

**Town of Bluefield
Town Council
Minutes
June 28, 2016**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, June 28, 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
3 Members of Public

CALL TO ORDER

Mayor Harris called the meeting to order at 7:31 p.m.

INVOCATION AND PLEDGE

Lee McKinnon, Covenant Reformed Baptist Church led the Invocation. Mayor Harris led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

CONSENT AGENDA

Councilmember Trigg made a motion to approve the consent agenda. Councilmember Linkous seconded the motion. The motion passed unanimously by voice vote.

CITIZEN REQUESTS & SPECIAL PRESENTATIONS

None.

COMMITTEE REPORTS

None.

UNFINISHED BUSINESS & REPORTS

None.

NEW BUSINESS & REPORTS

Resolution: Amended Conditional Use Permit, VOTE – Kris Williams

Mr. Williams stated that Planning Commission had reviewed the resolution for the amended conditional use permit and recommended approving it. He stated that based upon Planning Commission's approval it would be his recommendation to approve the Resolution for the amended conditional use permit.

Mr. Watson read the following resolution:

RESOLUTION INDEX NUMBER _____

TAX MAP ID NO(S) 024A2A 0053
024A2A 0054
024A2A 0055A

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 28TH DAY OF JUNE, 2016.

-RESOLUTION GRANTING AN AMENDED CONDITIONAL USE PERMIT-

WHEREAS, the Council of the Town of Bluefield, Virginia granted a conditional use permit on the 25th day of November, 2014, for the purposes of allowing Greenwood Development, LLC (d/b/a Woodbridge Court), hereinafter referred to as "Greenwood Development", to use property located off of Thistle Street in the Town of Bluefield, Virginia as a manufactured housing subdivision; and

WHEREAS, Greenwood Development applied to amend the above said conditional use permit on the 9th day of May, 2016; and

WHEREAS, a joint public hearing regarding the proposed amendment to the above said conditional use permit was held on the 6th day of June, 2016, before the Council of the Town of Bluefield, Virginia and the Planning Commission of the Town of Bluefield, Virginia, after notice was published on the 20th day of May, 2016, and on the 27th day of May, 2016, in the Bluefield Daily Telegraph, a newspaper having general circulation in the locality; and

WHEREAS, the said Planning Commission, on the 20th day of June, 2016, recommended the above said conditional use permit be modified to reflect the following: The necessity for Norfolk and Southern Railway Corporation to give permission for the use of the bridge and road providing access to the property be deleted. In addition to this deletion of permission there are two conditions: (1) Greenwood Development provide safe and lawful access to the subject property; and (2) to pave from the railroad crossing to Virginia Avenue as required to the width of 22 feet; and

WHEREAS, the said Council has 1) reviewed the proposed amendment to the above said conditional use permit submitted by Greenwood Development and 2) reviewed the recommendation of the said Planning Commission concerning the proposed amendment to the above said conditional use permit.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that an amended conditional use permit, subject only to the (2) two conditions shown below, is hereby granted to Greenwood Development for the purposes of allowing a manufactured housing subdivision, known as Woodbridge Court, to be located off of Thistle Street in the Town of Bluefield, Virginia.

CONDITIONS OF THE AMENDED CONDITIONAL USE PERMIT:

1. Greenwood Development shall provide and maintain a safe and lawful method of ingress and egress for the property that is to be used as a manufactured housing subdivision known as Woodbridge Court. The said property being located off of Thistle Street in the Town of Bluefield, Virginia;

AND

2. Greenwood Development shall pave the portion of Thistle Street, located in the Town of Bluefield, Virginia, that leads from the railroad crossing to Virginia Avenue to a width of twenty-two (22) feet.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the amended conditional use permit granted herein this resolution shall supersede and replace, in every respect, the previously granted conditional use permit concerning this matter.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this resolution shall in NO WAY be construed to either authorize or prohibit Greenwood Development from using the existing right-of-way and bridge located off of Thistle Street in the Town of Bluefield, Virginia that leads to the aforesaid property that is to be used as a manufactured housing subdivision.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this resolution is hereby adopted this 28th day of June, 2016.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this resolution shall be effective on the 28th day of June, 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 28th day of June, 2016.

