

**Town of Bluefield
Town Council
Minutes
June 14, 2016**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, June 14, 2016 at 7:30 p.m. in the Council Chambers of the Town Hall located at 112 Huffard Drive, Bluefield, Virginia.

PRESENT

Don Harris, Mayor
Anglis Trigg, Councilmember
Donnie Linkous, Councilmember
Jimmy Jones, Vice Mayor
Lee Riffe, Councilmember
Steve Danko, Councilmember

ALSO PRESENT

Mike Watson, Town Manager
Matt Freedman, Town Attorney
Shane Gunter, Police Chief
Lesley Catron, Town Clerk
Kim Hernandez, Executive Assistant
Billie Roberts, Comm. Dev. Coordinator
Kris Williams, Zoning Administrator
15 Members of Public

PLANNING COMMISSION PRESENT **ABSENT**

Don Scott, Planning Comm. Member
Harry Kammer, Planning Comm. Member
Don Whitt, Planning Comm. Secretary
David Smith, Vice-Chair Planning Comm.
Barry Perdue, Planning Comm. Member
Frank Britton, Chairman Planning Comm.

Kim Hernandez, Executive Asst

CALL TO ORDER

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

INVOCATION AND PLEDGE

Councilmember Lee Riffe led the Invocation. Mayor Harris led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Harris added Representatives from the Blue Jays under Special Presentations to the agenda.

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

CONSENT AGENDA

Vice-Mayor Jones made a motion to approve the consent agenda. Councilmember Riffe seconded the motion. The motion passed unanimously by voice vote.

CITIZEN REQUESTS & SPECIAL PRESENTATIONS

Bluefield Blue Jays Update – Jeff Gray and David Kersey

David Kersey, 304 Oakdale Ave, Bluefield, WV stated that he was a lawyer in Bluefield, WV and was also a member of the Board of Director for the Bluefield Baseball Club. He stated that the Baseball Club had been in existence for 60 years and that by law, managers of the City and Town were members of the board. He stated that the purpose was solely to host a professional baseball team and that the facility was leased from the City. He stated that they did not pay rent but did maintain the facility and that last year's maintenance cost around \$55k which was about 20% of the budget with the rest being spent on utilities, payroll expenses, etc. He stated that they had one full time employee Jeff Gray who was in his 4th year as general manager. He stated that when the season begun was when the employees started preparing the stadium, etc. and that at best, the baseball club has been a break even proposition but that over the past few years, it was getting harder. He stated that the Department of Labor redefined what an intern was for the purpose of having an intern work for you and not being paid at least minimum wage. He stated that it was made clear to them by the Minor League Baseball that the Department of Labor was serious about not allowing them to employ interns and not paying them. He stated that most of the interns did it because they were part of a sports program that required them to serve an internship as part of their college requirements to get credits. He stated that they used to have 12-14 employees that they did not have to pay, but that had since changed and there was no such thing as an unpaid intern which in turn increased their payroll cost \$10k-\$12k per season because they now had to pay them minimum wage. He stated that the affordable care act also required them to give their general manager health insurance which cost around \$5k per year. He stated that those 2 changes alone had increased their overhead by \$15k. He stated that they were asking that Town Council provide funding to the Bluefield Baseball Club to help keep a major league affiliate in the park. He stated that the team as well as the managers were staying in the newly constructed dorms at Bluefield College and that was 40 people who were now living in the Town for 3 months and getting a monthly salary between \$1,100-\$1,300. He stated that many of these players did not have cars so they were spending this money within walking distance and that the visiting teams were also spending money while they were here. He stated that in years past, Toronto had made arrangements with Applebee's and other restaurants to front the bill for the visitors which in turn promoted

the fact that our community had one of the professional league baseball teams in the area. He stated that there were only 160 professional baseball teams in the country.

Mayor Harris asked council if they had any questions.

Mr. Linkous asked if Bluefield College was paid to stay in their dorms.

Mr. Kersey stated yes that Toronto paid them \$21 per day per player.

Mr. Danko asked about the attendance at the games.

Mr. Kersey stated that it remained stable but fluctuated.

Mr. Riffe asked if when they ate at a certain location, did they have a limit.

