

**Town of Bluefield
Town Council
Minutes
February 12, 2019**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, February 12, 2019 at 7:30 p.m. in the Council Chambers of the Town Hall located at 112 Huffard Drive, Bluefield, Virginia.

PRESENT

Don Harris, Mayor
Jimmy Jones, Councilmember
Chuck Presley, Councilmember
Anglis Trigg Jr., Vice-Mayor
Ron Holt, Councilmember
Jarrod Bailey, Councilmember

ALSO PRESENT

Mike Watson, Town Manager
Lesley Catron, Town Clerk
Billie Roberts, Comm. Dev. Coordinator
Matt Freedman, Town Attorney
6 Members of Public
Officer Cody Thomas

ABSENT

Shane Gunter, Police Chief

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

APPROVAL OF AGENDA

Mayor Harris removed the Little League under Citizen Requests & Special Presentations and added on the Point of Presence Lease under Attorney's Report.

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

CONSENT AGENDA

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

CITIZEN REQUESTS & SPECIAL PRESENTATIONS

Special Presentation: PIC Award presented to Melroy Brown – Mayor Don Harris

Mayor Harris asked Melroy Brown to come forward. He read the following PIC Award and presented it to him:

People who Impact the Community

THIS AWARD PROUDLY APPROVED BY THE TOWN COUNCIL
OF THE TOWN OF BLUEFIELD, VIRGINIA
ON DECEMBER 11, 2018

HEREBY ACKNOWLEDGES THAT THE CONTRIBUTIONS AND ENDEAVORS
OF

MELROY BROWN

HAVE MEANINGFULLY IMPACTED THE COMMUNITY AND RESIDENTS OF
BLUEFIELD, VIRGINIA

COMMITTEE REPORTS

None.

UNFINISHED BUSINESS & REPORTS

None.

NEW BUSINESS & REPORTS

Budget Amendments, VOTE – Lesley Catron

Mrs. Catron stated that the following Budget Amendments needed to be voted on:

PURPOSE: Donation for Economic Development from Eastern District Funds

Revenue		Original Budget	Amended Budget	Change
Line Item				
3108-9901	General Fund	<u>\$225,120.00</u>	<u>\$305,120.00</u>	<u>\$80,000.00</u>
	Miscellaneous	<u>\$225,120.00</u>	<u>\$305,120.00</u>	<u>\$80,000.00</u>

Expenditure		Original Budget	Amended Budget	Change
Line Item				
8120-5652	Economic	<u>\$5,000.00</u>	<u>\$85,000.00</u>	<u>\$80,000.00</u>
	Development	<u>\$5,000.00</u>	<u>\$85,000.00</u>	<u>\$80,000.00</u>

PURPOSE: Donation received to go towards purchase of Bank of Graham building.

Revenue		Original Budget	Amended Budget	Change
Line Item				
3108-9914	Refunds &	<u>\$8,000.00</u>	<u>\$28,000.00</u>	<u>\$20,000.00</u>
	Rebates	<u>\$8,000.00</u>	<u>\$28,000.00</u>	<u>\$20,000.00</u>

Expenditure		Original Budget	Amended Budget	Change
Line Item				
8120-5652	Economic	<u>\$85,000.00</u>	<u>\$105,000.00</u>	<u>\$20,000.00</u>
	Development	<u>\$85,000.00</u>	<u>\$105,000.00</u>	<u>\$20,000.00</u>

PURPOSE: Line Item corrections for Commonwealth Attorney Grant - Police Dept.

Revenue		Original Budget	Amended Budget	Change
Line Item				
0100-0509	Prior Year	<u>\$205,000.00</u>	<u>\$208,430.00</u>	<u>\$3,430.00</u>
	Reserves	<u>\$205,000.00</u>	<u>\$208,430.00</u>	<u>\$3,430.00</u>

Expenditure		Original Budget	Amended Budget	Change
Line Item				
3110-6050	Commonwealth	<u>\$0</u>	<u>\$3,430.00</u>	<u>\$3,430.00</u>
	Attorney Grant	<u>\$0</u>	<u>\$3,430.00</u>	<u>\$3,430.00</u>

PURPOSE: PBT's purchased with DMV Grant – Police Dept.

