

**Town of Bluefield
Town Council
Minutes
September 10, 2019**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, September 10, 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
Ron Holt, Councilmember
Chuck Presley, Councilmember
Jarrod Bailey, Councilmember
Anglis Trigg Jr., Vice-Mayor

ALSO PRESENT

Mike Watson, Town Manager
Kim Hernandez, Town Clerk
Billie Roberts, Comm. Dev. Coordinator
Matt Freedman, Town Attorney
Shane Gunter, Police Chief
Rachel Looney, Administrative Asst.
7 Members of Public
1 Members of Media

ABSENT

Jimmy Jones, Councilmember

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

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

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

Councilmember Jones: Absent
Councilmember Holt: Yes

CONSENT AGENDA

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

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

CITIZEN REQUESTS & SPECIAL PRESENTATIONS

None.

COMMITTEE REPORTS

Graham Historical Society Update – Eva Saunders

Mrs. Saunders thanked council and the Town and stated that there were several things going on at the Sanders House. She stated that the annual bean dinner would be held on October 8th at 11 a.m. She stated that the attendance had dropped and encouraged the employees and council to attend. She stated that they would also be starting a membership drive, had Open House scheduled for the 1st Sunday in December with entertainment and refreshments provided and invited council to attend their meetings the 2nd Tuesday of every month at 10:15 a.m. weather permitting. She stated that they backed the Sanders House Board with all of their events and thanked the Town and council for their support.

Mayor Harris thanked her and the committee for all they did.

UNFINISHED BUSINESS & REPORTS

None.

NEW BUSINESS & REPORTS

Cumberland Plateau/Graham Manor Waiver, VOTE – Kim Hernandez

Mrs. Hernandez stated that the Town had received a request on behalf of the Cumberland Plateau Regional Housing Authority for Graham Manor Apartments asking

that the Town waive the Authority's taxes in the amount of \$1,010 for fiscal year ending March 31, 2019. She stated that this was something that had been done in the past and if council was ok with waiving the taxes then we would need a vote to approve.

Mr. Presley made a motion to approve waiving the taxes in the amount of \$1,010 on behalf of the Cumberland Plateau/Graham Manor Apartments for fiscal year ending March 31, 2019. Mr. Trigg seconded the motion.

ROLL CALL VOTE

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

The motion passed unanimously by Roll Call Vote.

Budget Amendments, VOTE – Kim Hernandez

Mrs. Hernandez went over the following Budget Amendments:

PURPOSE: School Resource Officer Grant

Revenue

Line Item		Original Budget	Amended Budget	Change
0400-0413	Misc. State	<u>\$51,199.00</u>	<u>\$79,152.25</u>	<u>\$27,953.25</u>
	Law Enforce	<u>\$51,199.00</u>	<u>\$79,152.25</u>	<u>\$27,953.25</u>

Expenditure

Line Item		Original Budget	Amended Budget	Change
3110-1100	Salaries-Regular	<u>\$814,000.00</u>	<u>\$841,953.25</u>	<u>\$27,953.25</u>
		<u>\$814,000.00</u>	<u>\$841,953.25</u>	<u>\$27,953.25</u>

PURPOSE: Overtime Reimbursement, Highlands Fellowship/Aramark

Revenue

Line Item		Original Budget	Amended Budget	Change
0400-0413	Misc. State	<u>\$79,152.25</u>	<u>\$85,875.75</u>	<u>\$6,723.50</u>
	Law Enforce	<u>\$79,152.25</u>	<u>\$85,875.75</u>	<u>\$6,723.50</u>

Expenditure

Line Item		Original Budget	Amended Budget	Change
3110-1200	Salaries-Overtime	<u>\$30,949.00</u>	<u>\$37,672.50</u>	<u>\$6,723.50</u>
		<u>\$30,949.00</u>	<u>\$37,672.50</u>	<u>\$6,723.50</u>

PURPOSE: HEAL Grant

Revenue

Line Item		Original Budget	Amended Budget	Change
3108-9901	General Fund	<u>\$255,419.00</u>	<u>\$265,419.00</u>	<u>\$10,000.00</u>
	Misc.	<u>\$255,419.00</u>	<u>\$265,419.00</u>	<u>\$10,000.00</u>

Expenditure

Line Item		Original Budget	Amended Budget	Change
7130-8101	Shelters	<u>\$0.00</u>	<u>\$10,000.00</u>	<u>\$10,000.00</u>
		<u>\$0.00</u>	<u>\$10,000.00</u>	<u>\$10,000.00</u>

She asked for a motion to approve the Budget Amendments.