Mr. Kersey stated that was Toronto's deals not theirs and that he was not sure how much they paid.

Mr. Riffe asked if we still housed any of them.

Mr. Kersey stated that in some places it still existed but that they had not done so in a while.

Mr. Riffe asked if they still had sponsors.

Mr. Kersey stated that they had a boosters club and they tried to get boosters to "adopt" a player to help acclimate them and that this was the first time a lot of the players were in the United States.

Mayor Harris asked over the course of the season, did they have a lot of the parents coming in.

Mr. Kersey stated yes. He stated that he had worked the ticket booth a great deal and that some people had it on their "bucket list" to visit all of the leagues in the country. He stated that he was on the board because this team was an asset to our community and was an outlet for our younger generation along with our older generation because it was handicap accessible.

Mr. Linkous stated for general knowledge they had other restaurants in the area besides the ones near Wal-Mart.

Jeff Gray stated that they sent out a packet to each visiting team of all of the restaurants and their menus as a resource. He stated that they chose where to go but that the information was provided to them.

Mr. Linkous stated that when the players were staying in motels, they were paying a motels tax. He stated that if Bluefield College was becoming a motel to them, then the Town was losing revenue that they would gladly pay because they would be paying it anyway.

Mr. Kersey stated that was between Bluefield College and Toronto.

Mr. Linkous stated that would provide the Town revenue to do what they were asking the Town to do.

Mr. Kersey agreed.

COMMITTEE REPORTS

Field Fest Update – Billie Roberts

Mrs. Roberts stated that the IDA held their first Field Fest and that everything turned out great. She stated that there were 118 tickets redeemed at the beer garden and estimated that there was around 200-250 people at the event itself. She stated that they had 3 different food vendors and had people there selling breads, plants, etc. She stated that they did not have anyone there selling fresh produce because the harvest was not ready. She stated that they expected it to grow and that it was a good Thursday evening event. She stated that they did make some money.

Mayor Harris stated that he did have some concerns in the beginning about it but that he had heard many positive remarks and thanked her and her committee.

Mrs. Roberts also thanked the town guys and the police department.

Bluefield's Night at the Ballpark – Lesley Catron

Mrs. Catron stated that last year the Town and City worked together with the Bluefield Blue Jays to host the Pride of Bluefield's Night at Bowen Field. She stated that both the Town and City had a table showcasing their events, etc. She stated that there was a great turnout last year and that we would be doing it again this year on Friday, July 29th. She stated that after the game there would be fireworks and that last year both the Town and City employees and their family members were allowed free admission plus \$5 for concessions. She asked if council would like to do that again this year.

Mayor Harris stated that a lot of work was put into that and thanked her and staff for their time.

UNFINISHED BUSINESS & REPORTS

None.

NEW BUSINESS & REPORTS

Subdivision of Land, VOTE – Kris Williams

Mr. Williams stated that he had received a request for subdivision of land at the corner of Highland and Montrose Street. He stated that the proposed subdivision would allow a right of way and easement for the High Street Project. He stated that based upon the Planning Commission's recommendation, it would be his recommendation to approve the request.

Mr. Linkous made a motion to approve the subdivision of land at the corner of Highland and Montrose Street. Mr. Jones seconded the motion. The motion passed unanimously by voice vote.

Budget Amendments, VOTE – Mike Watson

Mr. Watson went over the following budget amendments:

BUDGET AMENDMENTS 2015 / 2016

PURPOSE: VFW Guardrails

Revenue

Line Item		Original Budget	Amended Budget	Change
3108-9901	Misc. Revenue	<u>\$161,406.88</u>	<u>\$169,093.78</u>	<u>\$7,686.90</u>
		<u>\$161,406.88</u>	<u>\$169,093.78</u>	<u>\$7,686.90</u>

Expenditure

Line Item		Original Budget	Amended Budget	Change
9100-5850	Contingency	<u>\$50,969.00</u>	<u>\$58,655.90</u>	<u>\$7,686.90</u>
		<u>\$50,969.00</u>	<u>\$58,655.90</u>	<u>\$7,686.90</u>