Revenue				
Line Item		Original Budget	Amended Budget	Change
0400-0413	Misc. Law	<u>\$16,880.25</u>	<u>\$18,076.25</u>	<u>\$1,196.00</u>
	Enforcement	<u>\$16,880.25</u>	<u>\$18,076.25</u>	<u>\$1,196.00</u>
Expenditure				
Line Item		Original Budget	Amended Budget	Change
3110-8106	Grants	<u>\$2,771.82</u>	<u>\$3,967.82</u>	<u>\$1,196.00</u>
		<u>\$2,771.82</u>	<u>\$3,967.82</u>	<u>\$1,196.00</u>

PURPOSE: Security Services Reimbursement (Highlands, Fellowship, Walmart) – Police Dept.

Revenue				
Line Item		Original Budget	Amended Budget	Change
0400-0413	Misc. Law	<u>\$18,076.25</u>	<u>\$19,673.75</u>	<u>\$1,597.50</u>
	Enforcement	<u>\$18,076.25</u>	<u>\$19,673.75</u>	<u>\$1,597.50</u>
Expenditure				
Line Item		Original Budget	Amended Budget	Change
3110-1200	Salaries OT	<u>\$16,880.25</u>	<u>\$18,477.45</u>	<u>\$1,597.50</u>
		<u>\$16,880.25</u>	<u>\$18,477.45</u>	<u>\$1,597.50</u>

PURPOSE: SRO Grant Remittance – Police Dept.

Revenue				
Line Item		Original Budget	Amended Budget	Change
0400-0413	Misc. Law	<u>\$19,673.75</u>	<u>\$28,755.50</u>	<u>\$9,081.75</u>
	Enforcement	<u>\$19,673.75</u>	<u>\$28,755.50</u>	<u>\$9,081.75</u>
Expenditure				
Line Item		Original Budget	Amended Budget	Change
3110-1100	Salaries Regular	<u>\$823,081.75</u>	<u>\$832,163.50</u>	<u>\$9,081.75</u>
		<u>\$823,081.75</u>	<u>\$832,163.50</u>	<u>\$9,081.75</u>

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

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

TOWN MANAGER'S REPORT

Work Session Video Recording Discussion, POSSIBLE VOTE

Mr. Watson stated that they had discussed this during the Work Session and asked what council would like to do.

Mr. Holt made a motion that the Work Sessions not be recorded. Mr. Trigg seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	No
Councilmember Bailey:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed 5-1 by Roll Call Vote.

Resolution: Acceptance of Pumper/Tanker Proposal, ROLL CALL VOTE (attached at end of minutes)

Mr. Watson stated that a Resolution for the Acceptance of the Pumper/Tanker Proposal was attached and asked for a motion to move forward.

Mr. Trigg made a motion to approve the Resolution: Acceptance of Pumper/Tanker Proposal. Mr. Presley seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

Authorize Advertisement of Construction Bids for Water Plant Upgrade Project, VOTE

Mr. Watson asked for a motion authorizing staff to move forward with the advertisement for construction bids for the water project.

Mr. Holt made a motion to approve the Advertisement of Construction Bids for the Water Plant Upgrade Project. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Crow Issue Update

Mr. Watson stated that it was discussed during the Work Session.

Brownfield Grant Update

Mr. Watson stated that the Brownfield Grant had been approved.

Work Session Retreat

Mr. Watson stated that there would be a Work Session Retreat on February 16th at 8:30 a.m. at Town Hall to discuss future projects. He stated that it would be open to the public.

Bluefield Legislative Trip

Mr. Watson stated that staff was working with the Town of Tazewell, Tazewell County Chamber and the joint Mercer County Chamber to put a Legislative Trip together on February 18th – 20th.

CITIZENS COMMENTS

David Wohlford thanked the Town for the new goals at Pinehill Park. He stated that they needed to enforce the trash being put in garbage cans to take care of the crow problem. He stated that there was broken glass at the old Sedgewood swimming pool area and it was dangerous for kids. He stated that it needed topsoil.

Mayor Harris asked if there were any other Citizens Comments.

There were none.

COUNCIL COMMENTS

Mr. Holt stated that he had been working with the Police Department lately regarding some school issues and they were doing a great job and asked them to let Chief know.

Mr. Jones praised staff on the cleanup job at the Austin Eclipse Building.

Mr. Bailey had none.

Mr. Presley gave a shout out to all of the departments.

