Town business, the Department Head concerned must grant prior approval. The Town shall reimburse an individual for use of his/her vehicle for town business at the current rate established by the Internal Revenue Service for federal income tax purposes for such use. A Travel Expense Form must be completed by the individual and submitted to the Department Head for his/her signature. Final approval shall be made by the Town Manager. Employees shall not be reimbursed for the use of their personal vehicle, if a Town vehicle was available for use.

5.7 OPERATION OF TOWN OWNED MOTOR VEHICLES AND MOTORIZED EQUIPMENT

to a position for which driving is not required, with a possible cut in pay, if such position is available and if the transfer will not interfere with Town operations. Otherwise, the employee shall be (1) terminated if his/her license is revoked, or (2) if his/her license is suspended, placed on leave without pay status for the suspension period or terminated if the leave would interfere with Town operations.

- C. The provisions of A & B above shall apply if an employee who, as part of his/her duties, operates a town-owned vehicle, the operation of which is regulated by the Commercial Vehicle Safety Act of 1986, as amended, has his/her eligibility to operate such vehicles revoked or suspended under federal law.

5.8 OUTSIDE EMPLOYMENT

Any job that is held by a Town employee outside of working hours should not conflict with or compromise, in any way, the position that the employee holds with the Town. An employee requesting outside employment, including self employment, that could reasonably be expected to cause a possible conflict of interest or compromise of the employee's positions with the Town must discuss the matter with his/her Department Head, who will submit the request in writing to the Town Manager for approval.

5.9 CELL PHONE USE

Employees assigned a cellular phone to use on the job must refrain from using the cellular phone for any personnel phone calls. The cellular phones are to be used for Town business only.

5.10 UNIFORMS

Uniforms are required for all full time Public Works employees. The Town will furnish these uniforms at the end of a full time employee's probation period. The uniforms must be returned promptly when an employee is terminated. Any loss or damage to Town uniforms will be assessed and the amount deducted from the terminated employee's final paycheck. Uniforms are not to be worn except during working hours on the job. Steel-toed boots are also required to be worn by all Public Works employees. The Town will furnish one pair of steel-toed boots per year per Public Works employee. The furnished boots are to be worn on the job only.

5.11 NEPOTISM

The Code of Virginia prohibits, as a conflict of interest, supervision by an employee of a member of his/her immediate family. To avoid the reality or appearance of improper influence or favoritism, the Town has adopted a nepotism policy which further prohibits supervision by an employee of any member of his/her family as well as an employee's participation in the selection process for a position if a family member is an applicant.

“Relative or closely related person” (also referred to as “related persons”), for purposes of this policy, is defined as a familial or other close relationship, whether by blood, adoption, marriage, or domestic partnership (e.g., a spouse, domestic partner, child, grandparent, grandchild, aunt, uncle, brother, sister, first cousin, niece, nephew, any corresponding in-law or step- or foster relation), as well as any persons residing in the immediate household.