



**TOWN OF BLUEFIELD
TOWN COUNCIL MEETING
January 22, 2019
AGENDA**

5:30 p.m. **Work Session**

7:30 p.m. **Call to Order**

7:31 p.m. **Invocation and Pledge of Allegiance**

- Pastor Lee McKinnon, Covenant Reformed Baptist Church

7:33 p.m. **Approval of Agenda**

7:34 p.m. **Consent Agenda**

- [January 3, 2019 Council Meeting Minutes](#)
- [Monthly Budget Report: December 2018](#)

7:35 p.m. **Citizen Requests & Special Presentations**

7:36 p.m. **Committee Reports**

- IDA Update – Billie Roberts

7:40 p.m. **Unfinished Business & Reports0**

7:41 p.m. **New Business & Reports**

- [Budget Amendment](#), **VOTE** - Lesley Catron

7:45 p.m. **Citizen Comments**

7:55 p.m. **Town Manager's Report**

- GHS Football Team Recognition Discussion, **VOTE**
- [Schedule Joint Public Hearings for R-3 Zoning Ordinance](#), **VOTE**
- [Schedule Joint Public Hearing for E-1 Zoning Ordinance](#), **VOTE**
- Discussion of a Work Session Retreat to discuss Projects / Goals
- COI Forms: Reminder - Due by Feb. 1, 2019

8:05 p.m. **Attorney Report**

- [Advertise for Bids – Deed of Lease Point of Presence](#), **VOTE**
- [Unsafe Buildings Ordinance](#), **VOTE** (1st Reading)
- [Planning Commission Ordinance](#), **VOTE** (1st Reading)
- [Cemetery Ordinance](#), **VOTE** (1st Reading)
- [Resolution Establishing Rules for Public Comments at Town Council Meetings Discussion](#)

8:15 p.m. **Council Comments**

8:27 p.m. **Executive Session:** Section 2.2-3711-A-1. 3

8:57 p.m. **Executive Session:** Section 2.2-3711-A-1.7

9:27 p.m. **Adjourn**

BUDGET AMENDMENT

2018 / 2019 (#4)

PURPOSE: Security Services Payment

Revenue

Line Item		Original Budget	Amended Budget	Change
0400-0413	Misc. Law	<u>\$57,166.57</u>	<u>\$16,880.25</u>	<u>\$1,846.00</u>
	Enforcement	<u>\$57,166.57</u>	<u>\$16,880.25</u>	<u>\$1,846.00</u>

Expenditure

Line Item		Original Budget	Amended Budget	Change
3110-1200	Salaries OT	<u>\$15,034.25</u>	<u>\$16,880.25</u>	<u>\$1,846.00</u>
		<u>\$1,5,034.25</u>	<u>\$16,880.25</u>	<u>\$1,846.00</u>

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 _____ DAY OF _____, 2019.

AN ORDINANCE TO CREATE, BY CREATING DIVISION 7 (MEDIUM TO HIGH DENSITY RESIDENTIAL, DISTRICT R-3) OF ARTICLE V (DISTRICTS AND DISTRICT REGULATIONS) OF CHAPTER 74 (ZONING) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

WHEREAS, on _____, the Council of the Town of Bluefield, Virginia adopted an ordinance which established the below zoning district; and

WHEREAS, the records of the Town of Bluefield illustrate errors were made in the adoption of another ordinance which partially repealed/overwrote the below zoning district; and

WHEREAS, it is the express intent of the Council of the Town of Bluefield, Virginia to ensure the correction of all errors associated with the adoption of the aforesaid ordinances; and

WHEREAS, the Planning Commission of the Town of Bluefield, Virginia, on _____, recommended the adoption of the below described zoning district after the date a joint public hearing was held before the said Planning Commission and the Council of the Town of Bluefield, Virginia.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Division 7 of Article V of Chapter 74 of the Code of Ordinances, Town of Bluefield, Virginia is hereby created to be as follows:

DIVISION 7.

MEDIUM TO HIGH DENSITY RESIDENTIAL, DISTRICT R-3

Sec. 74-441. Statement of intent.

The regulations for the R-3 district are designed to establish and preserve medium density to high density residential districts, excluding uses which are not compatible with residential use but permitting certain nonresidential uses which are of particular convenience to the residents of the R-3 district.

Sec. 74-442. Permitted uses.

Within the R-3 district, the following uses are permitted:

- (1) All residential uses permitted in R-1 and R-2 districts provided all other R-3 district requirements are observed.

- (2) Multifamily dwellings.
- (3) Rooming houses and Boardinghouses.
- (4) Tourist homes.
- (5) Rest homes.

Sec. 74-443. Area regulations.

All buildings and uses in the R-3 district, unless otherwise specified in this chapter, shall comply with the following:

- (1) *Minimum lot size.* There shall be a minimum lot size of 7,500 square feet.
- (2) *Density requirements.* There shall be 7,500 square feet for the first unit, and 2,500 square feet for each additional unit.

Sec. 74-444. Setback regulations.

The minimum depth of the front yard in the R-3 district shall be as follows:

- (1) *Arterial street.* Arterial streets shall be setback 40 feet from the lot line adjacent to such street.
- (2) *Collector street.* Collector streets shall be setback 30 feet from the lot line to such street.

The zoning administrator shall have the right to require more stringent setbacks so that all new structures are constructed to meet the existing neighborhood's setbacks.

Sec. 74-445. Frontage.

The minimum lot width at the setback lines in the R-3 district shall be 50 feet.

Sec. 74-446. Yard regulations.

(a) *Side yard.* The minimum total depth of the two side yards in the R-3 district shall be 16 feet for the first story and ten feet for each additional story. At least one-third of the total depth shall be provided on the smaller side.

(b) *Rear yard.* Each principal building in the R-3 district shall have a rear yard with a minimum of 25 feet.

Sec. 74-447. Height regulations.

All structures or buildings shall be limited to a height of 35 feet unless approved by the town council upon recommendation from the planning commission.

Sec. 74-448. Maximum lot coverage.

The principal building and all accessory buildings in the R-3 district shall not cover more than 35 percent of the total lot area.

Sec. 74-449. Special provisions for corner lots.

(a) Of the two sides of a corner lot in the R-3 district, the front shall be deemed to be the shorter of the two sides fronting on streets.

(b) The width of the side yard in the R-3 district, on the side facing the side street, shall be the greater of the two required side yards for both main and accessory buildings.

Sec. 74-450. Off-street parking.

Off-street parking in the R-3 district shall be provided by all uses as required in article VIII, division 2, of this chapter.

Sec. 74-451. Location of accessory structures.

Location of accessory structures in the R-3 district shall be in accordance with article VII, division 2, of this chapter.

Sec. 74-452. Special provisions and allowances.