PUBLIC HEARING:	JUNE 6, 2016		
ADOPTION DATE:	JUNE 28, 2016		
EFFECTIVE DATE:	JUNE 28, 2016		
RECORDED VOTE:	_____		
MEMBERS PRESENT:	_____		
MEMBERS ABSENT:	_____		
RESULT OF VOTE:	_____	_____	_____
	AYES	NAYES	ABSTENTIONS

COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

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

ATTEST:

LESLEY CATRON, TOWN CLERK
TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

DATE

Mr. Linkous made a motion to approve the Resolution: Amended Conditional Use Permit. Mr. Riffe seconded the motion. The motion passed unanimously by voice vote.

FY 2016/2017 Budget, VOTE – Mike Watson

Mr. Watson stated that they had a balanced budget that included the increase in water and meals tax and also the 2% salary increase.

Mr. Linkous made a motion to approve the FY 2016/2017 Budget. Mr. Trigg seconded the motion.

Mr. Jones asked if they were going to do the meals tax increase.

Mayor Harris stated that it was currently in the budget.

Mr. Jones stated that it needed to be removed before they voted on the budget.

Mr. Riffe stated that the increases were 2% salaries, .07% meals tax and \$0.60 water.

Mr. Danko stated that we would be changing ours on water but those on the outside would not be included in our water rate increase.

Mr. Watson stated yes.

Mr. Danko suggested letting the meals tax go thru to make up for the difference.

Mr. Watson stated that the meals tax went into the general fund and that the water rates went into a separate fund.

Mayor Harris stated that he would like to amend the motion to withdraw meals tax from the budget. He stated if he was correct, it would need a majority to approve the amendment.

Mr. Watson stated that he had never seen it done this way.

Mr. Linkous stated that if a motion had been made and seconded then they had to vote on it unless the person who made the motion and seconded it withdrew it. He stated that the only person who could amend it was the person who made the motion.

Mr. Watson stated that he was going with what they had done in the past.

Mr. Freedman stated that he would look at Robert's Rules.

Mr. Jones stated that the easiest way was to vote on the motion and if it was voted down then they could make another motion. He stated that if there was a draw on it, then it would fail.

Mayor Harris asked Mr. Freedman if he was in agreement on that.

Mr. Freedman stated yes if it was at a draw then it would fail.

Mayor Harris withdrew his amendment to the motion. He asked for a Roll Call Vote on the original motion to approve the FY 2016/2017 Budget including the increases.

ROLL CALL VOTE

Councilmember Riffe:	Yes
Councilmember Linkous:	Yes
Councilmember Trigg:	No
Mayor Harris:	No
Vice Mayor Jones:	No
Councilmember Danko:	Yes

The motion failed 3-3 by Roll Call Vote.

Mr. Jones made a motion to approve the budget with the removal of the increase on meals tax. Mayor Harris seconded the motion.

Mr. Riffe stated that it was hard times yet they were leaving the water rate increase.

Mr. Danko stated that the meals tax increase would come from people out of town and would only be an increase of about \$0.11 on a \$15 ticket. He asked for the motion once again.

Mr. Jones stated the motion was to approve the budget with the removal of the meals tax portion.

Mr. Linkous asked if it was to remove the increase and not the meals tax itself.

Mr. Jones said yes.

Mayor Harris asked for a Roll Call Vote on the new motion.

ROLL CALL VOTE

Councilmember Danko:	No
Vice Mayor Jones:	Yes
Mayor Harris:	Yes

Councilmember Trigg: Yes
Councilmember Linkous: No
Councilmember Riffe: No

The motion failed 3-3 by Roll Call Vote.

Mr. Freedman stated that if they were at a draw on approving the budget then they needed to continue the discussions to see if there was anything they could do.

Mr. Trigg stated that it seemed like they were at standoff and that he would approve the budget if that part were removed.

Mr. Freedman stated that it was more of a governing issue vs. legal and stated that they could approve the budget with the meals tax excluded and address it at a later time.

Mr. Linkous made a motion to approve the budget removing the meals tax and water increases. Mr. Jones seconded the motion.

Mayor Harris asked how much that would be.

Mr. Watson stated that it would be around \$167k on meals tax and \$30k on water.