PURPOSE: Equipment Grant from DMV / Watch guard In-Car Camera, MPH Radar Unit

Revenue

Line Item		Original Budget	Amended Budget	Change
0400-0413	Misc. State Law	<u>\$42,323.35</u>	<u>\$49,012.35</u>	<u>\$6,689.00</u>
	Enforcement	<u>\$42,323.35</u>	<u>\$49,012.35</u>	<u>\$6,689.00</u>

Expenditure

Line Item		Original Budget	Amended Budget	Change
3110-8204	Video Cameras	<u>\$45,000.00</u>	<u>\$51,689.00</u>	<u>\$6,689.00</u>
	for Cruisers	<u>\$45,000.00</u>	<u>\$51,689.00</u>	<u>\$6,689.00</u>

PURPOSE: Security / Law Enforcement for Mountain Festival Carnival

Expenditure

Line Item		Original Budget	Amended Budget	Change
0900-0204	Recovered Costs	<u>\$30,401.98</u>	<u>\$37,331.98</u>	<u>\$6,930.00</u>
		<u>\$30,401.98</u>	<u>\$37,331.98</u>	<u>\$6,930.00</u>

Revenue

Line Item		Original Budget	Amended Budget	Change
3110-1200	Salaries – Over Time	<u>\$7,000.00</u>	<u>\$13,930.00</u>	<u>\$6,930.00</u>
		<u>\$7,000.00</u>	<u>\$13,930.00</u>	<u>\$6,930.00</u>

Mr. Watson stated that he needed a vote to approve the Budget Amendments.

Mr. Trigg made a motion to approve the Budget Amendments. Mr. Jones seconded the motion.

ROLL CALL VOTE

Councilmember Riffe:	Yes
Councilmember Linkous:	Yes
Councilmember Trigg:	Yes
Mayor Harris:	Yes
Vice Mayor Jones:	Yes
Councilmember Danko:	Yes

The motion passed unanimously by Roll Call Vote.

TOWN MANAGER'S REPORT

COI Forms

Mr. Watson stated that COI forms were due by June 15th.

Summer Events

- Evening Shade: Music at Farmers Market Shelter, June 10th – August 19th
- Sunset @ the Square: Downtown Movies @ Jack Asbury Square, June 18th – Aug. 13th
- Field Fest: Downtown, July 14th & August 11th
- Harmony Acres opened Thursday, June 9th

CITIZEN COMMENTS

None.

COUNCIL COMMENTS

Mr. Riffe stated that the Field Fest turned out great.

Mr. Linkous asked what the rate was for motel tax.

Mr. Watson stated 5%.

Mr. Linkous asked why they did not look into it for the Bluefield College thing.

Mr. Watson stated that this year in the state legislation, they were looking into eliminating some of those taxes. He stated that he would look into it and see if there was any type of revenue that we were missing.

Mr. Linkous stated that 99.99% of the citizens did not read the fine print in the advertised budget and suggested putting it on the digital sign showing the garbage and water rates, etc. He stated that the Field Fest went really good and there were comments to have it twice in July.

Mr. Trigg asked how the downtown was coming.

Mr. Watson stated that next week we should get the rafters in that were pre-made. He stated that the foundation was right, the flooring was done, outside walls were done and the inside walls were getting framed. He stated that he had received one quote on the heating and air and that the doors and windows had been purchased. He stated that he should have the flood plain certificate in hand in the next few weeks.

Mr. Trigg asked if it would be brick.

Mr. Watson stated that on the front of it they would have a 10ft wide porch with steps going down both ways and it would be handicap accessible. He stated that it would probably end up being a vinyl lattice with stone 3 – 3 ½ feet up and siding and a red metal roof. He stated that they were trying to make it as maintenance free as possible.

Mr. Trigg asked about the stage and that he had a gentleman show it to him and suggested making it a permanent thing.

Mr. Watson stated that the Town owned the 2 houses there and down Tazewell Avenue and if it were done, that it would have to be elevated to the same height as the restrooms.

Mr. Jones had none.

Mr. Danko had none.

Mayor Harris had none.