(a) *Special allowances.*

(1) Town council shall have the authority to grant special allowances as deemed necessary after recommendation of the planning commission and that are listed within this provision. These special allowances will only be authorized after maps, plans, and/or all other specifications have been presented and adjacent property owners are notified by first class mail.

The applicant will be responsible for all fees involved in the notice to the public or adjacent landowners.

(2) Special uses:

a. Clubs and lodges.

b. Professional offices.

- c. Finance companies and insurance agents.
 - d. Clinics.
 - e. Barbershops and beauty parlors.
 - f. Banks.
 - g. Day care centers.
 - h. Any nonresidential uses listed in the R-1 and R-2 districts.
- (b) *Day care centers.*
- (1) Day care centers in the R-3 district shall be located on collector or arterial streets or other streets that have a minimum right-of-way of 50 feet and which are not located on a cul-de-sac. Pavement width should be at least 25 feet.
 - (2) The building of day care centers in the R-3 district shall not be placed less than 25 feet from side property lines or less than 50 feet from rear property lines.
 - (3) No parking is allowed in the front yard of day care centers in the R-3 district.
 - (4) For day care centers in the R-3 district, the loading and unloading of children is conducted in such a manner as to provide an entrance to and separate exit from the property without backing into the street.
- (c) *Open space.* If there are more than six units per net acre in the R-3 district, ten percent of the total lot area is to be set aside for recreational activities. Property owners will be required to landscape and maintain such areas.
- (d) *Inclusion in plat approval process.* Such special allowances provided for in this section may be included in any plat approval process for the subdivision of real estate located in an R-3 district.

Secs. 74-453--74-470. Reserved.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that any and all actions taken by the said Council, the Town of Bluefield, its boards, its commissions, its committees, its officers, its employees, and/or its agents concerning the said zoning district prior to the adoption of this ordinance are hereby approved, ratified, and declared valid.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia adopts this ordinance on this _____ day of _____, 2019.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall, to the extent permitted by law, apply retroactively and be effective as of the _____ day of _____, 2019.

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

IT IS SO ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA on this _____ day of _____, 2019.

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COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

ATTEST:

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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 _____ DAY OF _____, 2019.

AN ORDINANCE TO CREATE, BY CREATING DIVISION 17 (EDUCATIONAL INSTITUTIONS, DISTRICT E-1) OF ARTICLE V (DISTRICTS AND DISTRICT REGULATIONS) OF CHAPTER 74 (ZONING) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

WHEREAS, on _____, the Council of the Town of Bluefield, Virginia adopted an ordinance which attempted to establish the below shown zoning district; and

WHEREAS, the records of the Town of Bluefield illustrate errors were made in the aforesaid adoption which need to be corrected; and

WHEREAS, it is the express intent of the Council of the Town of Bluefield, Virginia to ensure the correction of all errors associated with the adoption of the aforesaid ordinance; and

WHEREAS, the Planning Commission of the Town of Bluefield, Virginia, on _____, recommended the adoption of the below described zoning district after the date a joint public hearing was held before the said Planning Commission and the Council of the Town of Bluefield, Virginia.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Division 17 of Article V of Chapter 74 of the Code of Ordinances, Town of Bluefield, Virginia is hereby created to be as follows:

DIVISION 17.

EDUCATIONAL INSTITUTIONS, DISTRICT E-1

Sec. 74-720. Statement of intent.

The regulations for the E-1 district are designed to establish and preserve the unique character of the variety of different uses that occur on the property of Educational Institutions.

Sec. 74-721. Permitted uses.

Within the E-1 district, the following uses are permitted:

- (1) Administrative Offices related to the Educational Institution
- (2) Professional Services
- (3) Single Family Dwellings

- (4) Multifamily Dwellings.
- (5) Rooming Houses, Boardinghouses, and Dormitories
- (6) Stadiums, Gymnasiums, and Recreational Fields
- (7) Such other uses specifically approved by the town council on recommendation of the planning commission.

Sec. 74-722. Area regulations.

There is no minimum lot size for the E-1 district due to the variety of buildings that may be located upon a property or campus.

Sec. 74-723. Setback regulations.

The minimum depth of the front yard in the E-1 district shall be as follows:

- (1) *Arterial street.* Arterial streets shall be setback 40 feet from the lot line adjacent to such street.
- (2) *Collector street.* Collector streets shall be setback 30 feet from the lot line to such street.

The zoning administrator shall have the right to require more stringent setbacks so that all new structures are constructed to meet the existing neighborhood's setbacks.

Sec. 74-724. Frontage.

There is no minimum frontage for the E-1 district due to the variety of buildings that may be located upon a property or campus.

Sec. 74-725. Yard regulations.

- (a) *Side yard.* No building in the E-1 district shall be located less than 15 feet from any adjoining property.
- (b) *Rear yard.* Each principal building in the E-1 district shall have a rear yard with a minimum of 25 feet.

Sec. 74-726. Height regulations.

All structures or buildings shall be limited to a height of 35 feet unless approved by the town council upon recommendation from the planning commission.

Sec. 74-727. Maximum lot coverage.

There is no maximum lot coverage for the E-1 district due to the variety of buildings that may be located upon a property or campus.

Sec. 74-728. Off-street parking.

Off-street parking in the E-1 District shall be approved by Town Council upon recommendation of the Planning Commission based upon the requested use and demand for parking that will be created with the new use.

Secs. 74-729--74-735. Reserved.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that any and all actions taken by the said Council, the Town of Bluefield, its boards, its commissions, its committees, its officers, its employees, and/or its agents concerning the said zoning district prior to the adoption of this ordinance are hereby approved, ratified, and declared valid.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia adopts this ordinance on this _____ day of _____, 2019.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall, to the extent permitted by law, apply retroactively and be effective as of the _____ day of _____, 2019.

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

IT IS SO ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA on this _____ day of _____, 2019.