Mr. Holt made a motion to approve the above Budget Amendments as read. Mr. Presley seconded the motion.

ROLL CALL VOTE

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

The motion passed unanimously by Roll Call Vote.

TOWN MANAGER'S REPORT

Fincastle Name and Logo

Mr. Watson stated that the Fincastle Committee had met and came up with Fincastle as the name and had also came up with a logo that he handed out. He stated that if council was ok with both then staff would move forward with it.

Mr. Holt stated that he would like to see a few more options for the logo and suggested hiring someone to come up with a few more options and stated that Clinch Valley was good at doing logos.

Mr. Watson asked if they were ok with the name just wanted more logos brought back.

Council stated yes.

Holiday Schedule

Mr. Watson stated that he would like to go ahead and approve the upcoming holiday schedule so that the trash pickup could be advertised ahead of time. He asked council to approve the day after Thanksgiving, Christmas Eve and New Year's Eve as additional holidays.

Mr. Holt made a motion to approve the additional holidays time off request. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

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

Dudley Fall Festival Request

Mr. Watson stated that he had received a request from Dudley Elementary for their Fall Festival fundraiser. He stated that they were requesting for the Town to cover the food which was approximately \$500.

Mr. Holt made a motion to approve the Dudley Fall Festival Request in the amount of \$500. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

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

Fall Concert Discussion

Mr. Watson suggested that they wait until next year to have a concert which would allow staff to better prepare.

Autumn Jamboree

Mr. Watson stated that the Autumn Jamboree would be held on Saturday, September 14th at noon in downtown Bluefield, VA.

VML Conference

Mr. Watson stated that the VML Conference this year would be held in Roanoke VA at the Hotel Roanoke on October 6th – 8th. He stated that council and some of staff would miss the Sanders House Bean Dinner since they would be out of town.

CITIZENS COMMENTS

Gail Cook thanked the Town and Council on behalf of the Historical Society and the Sanders House for everything they did. She invited everyone to their Twisted History event that would be held October 10th – 12th at 6:30 p.m. She stated that they were currently putting in a new porch and invited all to come and see the Railroad Museum that was now on both floors.

Mayor Harris thanked her and the committee for their hard work.

Dave Wohlford, Sedgewood asked if the street sweeper had been fixed and if the fire hydrants had been tested. He stated that not being able to open and operate them or flushing the lines was concerning and it was time to test all of the hydrants. He also asked what treatment was being put in the water because it was leaving mold in his toilet. He stated that there was a lot of glass at the old Sedgewood pool that needed to be picked up because kids were playing soccer there. He stated regarding Mr. Jones's illness that in his experience with talking to physicians that they say after a couple of months that the results you see was what you were going to get. He stated that he knew it was a personal matter but that it was time to bring it out in the open and talk about it and do something because the code stated you could not miss more than 3 meetings. He stated that Mr. Jones was not involved in the acquisition of Fincastle and that a vacant seat showed no respect to the community.

Donnie Linkous suggested regarding the political signs that the board abolish them or enforce them because for the past 20 years they had been enforced to a "T" until he ran. He stated that regarding Mr. Jones that he did not think there was anything in the charter that stated an elected official had to come to the meetings but that it may say something as to they would not get paid. He stated that there was nothing in the charter that stated the Mr. Jones had to be replaced but that it may be something they needed to look at in the future.

Mayor Harris stated that it was all being considered right now.

COUNCIL COMMENTS

Mr. Holt stated that they had discussed during the Work Session to go to Public Hearing for the Political Signs. He stated that he believed that they had a majority that would like to go to Public Hearing.

He made a motion to go to Public Hearing in reference to the repeal of the Political Sign Ordinance. Mr. Bailey seconded the motion.