ATTORNEY REPORT

Rights and Responsibilities pursuant to FOIA & Resolution, VOTE

Mr. Freedman stated that this would become effective as of July 1, 2016 to help the citizens understand the FOIA procedures. He asked for a vote on the following resolution:

VIRGINIA: AT A REGULAR MEETING OF THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA HELD AT THE COUNCIL CHAMBERS OF THE TOWN HALL IN BLUEFIELD, VIRGINIA ON THE 14TH DAY OF JUNE, 2016.

-TOWN OF BLUEFIELD FOIA OFFICER RESOLUTION-

WHEREAS, the Council of the Town of Bluefield, Virginia acknowledges the authority described in sections 2.2-3704.1 and 2.2-3704.2 of the Code of Virginia (1950) as amended.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town Clerk of the Town of Bluefield is hereby designated as a Virginia Freedom of Information Act ("FOIA") Officer for the Town of Bluefield.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town Clerk of the Town of Bluefield, as a FOIA Officer for the Town of Bluefield, shall 1) respond to, assist with, and document requests for records/information that are made to the Town of Bluefield; 2) coordinate and consult with the appropriate employees/officials of the Town of Bluefield as necessary to ensure compliance with FOIA; and 3) be trained at least once annually on FOIA by the Town Attorney of the Town of Bluefield or the Virginia Freedom of Information Advisory Council.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the document accompanying this resolution, identified as **THE RIGHTS OF REQUESTORS AND THE RESPONSIBILITIES OF THE TOWN OF BLUEFIELD UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT**, is hereby adopted by the Council of the Town of Bluefield, Virginia for purposes of further satisfying the requirements of sections 2.2-3704.1 and 2.2-3704.2 of the Code of Virginia (1950) as amended.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the said document and the name and contact information of the Town Clerk of the Town of Bluefield shall be made available 1) on the Town of Bluefield website and 2) at the Town Clerk's Office, located in the Town Hall of the Town of Bluefield, at 112 Huffard Drive in Bluefield, Virginia 24605.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this resolution is hereby adopted this 14th day of June, 2016.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this resolution shall become effective on the 1st day of July, 2016.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Donald R. Harris, the Mayor of the Town of Bluefield, Virginia, shall execute this resolution on behalf of the said Council.

IT IS SO RESOLVED this 14th day of June, 2016.

PUBLIC HEARING: NONE
FIRST READING: NONE
SECOND READING: NONE

ADOPTION DATE: JUNE 14, 2016
EFFECTIVE DATE: JULY 1, 2016
RECORDED VOTE: _____
MEMBERS PRESENT: _____
MEMBERS ABSENT: _____
RESULT OF VOTE: _____
AYES NAYES ABSTENTIONS

COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

BY: _____
DONALD R. HARRIS, MAYOR DATE
TOWN OF BLUEFIELD, VIRGINIA

ATTEST:

LESLEY CATRON, TOWN CLERK DATE
TOWN OF BLUEFIELD, VIRGINIA

THE RIGHTS OF REQUESTORS AND THE RESPONSIBILITIES OF THE TOWN OF BLUEFIELD UNDER THE VIRGINIA
FREEDOM OF INFORMATION ACT

THE VIRGINIA FREEDOM OF INFORMATION ACT

The Virginia Freedom of Information Act (FOIA), located in sections 2.2-3700 et seq. of the Code of Virginia (1950) as amended, guarantees citizens of the Commonwealth of Virginia and representatives of the media access to public records held by public bodies, public officials, and public employees.

A public record is any writing or recording (e.g. paper record, electronic file, audio recording, video recording, etc.) prepared by, owned by, or in the possession of a public body, its officers, employees, or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific statutory exemption applies.

The policy of FOIA states the purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires the law to be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

REQUESTORS FOIA RIGHTS

You have the right to request to inspect and/or receive copies of public records.

You have the right to request any charges for requested records be estimated in advance.

If you believe that your FOIA rights have been violated, then you may file a petition in the Tazewell County (Virginia) General District Court or the Tazewell County (Virginia) Circuit Court to compel compliance with FOIA. Alternatively, you may contact the Freedom of Information Advisory Council for a nonbinding advisory opinion.