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PUBLIC HEARING: _____
 FIRST READING: _____
 SECOND READING: _____
 MOTION TO ADOPT MADE BY: _____
 MOTION TO ADOPT SECONDED BY: _____
 ADOPTION DATE: _____
 EFFECTIVE DATE: _____

Name of Councilman	Attendance (Present or Absent)	Vote (Aye, Nay, Abstain, or 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 DATE
 TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

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 _____ DAY OF _____,

AN ORDINANCE ADOPTING A DEED OF LEASE BETWEEN THE TOWN OF BLUEFIELD AND _____, TO PERMIT SUCH LESSEE THE ABILITY TO MAINTAIN A POINT OF PRESENCE IN BLUEFIELD, VIRGINIA, AND TO PERMIT SUCH LESSEE THE ABILITY TO PROVIDE BROADBAND SERVICES TO THE TOWN OF BLUEFIELD

WHEREAS, pursuant to §§ 15.2-2100 and 15.2-2101 of the Code of Virginia (1950) as amended, an invitation for bids regarding the above stated lease and this ordinance was duly published on the _____ day of _____, and on the _____ day of _____, in the Bluefield Daily Telegraph, a newspaper having general circulation in Bluefield, Virginia; and

WHEREAS, pursuant to § 15.2-2102 of the Code of Virginia (1950) as amended, on the _____ day of _____, the Council of the Town of Bluefield, Virginia, by an affirmative majority vote, accepted a bid from _____ for the above stated lease, which was submitted in the form of an executed lease identified as "A DEED OF LEASE BETWEEN TOWN OF BLUEFIELD AND _____"; and

WHEREAS, pursuant to § 15.2-1800(B) of the Code of Virginia (1950) as amended, a public hearing regarding the adoption of this ordinance was held on the _____ day of _____, before the Council of the Town of Bluefield, Virginia, after notice of such public hearing was duly published on the _____ day of _____, and on the _____ day of _____, in the Bluefield Daily Telegraph, a newspaper having general circulation in Bluefield, Virginia.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia accepts and adopts the lease attached hereto and identified as "A DEED OF LEASE BETWEEN TOWN OF BLUEFIELD AND _____".

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town Manager of the Town of Bluefield, Virginia shall execute the lease attached hereto and identified as "A DEED OF LEASE BETWEEN TOWN OF BLUEFIELD AND _____" on behalf of the Town of Bluefield, a Virginia Municipal Corporation.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance is hereby adopted on this _____ day of _____, and shall be effective upon adoption.

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

IT IS SO ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA on this _____ day of _____.

PUBLIC HEARING:

FIRST READING:

SECOND READING:

MOTION TO ADOPT MADE BY:

MOTION TO ADOPT SECONDED BY:

ADOPTION DATE:

EFFECTIVE DATE:

Name of Councilman	Attendance (Present or Absent)	Vote (Aye, Nay, Abstain, or 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

DATE

TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

**A DEED OF LEASE BETWEEN
TOWN OF BLUEFIELD AND _____**

THIS DEED OF LEASE, hereinafter this lease, is made and entered into on the _____ day of _____, 2019, by and between _____, a _____, hereinafter _____, and the **TOWN OF BLUEFIELD**, a Virginia Municipal Corporation, hereinafter "Bluefield".

W I T N E S S E T H:

That for and in consideration of the amount of ONE DOLLAR AND 00/100 (\$1.00) and the terms, promises, covenants, and mutually equivalent benefits described in this lease, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, _____ and Bluefield agree to all of the following:

1. Bluefield does hereby let and demise unto _____ a physical space in its municipal building located at 112 Huffard Drive in Bluefield, Virginia, measuring approximately 24' X 24', for the purposes of permitting _____ the ability to maintain a Point of Presence ("PoP") in Bluefield, Virginia, and for the purposes of permitting _____ the ability to provide broadband services to Bluefield.
2. The term of this lease shall consist of an Initial Term and an Extended Term. The Initial Term of this lease shall be for five (5) years from the date this lease is accepted by ordinance of the Council of the Town of Bluefield, Virginia. At the end of the said Initial Term, this lease shall automatically renew for an Extended Term of an additional five (5) years. With ninety (90) days written notice prior to the end of the said Initial Term, either Bluefield or _____ may renegotiate or terminate this lease.
3. _____ shall be permitted (i) subject to the approval of the Town Manager of Bluefield, to erect any structure on the premises subject to this lease that is necessary to maintaining the aforesaid PoP and (ii) rights of ingress, egress, and regress to install, maintain, remove, and repair the aforesaid PoP and the aforesaid structure. _____ shall in no way interfere with the normal operations of Bluefield. In the event _____ desires to enter the premises subject to this lease for the aforesaid purposes, then _____ shall make a good faith effort to notify the Town Manager of Bluefield prior to entry.
4. _____ shall provide Bluefield at least _____ of bandwidth for broadband services through the aforesaid PoP. During the term of this lease, if _____ of bandwidth is replaced by _____ with a newer, faster, and equivalent standard, then such standard shall be provided to Bluefield.
5. _____ shall have exclusive use and quiet enjoyment of the premises

subject to this lease; however, in the event of an emergency, Bluefield may enter the premises subject to this lease to ensure protection against loss or damage to any property owned by Bluefield.

6. Any rights and privileges granted to _____ by Bluefield pursuant to this lease shall not be assigned or subleased without the prior written consent of Bluefield. Such consent shall not be unreasonably withheld by Bluefield.
7. Unless otherwise abandoned by _____, any materials, equipment, or structures installed by _____ upon the premises subject to this lease shall remain the property of _____ and may, at _____'s option, be removed by _____ upon termination of this lease. Upon termination of this lease, _____ shall surrender possession of the premises subject to this lease to Bluefield.
8. _____ shall maintain reasonable liability insurance for its property and its activities on the premises subject to this lease, and shall include Bluefield as an additional insured. Furthermore, _____ shall obtain casualty insurance coverage on its assets located on the premises subject to this lease.
9. _____ assumes the risk of any and all liabilities that may arise from its use of the aforesaid PoP and its use of the premises subject to this lease. Furthermore, _____ shall hold Bluefield, its agents, its employees, and/or its officers harmless from any and all damages and/or liabilities occurring upon the premises subject to this lease or occurring to _____'s property on the premises subject to this lease, regardless of the cause. _____ shall further indemnify Bluefield, its agents, its employees, and/or its officers for any and all damages and/or liabilities occurring upon the premises subject to this lease, and from _____'s use of the aforesaid PoP.
10. This lease shall be interpreted in accordance with the laws of the Commonwealth of Virginia. Any litigation, mediation, arbitration, or the like arising from this lease shall occur in Tazewell County, Virginia.
11. In the event any provision of this lease is unenforceable, then such provision shall be severable, deemed to have been omitted, and all other provisions of this lease shall remain in full force and effect. In the event any provision of this lease is unenforceable, then _____ and Bluefield may renegotiate the terms of this lease.
12. There are no third party beneficiaries to this lease, and the rights of Bluefield and _____ under this lease are not subject to the consent of any third party.
13. This lease contains the entire agreement between _____ and Bluefield concerning the premises subject to this lease.

WITNESS the following signatures and seals.