ROLL CALL VOTE

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

The motion passed unanimously by Roll Call Vote.

Mr. Holt stated that they also needed to have a Public Hearing on the charter changes and he would make that motion. He asked Mr. Freedman if he was going to put something on that.

Mr. Freedman suggested putting together some type of written motion for the next meeting outlining what the proposed changes would be to go to Public Hearing. He suggested doing two separate documents, one in a resolution in which everyone was in agreement on and the other one which we did not know yet as it resulted to adding another council seat and asked if that was the only change.

Mr. Holt stated that it would be related to adding another council seat, the tie-breaking vote and a voice in the proceedings.

Mr. Freedman asked if he could bring it back in writing so they all knew what would need to be advertised.

Mr. Holt agreed with that.

Mayor Harris asked that it be brought back so that council could see it.

Mr. Holt rescinded his motion. He stated that he agreed the ordinance needed to be repealed because it only allowed for arguments at election time. He stated that they were trying to take steps to correct it and steps to address our sick councilmember.

Mr. Bailey stated concerning political signs that in his opinion they could not have an ordinance that they could not enforce and that the fire hydrants were also a concern of his and he had been talking to Mr. Watson concerning them.

Mr. Presley agreed on getting rid of the sign ordinance and gave a shout out to the Police and Fire Department and all of staff.

Mr. Trigg had none.

Mayor Harris had none.

ATTORNEY REPORT

Motion to adopt resolution authorizing the issuance of a \$1,900,000 GO Bond for the purchase of that certain real estate commonly known as Fincastle on the Mountain in Bluefield, Virginia and related personal property, ROLL CALL VOTE

Mr. Freedman stated that the motion titled: Motion to adopt resolution authorizing the issuance of a \$1,900,000 GO Bond for the purchase of that certain real estate commonly known as Fincastle on the Mountain in Bluefield, Virginia and related personal property. He stated that the Resolution was part of the packet and was titled: RESOLUTION AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION BOND OF THE TOWN OF BLUEFIELD IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,900,000 AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF THE BOND AND AUTHORIZING CERTAIN RELATED ACTIONS. He stated that the adoption of this Resolution was related to the issuance of a bond for the purposes of purchasing the property known as Fincastle on the Mountain, Bluefield, VA and the personal properties associated with it. He stated that if council was good with the Resolution then we would need a motion to adopt, second and a Roll Call Vote.

Mr. Presley made a motion to adopt the Resolution titled: RESOLUTION AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION BOND OF THE TOWN OF BLUEFIELD IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,900,000 AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF THE BOND AND AUTHORIZING CERTAIN RELATED ACTIONS. Mr. Bailey seconded the motion.

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

The motion passed unanimously by Roll Call Vote.

Ordinance to amend Section 22-92 (Removal) of Article III (Inoperable Motor Vehicles) of Chapter 2 (Environment), 1st Reading, ROLL CALL VOTE (attached at end of minutes)

Mr. Freedman stated that this would be the 1st Reading of the Ordinance to amend Section 22-92 (Removal) of Article III (Inoperable Motor Vehicles) of Chapter 2 (Environment) and if council was ok and ready to proceed then he would need a motion, second and roll call vote for it to be read in its entirety in the back of the Chambers.

Mr. Presley made a motion to approve the 1st Reading in its entirety of the Ordinance to amend Section 22-92 (Removal) of Article III (Inoperable Motor Vehicles) of Chapter 2 (Environment). Mr. Bailey seconded the motion.

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

The motion passed unanimously by Roll Call Vote.

Ordinance Authorizing the Town to dispose of and quitclaim all of its right, title and interest in 830 Greever Ave, 826 Greever Ave and 129 Depot St, 1st Reading, ROLL CALL VOTE (attached at end of minutes)

Mr. Freedman stated that the next thing was the Ordinance Authorizing the Town to dispose of and quitclaim all of its right, title and interest in 830 Greever Ave, 826 Greever Ave and 129 Depot St. and was up for its 1st Reading. He stated if council was satisfied with what was presented (and noted that there was one correction from the last version that was highlighted) that he would need a motion, second and roll call vote for it to be read in its entirety in the back of the Chambers.