Mr. Linkous stated that he understood the reasoning behind it and that the issue holding it up was meals tax and not the water increase. He stated that he agreed it was bad timing to do anything but there was never a good time to raise things and it was tying their hands planning for the future. He stated that the biggest reason for raising the meals tax was that it was the only revenue producing item that did not hurt the citizens. He stated that if they ate out then they would pay it and if they did not eat out, then they would not have to pay it. He stated that tourism brought in the most revenue and if they were doing something that would directly affect the citizens then he would be against it. He stated that it was such a small increase that it would not break whether a person would eat out or not. He stated that the additional \$167k in revenue would help relieve Mr. Watson in the budget process and that it was the only fair tax for everyone. He stated that he would like to see the Town have enough to bring in people and more revenue which would also relieve the citizens on their personal property tax, etc. if we could bring in more revenue. He stated that the only other way was motel tax but we did not have a motel right now.

Mayor Harris stated that what they had been doing in the past had been working and that he appreciated everything that was being said but asked that they think about the timing and they were possibly going to have 2 new councilmember's who needed to be involved in this. He stated that he saw more local residents when he ate out.

Mr. Linkous stated that people say they have other ways to raise money but they do not.

Mr. Trigg asked about the e-cigarettes and if anything could be done with them.

Mr. Watson stated that it was a legislative change.

Mayor Harris stated that at the last Legislative meeting he mentioned this and was told there was not much that could be done locally.

Mr. Linkous stated that if they raised the cigarette tax \$0.10 on the pack it would generate around \$220k.

Mr. Watson stated that the figure was off a little.

Mr. Linkous suggested putting \$0.20 on the pack for cigarette taxes.

Mayor Harris stated that not everyone smoked and that it would be the same thing.

Mr. Linkous stated that if they needed to raise \$100k it could be done in cigarette taxes and they could leave out the meals tax. He stated that they could raise cigarette taxes that night.

Mr. Freedman stated that he would need to look into it.

Mr. Linkous stated that after they had the Public Hearing they could change or amend the budget and if they could not raise cigarette tax then how could they take out the meals tax.

Mr. Danko stated that they would drive to the store on the outside of Town limits and buy their cigarettes there.

Mr. Riffe agreed.

Mayor Harris asked if it was a state law.

Mr. Watson stated yes and in the past when they raised the cigarette tax that the cigarette revenues went down and also people were going to the e-cigarettes.

Mr. Linkous stated that the county needed to put in a tax because they were missing out on revenue.

Mr. Watson stated that they did not have a cigarette or meals tax in the county.

Mr. Linkous stated that if they put one in then we would get 5% and they would get 2%.

Mr. Watson stated not in a municipality.

Mayor Harris asked if they increased the cigarette tax would he want that besides the meals tax.

Mr. Linkous stated that he was in favor of getting more revenue and that they would continue to smoke and would continue to eat out.

Mr. Jones asked how much.

Mr. Watson stated \$0.09 to \$0.10 additional.

Mr. Trigg stated that WV went up \$0.65 on their packs.

Mayor Harris asked if the general consensus was to increase the cigarette tax and forego the meals tax.

Mr. Riffe stated that it would be the same thing and they would be taxing those that smoked.

Mayor Harris stated that this would be a compromise.

Mr. Linkous stated that the local stores would say that they raised the cigarette tax and "railroaded" them. He stated that only 2 people came out in opposition of the proposed meals tax and when they increased the cigarette tax in the past they had a full house. He stated that they would be putting the burden on 4-5 stores vs. 15 restaurants.

Mr. Trigg stated that he was for the meals tax in the beginning but then a lot of people starting losing their jobs.

Mr. Linkous stated that 7/10% was not going to make a difference and that a \$10 meal would \$10.57 and would not stop them from going. He stated that they did not advertise an increase in cigarette taxes.

Mayor Harris stated that they did not advertise meals tax either.

Mr. Linkous stated that they did not send letters to every restaurant and that they had 2 new people running for council but they had yet to come to a council meeting and that one ran last time and lost and had been to 1 meeting and then got on Facebook and "ripped" them apart.

Mr. Freedman stated that his only concern was if they increased something that was not accounted for in the Public Hearing where no one was given notice but that it was council's call.

Mr. Jones asked to approve the budget without the items and do it at another time.

Mr. Watson stated that they could vote to approve the budget without the increases and advertised at another time for any other changes.

Mayor Harris agreed that this was what they should do and see what the revenues would be in the next several months.

Mr. Danko stated that they already knew.

Mayor Harris stated they did not know the projection when people were losing their jobs.

Mr. Linkous stated that he agreed except that we could attract people to come into our Town if we started doing things now and that 7/10% was not a lot. He suggested taking out the water increase and leaving the meals tax and that he would make the motion to leave the 7/10% meals tax increase and take out the water increase which would take the burden off of the citizens.