**TOWN OF BLUEFIELD
A VIRGINIA MUNICIPAL CORPORATION**

BY: _____ (SEAL)
MICHAEL WATSON

ITS TOWN MANAGER

COMMONWEALTH OF VIRGINIA
COUNTY OF TAZEWELL, to wit:

The foregoing instrument was acknowledged before me by Michael Watson, the Town Manager of the Town of Bluefield, a Virginia Municipal Corporation, on this _____ day of _____, 2019.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
REGISTRATION NUMBER: _____

ATTEST:

LESLEY CATRON, TOWN CLERK

COMMONWEALTH OF VIRGINIA
COUNTY OF TAZEWELL, to wit:

The foregoing instrument was acknowledged before me by Lesley Catron, the Town Clerk of the Town of Bluefield, a Virginia Municipal Corporation, on this _____ day of _____, 2019.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
REGISTRATION NUMBER: _____

THIS DEED OF LEASE IS HEREBY AGREED TO AND ACCEPTED BY:

BY _____ (SEAL)

NAME: _____

ITS: _____

STATE OF _____
COUNTY OF _____, to wit:

I, _____, a Notary Public in and for the County and State
aforesaid, do hereby certify that _____, the
_____ of _____, a
_____, who signed the foregoing deed of lease bearing date the
_____ day of _____, 2019, for _____, a
_____, has this day before me in my said County acknowledged the
said deed of lease to be an official act of the said _____.

Given under my hand and seal this _____ day of _____, 2019.

NOTARY SEAL:

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____
REGISTRATION NUMBER: _____

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 12TH DAY OF FEBRUARY, 2019.

AN ORDINANCE TO AMEND, BY AMENDING ARTICLE II (UNSAFE BUILDINGS) OF CHAPTER 10 (BUILDINGS AND BUILDING REGULATIONS) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Article II of Chapter 10 of the Code of Ordinances, Town of Bluefield, Virginia is hereby amended to read as follows:

ARTICLE II. UNSAFE BUILDINGS

Sec. 10-31. Purpose.

The purpose of this article is to provide a means of reasonably regulating the maintenance and condition of certain buildings, walls, or structures within the corporate limits of the town in order to preserve the health, safety, and welfare of the citizens of the town.

Sec. 10-32. Authority.

This article is adopted pursuant to the authority described in section 15.2-906 of the Code of Virginia (1950) as amended.

Sec. 10-33. Certain structures may be deemed unsafe.

Any building, wall, or structure which poses a danger to the public health or safety of the residents of the town shall be deemed unsafe by the building official of the town.

Sec. 10-34. Notice to be provided by building official.

The building official of the town shall provide written notice to a property owner whose property contains an unsafe building, wall, or structure. Such notice shall (i) identify the unsafe building, wall, or structure; (ii) require the unsafe building, wall, or structure identified to be removed, repaired, or secured within thirty (30) days of the postmark date of the notice; (iii) be posted in a conspicuous place upon the property containing the unsafe building, wall, or structure; and (iv) sent by certified mail with return receipt requested to the last known address of the property owner.

The building official of the town may take any action necessary to prevent unauthorized access to an unsafe building within seven (7) days of sending notice so long as such building poses a significant threat to the public safety and such fact is stated in the notice provided.

Sec. 10-35. Town Council may require the removal, repair, or securing of structures.

In the event a property owner fails to remove, repair, or secure an unsafe building, wall, or structure after being requested to do so by the building official of the town, then the town council may authorize the town, its employees, and/or its authorized agents to remove, repair, or secure such building, wall, or structure.

Prior to an unsafe building, wall, or structure being removed, repaired, or secured by the town, its employees, and/or its authorized agents, written notice shall be provided by the town to the property owner and any lienholder of the property. Such notice shall (i) be sent by certified mail with return receipt requested to the last known addresses of the property owner and any lienholder; (ii) be published once a week for two (2) successive weeks in a newspaper having general circulation in the town; (iii) be posted in a conspicuous place upon the property containing the unsafe building, wall, or structure; and (iv) be posted to the public bulletin board of the courthouse in Tazewell County, Virginia as defined under section 1-211.1 of the Code of Virginia (1950) as amended.

The town, its employees, and/or its authorized agents may proceed to remove, repair, or secure any unsafe building, wall, or other structure so long as at least sixty (60) days have passed from the later of (i) the return of the receipt(s) of the certified mailing(s); (ii) the second newspaper publication; (iii) the posting upon the property containing the unsafe building, wall, or structure; or (iv) the posting to the public bulletin board of the courthouse in Tazewell County, Virginia.

Sec. 10-36. Appeal.

Any decision rendered by the building official of the town or the town council pursuant to this article may be appealed by an aggrieved property owner or lienholder to the Board of Building Code Appeals of the Town of Bluefield, Virginia. Such appeal shall be perfected by providing a written notice of appeal to the building official of the town within thirty (30) days of the date such decision was made. Failure to note a timely appeal with the building official of the town shall constitute an absolute waiver to the right of appeal granted hereunder this section.

Sec. 10-37. Expenses, liens, and waiver.

In the event the town, its employees, and/or its authorized agents remove, repair, or secure an unsafe building, wall, or structure pursuant to this article, then any expense associated therewith shall be chargeable to and paid by the property owner of such property. Additionally, such expenses, if left unpaid, shall constitute a lien against the property and may be collected by the town as taxes and levies are collected.

The town manager of the town may waive any and all liens imposed hereunder to facilitate the sale of property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the property owner and who has no business association with the property owner subject to the lien. Additionally, such liens shall remain a personal obligation of the property owner at the time the liens were imposed.

Sec. 10-38. Violation by property owner; penalty.

It shall be unlawful for a property owner to fail to remove, repair, or secure an unsafe building after being requested to do so by the building official of the town.

A violation of this section shall be punishable by a civil penalty of \$1,000.00.

Sec. 10-39. Indemnification.

Any officer, official, employee, or agent of the town charged with the enforcement of this article or assisting therewith shall not render himself personally liable in the discharge of his/her duties, and is hereby relieved of any and all personal liability for any damages which may accrue to any person or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any such officer, official, employee, or agent resulting from the enforcement of this article or assisting therewith shall be fully defended by the town.

Sec. 10-40. Severability.

If any section, provision, or portion of this article is held to be invalid by a court of competent jurisdiction, then that decision shall in no way affect the remaining sections, provisions, or portions of this article. The invalid section, provision, or portion thereof shall be severable.

Secs. 10-41 -- 10-70. Reserved.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance is hereby adopted on this 12th day of February, 2019.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall be effective on the 12th day of March, 2019.

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

IT IS SO ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA on this 12th day of February, 2019.

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NONE
January 22, 2019
February 12, 2019

[illegible]

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 DATE
TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

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 12TH DAY OF FEBRUARY, 2019.

AN ORDINANCE TO AMEND, BY AMENDING ARTICLE II (UNSAFE BUILDINGS) OF CHAPTER 10 (BUILDINGS AND BUILDING REGULATIONS) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Article II of Chapter 10 of the Code of Ordinances, Town of Bluefield, Virginia is hereby amended to read as follows:

ARTICLE II. UNSAFE BUILDINGS

Sec. 10-31. Purpose.

The purpose of this article is to provide a means of reasonably regulating the maintenance and condition of certain buildings, walls, or structures within the corporate limits of the town in order to preserve the health, safety, and welfare of the citizens of the town.