REQUESTING RECORDS FROM THE TOWN OF BLUEFIELD

You may request records from the Town of Bluefield by U.S. Mail, fax, e-mail, in person, or over the phone. FOIA does not require your request to be in writing. Additionally, FOIA does not require your request for records to reference FOIA. Furthermore, the Town of Bluefield cannot refuse to respond to a verbal FOIA request. However, from a practical perspective, it may be helpful to put your request in writing. This will create a record of your request, and provide a clear statement of what you are requesting so there is no misunderstanding.

A copy of the standard FOIA request form used by the Town of Bluefield may be found on the Town of Bluefield website and at the Town Clerk's Office, located in the Town Hall of the Town of Bluefield, at 112 Huffard Drive in Bluefield, Virginia 24605.

Please note a request for records must identify the records sought with "reasonable specificity." This is a common-sense standard. It does not refer to or limit the volume or number of records you are requesting, but rather requires you to be specific enough in your request so the Town of Bluefield may identify and locate the records you are seeking.

Please note a request for records must be for existing records. FOIA gives you a right to inspect or copy records, but it does not apply to a situation where you are asking general questions about the work of the Town of Bluefield nor does it require the Town of Bluefield to create a record that does not exist.

You may choose to receive electronic records in any format used by the Town of Bluefield in the regular course of its business. For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically, via e-mail, on a computer disk, or as a printed copy.

If the Town of Bluefield has questions regarding your request for records, then please cooperate with any efforts to clarify the type of records you are seeking, or any attempts to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but the staff of the Town of Bluefield may need to discuss your request with you to ensure it is understood what records you are seeking.

To request any records from the Town of Bluefield, please direct your request to the Town Clerk, Town of Bluefield, 112 Huffard Drive, P.O. Box 1026, Bluefield, Virginia 24605. The Town Clerk may also be reached by phone at (276) 322 4626, fax at (276) 326 1204, or email as illustrated on the Town of Bluefield website.

The Freedom of Information Advisory Council is also available to answer any questions you may have about FOIA. The Council may be contacted by e-mail at foiacouncil@dls.virginia.gov, or called at (804) 225-3056 or [toll free] (866)-448-4100.

THE TOWN OF BLUEFIELD'S RESPONSIBILITIES IN RESPONDING TO A FOIA REQUEST

The Town of Bluefield must respond to your request for records within 5 working days of receiving your request. "Day 1" is considered the day after your request is received. The 5 day period does not include weekends or holidays.

The reason behind your request for records is irrelevant, and you do not have to state why you want the requested records before the Town of Bluefield responds. FOIA does, however, permit the Town of Bluefield, to require you to provide your name and legal address.

FOIA requires the Town of Bluefield to make one of the following responses to your request within the 5 day time period:

- Providing the records requested in their entirety.
- Withholding all of the records requested because they are subject to a statutory exemption. If all of the records are withheld, then a response must be sent to you in writing. That writing must identify the volume and subject matter of the records being withheld, and state the specific code section of the Code of Virginia that allows the withholding of the records.
- Providing some of the records requested but withholding some or part of the records requested. The Town of Bluefield cannot withhold an entire record if only a portion of it is subject to a specific statutory exemption. In that instance, the Town of Bluefield may redact the portion of the record that may be withheld, and provide you with the remainder. The Town of Bluefield must provide you with a written response stating the specific code section of the Code of Virginia that allows portions of the requested records to be withheld or redacted.
- Stating the requested records cannot be found or do not exist. However, if it is known to the Town of Bluefield that another public body has the requested records, then the Town of Bluefield must include the contact information of the other public body in its response to you.

If it is practically impossible for the Town of Bluefield to respond to your request for records within the 5 day period, then it must be stated so in writing with an explanation of the conditions that make the response impossible. This will allow 7 additional working days to respond to your request; giving a total of 12 working days to respond to your request.

If you make a request for a very large number of records, and the Town of Bluefield feels it cannot provide the records to you within 12 working days without disrupting its other organizational responsibilities, then the Town of Bluefield may choose to petition the appropriate court for additional time to respond to your request. However, FOIA requires a reasonable effort be made to reach an agreement with you concerning the production of the records before going to court to ask for more time.

COSTS ASSOCIATED WITH A FOIA REQUEST

A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia.