Mr. Trigg agreed with Mr. Jones and said that the building looked great.

Mayor Harris stated that the old bank building looked good too.

ATTORNEY REPORT

Event Liability Discussion

Mr. Freedman stated that after looking into it that nothing was 100% liability proof. He stated that we were covered by sovereign immunity and as for children coming down that they could require they be accompanied by an adult if that was what council wanted to do. He stated that would help the liability with the parents being there because the parents would be responsible for their child. He stated as far as moving the event to Graham Rec Park and transporting juveniles that they would want some type of waiver/parental consent. He stated as long as it was a Town Event we would be protected under sovereign immunity.

Ownership of IDA Properties Discussion

Mr. Freedman stated that the general question from council was if the IDA were to dispose what would happen to the properties. He stated just like any other organization before it disposed it would have to dissolve its assets such as conveying it to the Town by deed, etc.

Resolution Establishing Rules for Public Comments at Council Meetings, VOTE

Mr. Freedman stated that included in the packet was a handout that would be posted on the council doors or given out to those citizens who wished to comment. He stated if they were good with the resolution then they would just need to vote.

Mr. Jones made a motion to post the rules on the outside of the doors. Mr. Presley seconded the motion.

Mr. Watson asked council if they wanted to just post it out front or have a staff member handing it out to everyone that came in and hoping not to miss anyone.

Mayor Harris stated posting out front was good.

Mr. Jones asked that the motion be to post in the front. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Unsafe Buildings Ordinance, VOTE - 2nd Reading (By Title Only) ROLL CALL VOTE – (To Adopt)

Mr. Freedman stated that this would be the 2nd Reading of Unsafe Buildings Ordinance by title only.

Mr. Jones made a motion to approve the Unsafe Buildings Ordinance 2nd Reading by title only. Mr. Presley seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

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.

Mr. Freedman asked for a motion to adopt it.

Mr. Presley made a motion to adopt the Unsafe Buildings Ordinance. Mr. Bailey seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

Planning Commission Ordinance, VOTE - 2nd Reading (By Title Only) ROLL CALL VOTE – (To Adopt)

Mr. Freedman stated that this would be the 2nd Reading of the Planning Commission Ordinance by title only.

Mr. Holt made a motion to approve the Planning Commission Ordinance 2nd Reading by title only. Mr. Presley seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

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

Mr. Freedman asked for a motion to adopt it.

Mr. Presley made a motion to adopt the Planning Commission Ordinance. Mr. Bailey seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

Cemetery Ordinance, VOTE - 2nd Reading (By Title Only) ROLL CALL VOTE – (To Adopt)

Mr. Freedman stated that this would be the 2nd Reading of the Cemetery Ordinance by title only.

Mr. Holt made a motion to approve the Cemetery Ordinance 2nd Reading by title only. Mr. Presley seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

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.

Mr. Freedman asked for a motion to adopt it.

Mr. Presley made a motion to adopt the Cemetery Ordinance. Mr. Holt seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

Point of Presence (attached at the end of minutes)

Mr. Freedman stated that the advertisement for the Point of Presence bids would be on the 15th and 23rd of February and then it would be brought back to council. He stated that council had an updated version of the lease to be advertised with the changes in red.

EXECUTIVE SESSION

Councilmember Presley made a motion to enter into Executive Session pursuant to *Code of Virginia Section 2.2-3711-A-1.6 and 2.2-3711-A-1.7* and Mrs. Catron read:

The investing of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the government unit would be adversely affected.

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

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

Council entered into Executive Session 8:05 p.m.

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

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

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

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

Adopted this 12th day of February.

Vice-Mayor Trigg seconded the motion.

ROLL CALL VOTE

Vice-Mayor Trigg:	Yes
Councilmember Presley:	Yes
Councilmember Bailey:	Yes
Mayor Harris:	Yes
Councilmember Jones:	Yes
Councilmember Holt:	Yes

The motion passed unanimously by Roll Call Vote.

ADJOURN

Mr. Holt made a motion to adjourn the meeting at 9:30 p.m. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Don Harris, Mayor

Lesley Catron, Town Clerk

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.