Sec. 10-32. Authority.

This article is adopted pursuant to the authority described in section 15.2-906 of the Code of Virginia (1950) as amended.

Sec. 10-33. Certain structures may be deemed unsafe.

Any building, wall, or structure which poses a danger to the public health or safety of the residents of the town shall be deemed unsafe by the building official of the town.

Sec. 10-34. Notice to be provided by building official.

The building official of the town shall provide written notice to a property owner whose property contains an unsafe building, wall, or structure. Such notice shall (i) identify the unsafe building, wall, or structure; (ii) require the unsafe building, wall, or structure identified to be removed, repaired, or secured within thirty (30) days of the postmark date of the notice; (iii) be posted in a conspicuous place upon the property containing the unsafe building, wall, or structure; and (iv) sent by certified mail with return receipt requested to the last known address of the property owner.

The building official of the town may take any action necessary to prevent unauthorized access to an unsafe building within seven (7) days of sending notice so long as such building poses a significant threat to the public safety and such fact is stated in the notice provided.

Sec. 10-35. Town Council may require the removal, repair, or securing of structures.

In the event a property owner fails to remove, repair, or secure an unsafe building, wall, or structure after being requested to do so by the building official of the town, then the town council may authorize the town, its employees, and/or its authorized agents to remove, repair, or secure such building, wall, or structure.

Prior to an unsafe building, wall, or structure being removed, repaired, or secured by the town, its employees, and/or its authorized agents, written notice shall be provided by the town to the property owner and any lienholder of the property. Such notice shall (i) be sent by certified mail with return receipt requested to the last known addresses of the property owner and any lienholder; (ii) be published once a week for two (2) successive weeks in a newspaper having general circulation in the town; (iii) be posted in a conspicuous place upon the property containing the unsafe building, wall, or structure; and (iv) be posted to the public bulletin board of the courthouse in Tazewell County, Virginia as defined under section 1-211.1 of the Code of Virginia (1950) as amended.

The town, its employees, and/or its authorized agents may proceed to remove, repair, or secure any unsafe building, wall, or other structure so long as at least sixty (60) days have passed from the later of (i) the return of the receipt(s) of the certified mailing(s); (ii) the second newspaper publication; (iii) the posting upon the property containing the unsafe building, wall, or structure; or (iv) the posting to the public bulletin board of the courthouse in Tazewell County, Virginia.

Sec. 10-36. Appeal.

Any decision rendered by the building official of the town or the town council pursuant to this article may be appealed by an aggrieved property owner or lienholder to the Board of Building Code Appeals of the Town of Bluefield, Virginia. Such appeal shall be perfected by providing a written notice of appeal to the building official of the town within thirty (30) days of the date such decision was made. Failure to note a timely appeal with the building official of the town shall constitute an absolute waiver to the right of appeal granted hereunder this section.

Sec. 10-37. Expenses, liens, and waiver.

In the event the town, its employees, and/or its authorized agents remove, repair, or secure an unsafe building, wall, or structure pursuant to this article, then any expense associated therewith shall be chargeable to and paid by the property owner of such property. Additionally, such expenses, if left unpaid, shall constitute a lien against the property and may be collected by the town as taxes and levies are collected.

The town manager of the town may waive any and all liens imposed hereunder to facilitate the sale of property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the property owner and who has no business association with the property owner subject to the lien. Additionally, such liens shall remain a personal obligation of the property owner at the time the liens were imposed.

Sec. 10-38. Violation by property owner; penalty.

It shall be unlawful for a property owner to fail to remove, repair, or secure an **unsafe building** after being requested to do so by the building official of the town.

A violation of this section shall be punishable by a civil penalty of \$1,000.00.

Sec. 10-39. Indemnification.

Any officer, official, employee, or agent of the town charged with the enforcement of this article or assisting therewith shall not render himself personally liable in the discharge of his/her duties, and is hereby relieved of any and all personal liability for any damages which may accrue to any person or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any such officer, official, employee, or agent resulting from the enforcement of this article or assisting therewith shall be fully defended by the town.

Sec. 10-40. Severability.

If any section, provision, or portion of this article is held to be invalid by a court of competent jurisdiction, then that decision shall in no way affect the remaining sections, provisions, or portions of this article. The invalid section, provision, or portion thereof shall be severable.

Secs. 10-41 -- 10-70. Reserved.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance is hereby adopted on this **12th day of February, 2019.**

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall be effective on the **12th day of March, 2019.**

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

IT IS SO ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA on this **12th day of February, 2019.**

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PUBLIC HEARING: NONE
 FIRST READING: January 22, 2019
 SECOND READING: February 12, 2019
 MOTION TO ADOPT MADE BY: _____
 MOTION TO ADOPT SECONDED BY: _____
 ADOPTION DATE: February 12, 2019
 EFFECTIVE DATE: March 12, 2019

Name of Councilman	Attendance (Present or Absent)	Vote (Aye, Nay, Abstain, or Absent)

RESULT OF VOTE: _____
 AYES NAYES ABSTENTIONS

COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

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

ATTEST:

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

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 12TH DAY OF FEBRUARY, 2019.

AN ORDINANCE TO AMEND, BY AMENDING ARTICLE II (PLANNING COMMISSION) OF CHAPTER 66 (PLANNING) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Article II of Chapter 66 of the Code of Ordinances, Town of Bluefield, Virginia is hereby amended to read as follows:

ARTICLE II. PLANNING COMMISSION

Sec. 66-31. Creation of the Planning Commission of the Town of Bluefield, Virginia.

A planning commission is hereby created pursuant to the provisions of sections 15.2-2210 et seq. of the Code of Virginia (1950) as amended. This article and the sections therein are adopted pursuant to such legal authority. The planning commission shall have all the rights, powers, and privileges permitted under the Code of Virginia (1950) as amended and other applicable law. The planning commission shall be referred to as the "Planning Commission of the Town of Bluefield, Virginia" in its resolutions, recommendations, approvals, contracts, and other official records.

Sec. 66-32. Composition of the Planning Commission of the Town of Bluefield, Virginia.

The planning commission shall be composed of seven (7) members. Six (6) voting members shall be appointed by the town council, and those members shall serve terms of one (1) year, two (2) years, three (3) years, and four (4) years, divided equally or as nearly equal as possible between the membership. Subsequent appointments by the town council shall be for terms of four (4) years each. One (1) member shall be a member of the town council and appointed by the town council. The town council member shall be a nonvoting member whose term shall be coextensive with the term of his/her office to which he/she was elected or appointed.

All members of the planning commission shall reside within the corporate limits of the town, and shall be knowledgeable and experienced in making decisions on questions of community growth and development. At least one-half ($\frac{1}{2}$) of the members of the planning commission shall be owners of real property.