Mayor Harris stated that he knew of an older lady who only had a \$600 income and was raising her 2 grandchildren. He stated that he has paid several residents water bill and taxes in the past.

Mr. Linkous stated that those people were not eating out so it would not affect them but raising the water rate would.

Mayor Harris asked what the average water rate was going to be.

Mr. Linkous stated that across the board it would be \$0.60 plus 3% overall so the person he was talking about was not eating out but the water increase would affect them. He stated that the ones eating out all of the time could afford the 7/10% on meals tax.

Mayor Harris stated that was an excellent point but that he stood by what he had said.

Mr. Watson stated on 4k gallons of water it would cost \$1.03 more and that it was \$0.60 on the minimum and 3% on the remainder whether they used it or not so the total would be \$1.52 more each month. He stated on a \$30 meal it would cost around \$0.21 more.

Mr. Danko asked Mr. Jones if he would rather pay more for water or have a choice.

Mr. Jones stated that it was a matter of timing and was against raising any kind of tax.

Mr. Linkous asked if they passed the budget without the meals tax could they do the lighting and other stuff at the Little League Field this year.

Mr. Watson stated no and that there was no money for any other capital project besides High Street.

Mayor Harris stated that they often got in a hurry to do projects and Mr. Watson has held them back and then we ended up receiving grant money to help pay for it.

Mr. Jones suggested they take out the meals tax and water increase and adjust it as they go.

Mr. Linkous stated that he was looking out for the future and told them that they did not need to dwell on the past. He stated that they needed to put their foot forward and that he would not vote to raise the water.

Mr. Jones made a motion to approve the budget without the water and meals tax and address those at another time. Mayor Harris seconded the motion. He stated that they could advertise an increase in the cigarette tax and have a Public Hearing later if needed.

ROLL CALL VOTE

Councilmember Riffe:	No
Councilmember Linkous:	No
Councilmember Trigg:	Yes
Mayor Harris:	Yes
Vice Mayor Jones:	Yes
Councilmember Danko:	No

The motion failed 3-3 by Roll Call Vote.

Mr. Linkous stated that he had never known them not adopting a budget before July 1st.

Mr. Freedman asked what the harm would be considering the increase and discussing it a later time and adopting the budget now. He asked why it had to be voted on now.

Mr. Danko stated that if they did not decide on it now, then a decision would never be made.

Mr. Freedman stated as an outsider he hated to see them not adopt the budget and move forward and look at the increases at a later time.

Mr. Danko asked if a motion could be made to delay it until October 1st and at that time a decision had to be made.

Mr. Watson stated that if they could not decide on the budget that the only option would be to appropriate funds for one month but that the Town would get written up by the auditors.

Mr. Linkous suggested they go on with the agenda and come back to this.

NEW BUSINESS AND REPORTS

Plum Creek Festival, POSSIBLE VOTE – Billie Roberts

Mayor Harris stated that Mrs. Roberts already had their decision.

TOWN MANAGER'S REPORT

Downtown Lighting

Mr. Watson stated that the lights had been ordered and they would be putting in concrete after July 1st when they received half of the money to do the sidewalks.

Hockman Pike

Mr. Watson stated that they had drilled the holes and would be pouring the concrete for the pedestals.

Welcome Center

Mr. Watson stated that if council would like to come by and look at the Welcome Center to let him know.

High Street

Mr. Watson stated that he was still purchasing property.

Comcast Franchise Update

Mr. Watson stated that a letter had been sent in and that we were waiting for them to get back to us.

Mr. Linkous asked if we were able to get a local number.

Mr. Watson stated that it was talked about but he could not remember but that they were giving us access to the local channel but we had to do it all and would have to partner with someone else to do it.

Mr. Freedman stated that a local access channel would have to be included in the franchise.

Mr. Trigg asked if it was the community service channel.

Mr. Watson stated that they would give us the space but we would have to do it and would be liable for what was on it.

Cameras

Mr. Watson stated that he had signed a purchase order for them to order the cameras. He stated that they would start installing what equipment we had tomorrow and that we would be getting internet service thru Comcast on the 2 locations that we did not have access too.

Mr. Riffe asked if there would be a retaining wall behind the Welcome Center.

Mr. Watson stated no.

Mr. Riffe asked if the cameras were paid for thru capital projects.