A RESOLUTION TO AWARD AN OFFEROR A PURCHASE CONTRACT

WHEREAS, the Town of Bluefield, Virginia ("the Town"), on November 29, 2018, issued a Request for Proposals to lawfully begin the purchasing process of a 3,000 GALLON PUMPER/TANKER FIRE FIGHTING MOTOR VEHICLE; and

WHEREAS, the aforesaid Request for Proposals was issued to utilize the Competitive Negotiation procurement process, as such process was determined by the Town Manager of the Town to be the most advantageous form of procurement under the circumstances; and

WHEREAS, the aforesaid Request for Proposals was advertised or referenced on the Virginia Department of General Services website, advertised or referenced on the Town's website, advertised or referenced in the Bluefield Daily Telegraph, and directly submitted to multiple relevant manufacturers; and

WHEREAS, the aforesaid advertisements/postings/references/submissions were all completed at least ten (10) days prior to the advertised date the proposals were to be opened; and

WHEREAS, a total of three (3) firms submitted proposals to the Town in response to the Town's Request for Proposals, and all were opened, reviewed, and evaluated in writing by the Town Manager of the Town and the Fire Chief of the Town; and

WHEREAS, the two (2) highest graded firms who submitted proposals were selected by the Fire Chief of the Town and the Town Manager of the Town, and upon approval of the Council of the Town of Bluefield, Virginia, such proposals were subjected by the Fire Chief of the Town and/or his designees to negotiations; and

WHEREAS, upon conclusion of all negotiations of the aforesaid two (2) proposals, the two (2) final negotiated offers were understood and summarized to be as follows:

1. REDSTORM FIRE & RESCUE APPARATUS, INC.

**HME AHRENS-FOX SPECTR CHASSIS 3000 GALLON PUMPER TANKER
\$701,210.00 (OFFER VALID UNTIL 02/15/2019)**

2. ATLANTIC EMERGENCY SOLUTIONS, INC.

**2019 PIERCE ENFORCER 3,000 GALLON PUMPER/TANKER
\$841,693.00 (OFFER VALID UNTIL 01/30/2019)**

The above summarized final offers include the price of the vehicles proposed, all negotiated equipment, travel, delivery, warranties, and consultations, but exclude applicable taxes; and

WHEREAS, the Fire Chief of the Town, upon concluding the aforesaid negotiations, determined that REDSTORM FIRE & RESCUE APPARATUS, INC., whose final negotiated offer is summarized above, proposed the best vehicle for the best value in relation to what was sought and informed the Town Manager of the Town of such determination, who concurred.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA, pursuant to Bluefield Code § 2-245, the said Council, in its opinion, concurs with the Fire Chief of the Town and the Town Manager of the Town and finds that REDSTORM FIRE & RESCUE APPARATUS, INC. has made the best offer in these circumstances, and awards a purchase contract to such offeror for the purchase of the HME AHRENS-FOX SPECTR CHASSIS 3000 GALLON PUMPER TANKER.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town Manager of the Town is hereby authorized to take all lawful actions necessary, including seeking bank financing, to ensure the purchase of the aforesaid vehicle and its amenities by the Town from the aforesaid offeror.

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 12th day of February, 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 said Council.

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

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MOTION TO ADOPT MADE BY: _____
MOTION TO ADOPT SECONDED BY: _____
ADOPTION DATE: 02/12/2019
EFFECTIVE DATE: 02/12/2019

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 _____,

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, the Town of Bluefield, Virginia desires to let a small portion of its Town Hall in Bluefield, Virginia for the purpose of permitting a 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, Virginia; and

WHEREAS, pursuant to §§ 15.2-2100 and 15.2-2101 of the Code of Virginia (1950) as amended, an invitation for bids regarding the desired lease with the Town of Bluefield, Virginia 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 desired lease with the Town of Bluefield, Virginia, which included a proposed lease, attached hereto, and 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 approves, 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 the Town Manager of the Town of Bluefield, Virginia, upon executing the aforesaid lease on behalf of the Town of Bluefield, a Virginia Municipal Corporation, shall seek the formal written acceptance of such lease by _____, and such acceptance shall be made a part of the lease attached to this ordinance.

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 _____.

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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

**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. In lieu of a monthly rent being paid to Bluefield by _____ during the term of this lease, _____ shall provide Bluefield at least 200/20 MB of bandwidth for broadband services through the aforesaid PoP at no cost. During the term of this lease, if 200/20 MB 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: _____