All members of the planning commission shall serve at the pleasure of the town council. Any member may be removed by the town council for malfeasance in office, absence from three (3) consecutive meetings of the planning commission, or absence from any four (4) meetings of the planning commission within a twelve (12) month period. A vacancy in the planning commission shall be filled by the town council for the unexpired term of the vacant office.

Sec. 66-33. Compensation of the Planning Commission of the Town of Bluefield, Virginia.

The members of the planning commission shall receive no salary, but may be compensated in an amount approved by the town council for each meeting.

The members of the planning commission shall be reimbursed for any necessary expenses incurred during the performance of their duties.

Sec. 66-34. Officers of the Planning Commission of the Town of Bluefield, Virginia.

The planning commission shall elect from its membership, by majority vote, a Chairman, Vice-chairman, and Secretary whose terms shall be for a period of one (1) year. Nominations and elections for such offices shall be held at the first regular meeting of the planning commission in January of each calendar year. Officers shall hold their office until their successors have been nominated, elected, and assumed office. Vacancies in any such offices shall be filled immediately, and shall be for the remainder of the unexpired term of the elected office.

The Chairman of the planning commission shall:

- (1) Preside over all planning commission meetings;
- (2) Establish an order of business or agenda for planning commission meetings;
- (3) Rule on issues of procedure during planning commission meetings;
- (4) Maintain and ensure order of planning commission meetings; and
- (5) Execute, on behalf of the planning commission, all resolutions, recommendations, approvals, minutes, contracts, payments, and other records.

The Vice-chairman of the planning commission shall act as the Chairman of the planning commission in the absence or inability of the Chairman of the planning commission.

The Secretary of the planning commission shall:

- (1) Notify all members of all planning commission meetings;
- (2) Keep a written record of minutes of all planning commission meetings;
- (3) Keep a written record of all official reports, documents, maps, surveys, plans, business, and correspondence of the planning commission;
- (4) Give notice of all planning commission hearings and meetings;

- (5) Keep a written record of those who speak before the planning commission;
- (6) Certify all records executed by the Chairman of the planning commission; and
- (7) Prepare advertisements for all planning commission hearings and meetings.

Sec. 66-35. Quorum of the Planning Commission of the Town of Bluefield, Virginia.

A majority of the membership of the planning commission shall constitute a quorum to transact public business. No action of the planning commission shall be deemed valid unless a quorum is present, and such action is passed by a majority vote of those present and voting.

Sec. 66-36. Meetings of the Planning Commission of the Town of Bluefield, Virginia.

The planning commission shall hold its regular meetings at least once monthly in a calendar year. The planning commission shall, by resolution, fix the time and place for holding its regular meetings at its first meeting in January of each calendar year.

Special meetings of the planning commission may be called by the Chairman of the planning commission or by two (2) members upon written request to the Secretary of the planning commission. The Secretary of the planning commission shall mail to all members, at least five (5) days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting shall not be required (i) if the time and place of the special meeting was fixed at a regular meeting; (ii) if all members of the planning commission are present at the special meeting called, or (iii) if all members file a written waiver of notice for the special meeting called.

Sec. 66-37. Duties of the Planning Commission of the Town of Bluefield, Virginia; studies and surveys; expenditures.

In order to effectuate this article, the planning commission shall:

- (1) Utilize *Robert's Rules of Order* as its general form of parliamentary procedure, but may suspend use of such when the Chairman of the planning commission deems such suspension necessary;
- (2) Supervise and regulate the administration of its affairs;
- (3) Hold public hearings when a public hearing is required by law or is otherwise needed to serve the public interest;
- (4) Establish advisory committees as needed;
- (5) Prescribe rules for its committees, public hearings, and meetings;

- (6) Keep a complete written record of its proceedings and provide for the preservation of all its studies, reports, papers, maps, and other records;
- (7) Make recommendations and approvals concerning its operations, the status of planning in its jurisdiction, and as otherwise required by law or the town council;
- (8) Submit an annual report to the town council updating the town council as to the status of planning in its jurisdiction and its general operations;
- (9) Prepare and submit an annual budget to the town manager of the town for review and the town council for approval;
- (10) Prepare, publish, and distribute reports, ordinances, and other materials related to its activities for review and approval by the town council;
- (11) Fulfill, as required under the Code of Virginia (1950) as amended and/or the Bluefield Code, any other of its applicable duties enumerated therein;
- (12) Contract with consultants for any services needed to fulfill its duties; and
- (13) Appoint, by majority vote or resolution, the zoning administrator of the town, or his/her designee, to assist in fulfilling its duties.

Upon written request of the planning commission, the town council may, from time to time, request the zoning administrator of the town, or his/her designee, to seek special surveys or studies on matters concerning planning within the corporate limits of the town.

All expenditures of the planning commission shall be within the amounts appropriated for such by the town council.

Sec. 66-38. Comprehensive Plan.

The planning commission shall prepare a Comprehensive Plan and recommend such to the town council for adoption. The Comprehensive Plan shall adhere to the requirements described under sections 15.2-2223 et seq. of the Code of Virginia (1950) as amended. The planning commission shall coordinate with all state agencies required by law during such preparation. After adoption by the town council, the planning commission shall review the Comprehensive Plan at least once every five (5) years to determine whether it is advisable to make an amendment thereto. Any amendment to the Comprehensive Plan shall adhere to the aforesaid requirements under the Code of Virginia (1950) as amended.

Sec. 66-39. Severability.

If any section, provision, or portion of this article is held to be invalid by a court of competent jurisdiction, then that decision shall in no way affect the remaining sections, provisions, or portions of this article. The invalid section, provision, or portion thereof shall be severable.

Secs. 66-40 -- 66-100. Reserved.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia adopts this ordinance on this 12th day of February, 2019.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall be effective on the 12th day of March, 2019.

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

IT IS SO ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA on this 12th day of February, 2019.

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PUBLIC HEARING: NONE
 FIRST READING: 01/22/2019
 SECOND READING: 02/12/2019
 MOTION TO ADOPT MADE BY: _____
 MOTION TO ADOPT SECONDED BY: _____
 ADOPTION DATE: 02/12/2019
 EFFECTIVE DATE: 03/12/2019

Name of Councilman	Attendance (Present or Absent)	Vote (Aye, Nay, Abstain, or 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 DATE
 TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA HELD AT THE COUNCIL CHAMBERS OF THE TOWN HALL IN BLUEFIELD, VIRGINIA ON THE 3RD DAY OF DECEMBER, 2018.

A RESOLUTION TO RECOMMEND THE ADOPTION OF AN ORDINANCE WHICH AMENDS ARTICLE II (PLANNING COMMISSION) OF CHAPTER 66 (PLANNING) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA that the Planning Commission of the Town of Bluefield, Virginia hereby recommends Article II of Chapter 66 of the Code of Ordinances, Town of Bluefield, Virginia be amended to read as follows:

ARTICLE II. PLANNING COMMISSION

Sec. 66-31. Creation of the Planning Commission of the Town of Bluefield, Virginia.