Please note you may be required to pay for the records you request from the Town of Bluefield. FOIA allows the Town of Bluefield to charge for the actual costs of responding to FOIA requests. This includes costs like staff time spent searching for the requested records, copying costs, and any other costs directly related to supplying the requested records. General overhead costs are excluded.

If it is estimated that providing the records requested will cost more than \$200, then the Town of Bluefield may require you to pay a deposit, not to exceed the amount of the estimate, before proceeding with

your request. The 5 days to respond to your request does not include the time between when the Town of Bluefield asks for a deposit and when you respond.

You may request the Town of Bluefield estimate the charges for supplying the records you have requested in advance. This will allow you to know the costs upfront, or give you the opportunity to modify your request in an attempt to lower the estimated costs.

Please note if you owe the Town of Bluefield money from a previous FOIA request that has remained unpaid for more than 30 days, then the Town of Bluefield may require payment of the past due bill before it will respond to your new request.

TYPES OF RECORDS HELD BY THE TOWN OF BLUEFIELD

While not an exhaustive list, here is a list of some of the types of records held by the Town of Bluefield:

- Minutes of the meetings and public hearings held before the public bodies (e.g. Town Council, Planning Commission, etc.) of the Town of Bluefield.
- Resolutions and ordinances adopted for the Town of Bluefield.
- Records of contracts entered into by the Town of Bluefield.
- Records of permits issued by Town of Bluefield.
- Records of the operations/expenses/finances of the Town of Bluefield.

If you are unsure whether the Town of Bluefield has the record(s) you are seeking, then please feel free to contact the Town Clerk of the Town of Bluefield with any questions or concerns at Town of Bluefield, 112 Huffard Drive, P.O. Box 1026, Bluefield, Virginia 24605. The Town Clerk may also be reached by phone at (276) 322 4626, fax at (276) 326 1204, or email as illustrated on the Town of Bluefield website.

COMMONLY USED EXEMPTIONS

The Code of Virginia allows any public body to withhold certain records from public disclosure. For a full list of the FOIA exemptions, then please see sections 2.2-3705.1 et seq. of the Code of Virginia (1950) as amended. While not an exhaustive list, the Town of Bluefield commonly withholds records under the following exemptions:

- Personnel records (§ 2.2-3705.1 (1))
- Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) and attorney work product doctrine (§ 2.2-3705.1 (3))
- Vendor proprietary information (§ 2.2-3705.1 (6))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (§ 2.2-3705.1 (12))

Mr. Riffe made a motion to approve the FOIA Resolution. Mr. Jones seconded the motion. The motion passed unanimously by voice vote.

EXECUTIVE SESSION

Mayor Harris stated that members of the Planning Commission would be going into Executive Session with council.

Councilmember Riffe made a motion to enter into Executive Session pursuant to *Code of Virginia Section 2.2-3711-A-1.7* and Mrs. Catron read:

Consultation with legal counsel and briefings by staff members of consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Councilmember Danko seconded the motion. The motion passed unanimously by voice vote.

Council entered into Executive Session at 8:10 p.m.

Vice-Mayor Jones made a motion to enter out of Executive Session. Councilmember Danko seconded the motion. The motion passed unanimously by voice vote.

Councilmember Danko made a motion to adopt the following resolution certifying the Executive Session and Mrs. Catron read:

WHEREAS, the Town Council of Bluefield, Virginia has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with provisions of the Virginia Freedom of Information Act; and WHEREAS, Section 2.2-3712-D of The Code of Virginia requires a certification by the Town Council of Bluefield, Virginia that such session was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Bluefield, Virginia hereby certifies that, to the best of each members knowledge, (I) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Town Council.

Adopted this 14th day of June.

Councilmember Linkous seconded the motion.

ROLL CALL VOTE

Councilmember Riffe:	Yes
Councilmember Linkous:	Yes
Councilmember Trigg:	Yes
Mayor Harris:	Yes
Vice Mayor Jones:	Yes

Councilmember Danko: Yes

The motion passed unanimously by Roll Call Vote.

ADJOURN

Mr. Danko made a motion to adjourn the meeting at 10:08 p.m. Mr. Riffe seconded the motion. The motion passed unanimously by voice vote.

Don Harris, Mayor

Lesley Catron, Town Clerk