Mr. Bailey made a motion to approve the 1st Reading in its entirety of the Ordinance Authorizing the Town to dispose of and quitclaim all of its right, title and interest in 830 Greever Ave, 826 Greever Ave and 129 Depot St. Mr. Presley seconded the motion.

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

The motion passed unanimously by Roll Call Vote.

EXECUTIVE SESSION

Mayor Harris asked Mrs. Hernandez to read the Section.

MOTION FOR CLOSED MEETING

It is hereby moved that the Council of the Town of Bluefield, Virginia enter into a closed meeting pursuant to Section 2.2-3711 (A) (1) (3) of the Code of Virginia as amended. The specific purpose for this motion is to discuss the following matter(s):

Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, with such closed meeting being confined to the following subjects: the acquisition of a recreational facility where public discussion could adversely affect the Town's bargaining position and concerns regarding a Town of Bluefield Official.

Councilmember Holt made a motion to enter into Executive Session as described above. Councilmember Presley seconded the motion. The motion passed unanimously by voice vote.

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

Mr. Presley made a motion to enter back into regular session. Mr. Bailey seconded the motion. The motion passed unanimously by voice vote.

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

CERTIFICATION OF EXECUTIVE SESSION

WHEREAS, the Town Council of Bluefield, Virginia convened a closed meeting on September 10, 2019, pursuant to a duly adopted motion, attached hereto, and such

closed meeting was convened in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Town Council of Bluefield, Virginia returned to its open meeting held on September 10, 2019.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA HEREBY CERTIFIES that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the closed meeting held on September 10, 2019, to which this certification applies and (ii) only such public business matters as were identified in the motion convening such closed meeting were heard, discussed, or considered by the Council of the Town of Bluefield, Virginia in such closed meeting.

ROLL CALL VOTE

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

The motion passed unanimously by Roll Call Vote.

ADJOURN

Mr. Holt made a motion to adjourn the meeting at 8:43 p.m. Mr. Bailey seconded the motion. The motion passed unanimously by voice vote.

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

Don Harris, Mayor

Kim Hernandez, 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 24TH DAY OF SEPTEMBER, 2019.

AN ORDINANCE TO AMEND SECTION 22-92 (REMOVAL) OF ARTICLE III (INOPERABLE MOTOR VEHICLES) OF CHAPTER 22 (ENVIRONMENT) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Section 22-92 of Article III of Chapter 22 of the Code of Ordinances, Town of Bluefield, Virginia is hereby amended to read as follows:

Sec. 22-92. Notice; removal; disposal; costs; and lien.

The property owner(s) of property zoned for residential, commercial or agricultural purposes, upon being notified as described in section 22-54 of this chapter, shall remove therefrom any inoperable motor vehicle, trailer or semitrailer which is not kept within a fully enclosed building or structure or is not shielded or screened from view. Any such notice, once given, shall be effective for a period of twelve (12) months thereafter, and no further notice shall need to be provided within the said twelve (12) month period. The property owner(s) may appeal the alleged existence of an inoperable motor vehicle, trailer or semitrailer. The appeal process hereunder shall be the same process stated in section 22-54 of this chapter.

In the event the property owner(s) fails to remove an inoperable motor vehicle, trailer or semitrailer after being notified as provided herein, then the town, through its agents or employees, may remove such inoperable motor vehicle, trailer or semitrailer.

In the event the town, through its agents or employees, removes an inoperable motor vehicle, trailer or semitrailer from any property within the town, then the town may further dispose of such inoperable motor vehicle, trailer or semitrailer after providing fourteen (14) days' notice to the owner(s) of such inoperable motor vehicle, trailer or semitrailer. Such notice shall be provided by certified mail with return receipt requested to the last known address of the owner(s) of the said inoperable motor vehicle, trailer or semitrailer.