A planning commission is hereby created pursuant to the provisions of sections 15.2-2210 et seq. of the Code of Virginia (1950) as amended. This article and the sections therein are adopted pursuant to such legal authority. The planning commission shall have all the rights, powers, and privileges permitted under the Code of Virginia (1950) as amended and other applicable law. The planning commission shall be referred to as the "Planning Commission of the Town of Bluefield, Virginia" in its resolutions, recommendations, approvals, contracts, and other official records.

Sec. 66-32. Composition of the Planning Commission of the Town of Bluefield, Virginia.

The planning commission shall be composed of seven (7) members. Six (6) voting members shall be appointed by the town council, and those members shall serve terms of one (1) year, two (2) years, three (3) years, and four (4) years, divided equally or as nearly equal as possible between the membership. Subsequent appointments by the town council shall be for terms of four (4) years each. One (1) member shall be a member of the town council and appointed by the town council. The town council member shall be a nonvoting member whose term shall be coextensive with the term of his/her office to which he/she was elected or appointed.

All members of the planning commission shall reside within the corporate limits of the town, and shall be knowledgeable and experienced in making decisions on questions of community growth and development. At least one-half (½) of the members of the planning commission shall be owners of real property.

All members of the planning commission shall serve at the pleasure of the town council. Any member may be removed by the town council for malfeasance in office, absence from three (3) consecutive meetings of the planning commission, or absence from any four (4) meetings of the planning commission within a twelve (12) month period. A vacancy in the planning commission shall be filled by the town council for the unexpired term of the vacant office.

Sec. 66-33. Compensation of the Planning Commission of the Town of Bluefield, Virginia.

The members of the planning commission shall receive no salary, but may be compensated in an amount approved by the town council for each meeting.

The members of the planning commission shall be reimbursed for any necessary expenses incurred during the performance of their duties.

Sec. 66-34. Officers of the Planning Commission of the Town of Bluefield, Virginia.

The planning commission shall elect from its membership, by majority vote, a Chairman, Vice-chairman, and Secretary whose terms shall be for a period of one (1) year. Nominations and elections for such offices shall be held at the first regular meeting of the planning commission in January of each calendar year. Officers shall hold their office until their successors have been nominated, elected, and assumed office. Vacancies in any such offices shall be filled immediately, and shall be for the remainder of the unexpired term of the elected office.

The Chairman of the planning commission shall:

- (1) Preside over all planning commission meetings;
- (2) Establish an order of business or agenda for planning commission meetings;
- (3) Rule on issues of procedure during planning commission meetings;
- (4) Maintain and ensure order of planning commission meetings; and
- (5) Execute, on behalf of the planning commission, all resolutions, recommendations, approvals, minutes, contracts, payments, and other records.

The Vice-chairman of the planning commission shall act as the Chairman of the planning commission in the absence or inability of the Chairman of the planning commission.

The Secretary of the planning commission shall:

- (1) Notify all members of all planning commission meetings;
- (2) Keep a written record of minutes of all planning commission meetings;
- (3) Keep a written record of all official reports, documents, maps, surveys, plans, business, and correspondence of the planning commission;
- (4) Give notice of all planning commission hearings and meetings;

- (5) Keep a written record of those who speak before the planning commission;
- (6) Certify all records executed by the Chairman of the planning commission; and
- (7) Prepare advertisements for all planning commission hearings and meetings.

Sec. 66-35. Quorum of the Planning Commission of the Town of Bluefield, Virginia.

A majority of the membership of the planning commission shall constitute a quorum to transact public business. No action of the planning commission shall be deemed valid unless a quorum is present, and such action is passed by a majority vote of those present and voting.

Sec. 66-36. Meetings of the Planning Commission of the Town of Bluefield, Virginia.

The planning commission shall hold its regular meetings at least once monthly in a calendar year. The planning commission shall, by resolution, fix the time and place for holding its regular meetings at its first meeting in January of each calendar year.

Special meetings of the planning commission may be called by the Chairman of the planning commission or by two (2) members upon written request to the Secretary of the planning commission. The Secretary of the planning commission shall mail to all members, at least five (5) days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting shall not be required (i) if the time and place of the special meeting was fixed at a regular meeting; (ii) if all members of the planning commission are present at the special meeting called, or (iii) if all members file a written waiver of notice for the special meeting called.

Sec. 66-37. Duties of the Planning Commission of the Town of Bluefield, Virginia; studies and surveys; expenditures.

In order to effectuate this article, the planning commission shall:

- (1) Utilize *Robert's Rules of Order* as its general form of parliamentary procedure, but may suspend use of such when the Chairman of the planning commission deems such suspension necessary;
- (2) Supervise and regulate the administration of its affairs;
- (3) Hold public hearings when a public hearing is required by law or is otherwise needed to serve the public interest;
- (4) Establish advisory committees as needed;
- (5) Prescribe rules for its committees, public hearings, and meetings;

- (6) Keep a complete written record of its proceedings and provide for the preservation of all its studies, reports, papers, maps, and other records;
- (7) Make recommendations and approvals concerning its operations, the status of planning in its jurisdiction, and as otherwise required by law or the town council;
- (8) Submit an annual report to the town council updating the town council as to the status of planning in its jurisdiction and its general operations;
- (9) Prepare and submit an annual budget to the town manager of the town for review and the town council for approval;
- (10) Prepare, publish, and distribute reports, ordinances, and other materials related to its activities for review and approval by the town council;
- (11) Fulfill, as required under the Code of Virginia (1950) as amended and/or the Bluefield Code, any other of its applicable duties enumerated therein;
- (12) Contract with consultants for any services needed to fulfill its duties; and
- (13) Appoint, by majority vote or resolution, the zoning administrator of the town, or his/her designee, to assist in fulfilling its duties.

Upon written request of the planning commission, the town council may, from time to time, request the zoning administrator of the town, or his/her designee, to seek special surveys or studies on matters concerning planning within the corporate limits of the town.

All expenditures of the planning commission shall be within the amounts appropriated for such by the town council.

Sec. 66-38. Comprehensive Plan.

The planning commission shall prepare a Comprehensive Plan and recommend such to the town council for adoption. The Comprehensive Plan shall adhere to the requirements described under sections 15.2-2223 et seq. of the Code of Virginia (1950) as amended. The planning commission shall coordinate with all state agencies required by law during such preparation. After adoption by the town council, the planning commission shall review the Comprehensive Plan at least once every five (5) years to determine whether it is advisable to make an amendment thereto. Any amendment to the Comprehensive Plan shall adhere to the aforesaid requirements under the Code of Virginia (1950) as amended.