Mr. Watson stated no, that it was voted to pay for them thru prior year reserves last year.

Mr. Linkous asked where the prior year reserves were on the budget.

Mr. Watson stated that it was listed as General Fund LGIP.

Mr. Linkous stated that it showed there was \$1,647,000 in Prior Year Reserves so right now they had that much money in a savings account.

Mr. Watson stated yes.

Mr. Linkous asked how much was in the checking account.

Mr. Watson stated around \$1million and that he kept an operating fund of about \$1million to pay for bills, etc. and to operate until around October then he transferred around \$500k into the general fund depending on the projects. He stated that paying would be around \$300k and they would receive around \$160k of it back but not until 3 months later. He stated that we did not receive some of our income until after December so we borrowed money from our LGIP then put it back in later. He stated that last year it dropped around \$400k but that it was recently put back in the account.

Mr. Linkous stated that the Town was in good shape.

Mr. Watson stated that on the end of the month balances it was the checking account that it was coming out of.

Mr. Linkous asked why they were raising anything if they had almost \$2million in the bank.

Mr. Watson stated that the water fund showed \$229k but that \$160k of it was coming out because the USDA grant was paid out of the general fund. He stated that they currently had around \$886k in the general fund.

Mr. Danko stated that based on a average budget of \$8-\$10million, you should have \$1.2 million in savings at all times.

Mr. Watson stated that if the water plant went out tomorrow and cost \$1million to fix it, then that money went away just like that.

Mr. Linkous stated then you would call the government.

Mr. Watson stated that they had talked about putting money into some of their other LGIP funds.

Mr. Linkous stated that they did not have money to put the lights up or to do the dugouts but they had \$2million in the bank and they were "crying broke".

Mr. Watson stated that they spent the \$1million cash account in the general fund.

Mr. Linkous stated they had \$1.6million in the LGIP.

Mr. Watson stated that if they wanted to do those projects they could pull it out of Prior Year Reserves/Savings. He stated that over the last 7 years if they had \$100k leftover he put it in the General Fund LGIP.

Mr. Linkous stated that if they raised anything, the citizens would be upset knowing they had \$2million in the bank when things were already bad.

Mr. Danko stated that he was the one who made the recommendation.

Mr. Linkous agreed and said he did because he thought the Town was broke and did not have the money to operate.

Mayor Harris stated that was what he had been trying to tell them and the reason they were in good shape was because of good management.

Mr. Jones stated that they should eliminate both of the increases.

Mr. Linkous agreed that nothing should be raised with \$2million in the bank.

Mr. Linkous made a motion to approve the budget without the meals tax and water increases. Mr. Jones seconded the motion.

ROLL CALL VOTE

Councilmember Riffe:	No
Councilmember Linkous:	Yes
Councilmember Trigg:	Yes
Mayor Harris:	Yes
Vice Mayor Jones:	Yes
Councilmember Danko:	No

The motion passed 4-2 by Roll Call Vote.

CITIZEN COMMENTS

None.

COUNCIL COMMENTS

Mr. Riffe asked that an update be put in for the Recreation Department on the next Project & Activity Sheet. He stated that he was not picking on him and everything was looking good but that there had not been update for the last 3 months.

Mr. Linkous had none.

Mr. Trigg had none.

Mr. Jones had none.

Mr. Danko had none.

Mayor Harris had none.

ATTORNEY REPORT

Mr. Freedman stated that he did not have anything.

Mr. Danko asked if everything was ok with Rajeev Chopra and his 2 lawyers that were there and with the Town, etc.

Mr. Freedman asked him to describe ok.

Mr. Danko asked if everyone could do what they needed to do according to the amendments.

Mr. Watson stated that it was the best solution at this time and that council had voted to approve the amended and to replace the existing conditional use permit. He stated that they had to work off of what council approved. He stated that we did not

approve or disapprove it and that if they wanted to take homes across it then it would be under their responsibility to do so.

Mr. Freedman stated that it was not his first choice in recommending that they do it that way and his thought was they should have been held to the site plans in constructing that right of way and their own bridge because they had gone thru the subdivision process, etc. or that the amendment be deferred but given that was not the direction that they wanted to go, this seemed more feasible.

ADJOURN

Mr. Danko made a motion to adjourn the meeting at 9:14 p.m. Mr. Linkous seconded the motion. The motion passed unanimously by voice vote.

Don Harris, Mayor

Lesley Catron, Town Clerk