Sec. 66-39. Severability.

If any section, provision, or portion of this article is held to be invalid by a court of competent jurisdiction, then that decision shall in no way affect the remaining sections, provisions, or portions of this article. The invalid section, provision, or portion thereof shall be severable.

Secs. 66-40 -- 66-100. Reserved.

BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA that the Planning Commission of the Town of Bluefield, Virginia adopts this resolution on this 3rd day of December, 2018.

BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA that the resolution of this Planning Commission, identified by Resolution Index No. 2018-004, executed October 1, 2018, is hereby declared void as it was not properly adopted by this Planning Commission.

BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA that the Chairman and Secretary of the Planning Commission of the Town of Bluefield, Virginia shall execute this resolution on behalf of the said Commission.

IT IS SO RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA on this 3rd day of December, 2018.

PUBLIC HEARING: NONE
MOTION TO ADOPT MADE BY: Mr. Kammer
MOTION TO ADOPT SECONDED BY: Mr. Perdue
ADOPTION DATE: 12/03/2018

<u>Planning Commissioner</u> (Full Name)	<u>Attendance</u> (Present or Absent)	<u>Vote</u> (Aye, Nay, Abstain, Absent, or No Vote Permitted)
Barry Perdue	Present	Aye
Jarriell McFarland	Present	Aye
Don Scott	Present	Aye
Harry Kammer	Present	Aye
Don Whitt	Present	Aye
Frank Britton	Present	Aye
Lee Riffe	Absent	No Vote Permitted

RESULT OF VOTE: 6 0 0
AYES NAYES ABSTENTIONS

PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA

Dr. Frank Britton
DR. FRANK BRITTON, CHAIRMAN

12/3/18
DATE

PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA

Donald G. Whitt
DONALD G. WHITT, SECRETARY

12/3/18
DATE

PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA

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 12TH DAY OF FEBRUARY, 2019.

AN ORDINANCE TO AMEND, BY AMENDING SECTION 14-4 (PENALTY FOR VIOLATION OF CHAPTER) OF CHAPTER 14 (CEMETERY), OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

WHEREAS, on October 22, 2018, the Cemetery Commission of the Town of Bluefield, Virginia adopted general rules for visitors of Maple Hill Cemetery in Bluefield, Virginia; and

WHEREAS, the adoption of this ordinance is necessary to approve and enforce such rules.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA, that Section 14-4 of Chapter 14 of the Code of Ordinances, Town of Bluefield, Virginia, is hereby amended to read as follows:

Sec. 14-4. Certain conduct of visitors of cemeteries prohibited; penalty.

Unless otherwise permitted by the Cemetery Commission of the Town of Bluefield, Virginia or the Cemetery Superintendent of the town, it shall be unlawful for a visitor of a cemetery owned or maintained by the town to:

- 1) plant flowers, trees, bushes, shrubs, or other vegetation;
- 2) operate any golf cart, go-kart, side by side, UTV, ATV, or other recreational vehicle;
- 3) operate a car, truck, vehicle, or similar equipment on areas not designated for such operation unless such operation is connected to an interment ceremony;
- 4) engage in any recreational activity other than walking, jogging, or cycling; or
- 5) between June 1 to October 31 of a calendar year, place any i) artificial flowers or plants; ii) wrought iron poles or metal rods; iii) solar lights; iv) wire or glass objects; or v) fences, gates, or barriers on or around any grave in a manner that obstructs cemetery maintenance activities.

A violation of this section shall be punishable as a Class 4 misdemeanor.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA, that this ordinance is adopted on this 12th day of February, 2019.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA, that this ordinance shall be effective on the 12th day of March, 2019.

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 12TH DAY OF FEBRUARY, 2019.

AN ORDINANCE TO AMEND, BY AMENDING SECTION 14-4 (PENALTY FOR VIOLATION OF CHAPTER) OF CHAPTER 14 (CEMETERY), OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

WHEREAS, on October 22, 2018, the Cemetery Commission of the Town of Bluefield, Virginia adopted general rules for visitors of Maple Hill Cemetery in Bluefield, Virginia; and

WHEREAS, the adoption of this ordinance is necessary to approve and enforce such rules.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA, that Section 14-4 of Chapter 14 of the Code of Ordinances, Town of Bluefield, Virginia, is hereby amended to read as follows:

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A violation of this section shall be punishable as a Class 4 misdemeanor.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA, that this ordinance is adopted on this 12th day of February, 2019.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA, that this ordinance shall be effective on the 12th day of March, 2019.

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

IT IS SO ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA, on this the 12th day of February, 2019.

PUBLIC HEARING: NONE
FIRST READING: 01/22/2019
SECOND READING: 02/12/2019
MOTION TO ADOPT MADE BY: _____
MOTION TO ADOPT SECONDED BY: _____
ADOPTION DATE: 02/12/2019
EFFECTIVE DATE: 03/12/2019

Name of Councilman	Attendance (Present or Absent)	Vote (Aye, Nay, Abstain, or Absent)

RESULT OF VOTE: _____
AYES NAYES ABSTENTIONS

COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

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

ATTEST:

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

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 _____ DAY OF _____, 2019.

A RESOLUTION TO ESTABLISH RULES FOR ALL PERSONS WHO PUBLICLY ADDRESS THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that all persons who publicly address the Council of the Town of Bluefield, Virginia at any of its meetings shall adhere to the following rules:

1. All persons desiring to publicly address the Council of the Town of Bluefield, Virginia shall only do so when they are permitted to do so by the officer presiding over the meeting of the said Council.
2. All persons who publicly address the Council of the Town of Bluefield, Virginia shall limit their address to the said Council to a total period of three (3) minutes unless otherwise permitted by the officer presiding over the meeting of the said Council.
3. All persons who publicly address the Council of the Town of Bluefield, Virginia shall refrain from engaging in any conduct or behavior which would cause a public disruption or which would be reasonably calculated to cause a breach of the peace.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the above shown rules shall be posted in a conspicuous place in the Council Chambers of the Town Hall in Bluefield, Virginia.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that any person or persons who violate(s) any of the above shown rules at a meeting of the Council of the Town of Bluefield, Virginia may be removed by law enforcement from such meeting upon an affirmative majority vote of the said Council.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia adopts this resolution on this _____ day of _____, 2019, and such resolution shall be effective upon adoption.

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

IT IS SO RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD,
VIRGINIA on this ____ day of _____, 2019.

MOTION TO ADOPT MADE BY: _____
MOTION TO ADOPT SECONDED BY: _____
ADOPTION DATE: _____
EFFECTIVE DATE: _____

Name of Councilman	Attendance (Present or Absent)	Vote (Aye, Nay, Abstain, or Absent)

RESULT OF VOTE:
 AYES NAYES ABSTENTIONS

COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

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

ATTEST:

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