The costs of removal and/or disposal of an inoperable motor vehicle, trailer or semitrailer incurred pursuant to the authority of this section shall be chargeable to the owner(s) of such inoperable motor vehicle, trailer or semitrailer or to the property owner(s) of the property where such inoperable motor vehicle, trailer or semitrailer was removed. Such costs may be collected by the town as taxes are collected. Any costs authorized by this section with which the property owner(s) has been assessed shall constitute a lien against the property from which such inoperable motor vehicle, trailer or semitrailer was removed, and such lien shall continue until actual payment of such costs have been made.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance amends and reenacts Section 22-92 of Article III of Chapter 22 of the Code of Ordinances, Town of Bluefield, Virginia.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance is hereby adopted on this 24th day of September, 2019.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall be effective on the 24th day of October, 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 24th day of September, 2019.

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PUBLIC HEARING:	NONE
FIRST READING:	SEPTEMBER 10, 2019
SECOND READING:	SEPTEMBER 24, 2019
MOTION TO ADOPT MADE BY:	_____
MOTION TO ADOPT SECONDED BY:	_____
ADOPTION DATE:	SEPTEMBER 24, 2019
EFFECTIVE DATE:	OCTOBER 24, 2019

[illegible]

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:

KIM HERNANDEZ, TOWN CLERK
DATE

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 24TH DAY OF SEPTEMBER, 2019.

AN ORDINANCE AUTHORIZING THE TOWN OF BLUEFIELD TO DISPOSE OF AND QUITCLAIM ALL OF ITS RIGHT, TITLE, AND INTEREST IN 830 GREEVER AVENUE, 826 GREEVER AVENUE, AND 129 DEPOT STREET WITHIN THE CORPORATE LIMITS OF THE TOWN OF BLUEFIELD

WHEREAS, pursuant to Article VII, Section 9 of the Virginia Constitution, “[n]o rights of a city or town in and to its . . . public places . . . shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all members elected to the governing body.”; and

WHEREAS, pursuant to Section 15.2-2100(A) of the Code of Virginia (1950) as amended, “[n]o rights of a city or town in and to its . . . public places . . . shall be sold except by an ordinance passed by a recorded affirmative vote of three-fourths of all the members elected to the council . . .”; and

WHEREAS, pursuant to Section 15.2-1800(B) of the Code of Virginia (1950) as amended, “[s]ubject to any applicable requirements of Article VII, Section 9 of the Constitution, any locality may sell, at public or private sale, . . . or otherwise dispose of its real property . . . provided that no such real property, whether improved or unimproved, shall be disposed of until the governing body has held a public hearing concerning such disposal.”; and

WHEREAS, pursuant to Section 15.2-953 of the Code of Virginia (1950) as amended, a town may also donate real property to certain entities/organizations; and

WHEREAS, all the real estate described in this ordinance, including the improvements thereon and the appurtenances thereunto belonging, has been determined to be surplus real estate by the Town Manager of the Town of Bluefield, and has little or no value to the Town of Bluefield, a Virginia municipal corporation, hereinafter “the Town”; and

WHEREAS, the Council of the Town of Bluefield, Virginia now desires to authorize the Town’s disposal and quitclaim, by sale or donation, of all of its right, title, and interest, both at law and in equity, in all the below described real estate, including the improvements thereon and the appurtenances thereunto belonging; and

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WHEREAS, a public hearing regarding the Town's proposed disposal and quitclaim of all of its right, title, and interest in all the below described real estate, including its improvements and appurtenances, was held before the Council of the Town of Bluefield, Virginia on the 27th day of August, 2019, at 7:15 p.m., after notice of the said public hearing was duly published on the 8th day of August, 2019, and on the 16th day of August, 2019, 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 Town is hereby authorized to dispose of and quitclaim, by sale or donation, all of its right, title, and interest, both at law and in equity, in all the below described real estate, including the improvements thereon and the appurtenances thereunto belonging, with such real estate being located in the Town of Bluefield, Tazewell County, Virginia, and described herein this ordinance as follows, to wit:

TAZEWELL COUNTY, VIRGINIA
TAX MAP NUMBERS, DESCRIPTORS, ADDRESSES, & DEED REFERENCES

1. 830 GREEVER AVENUE - BLUEFIELD, VIRGINIA 24605

024A2A 0042 - 0.116 ACRE - -
GREEVER AVENUE
TOWN OF BLUEFIELD

*SUCH REAL ESTATE BEING MORE PARTICULARLY DESCRIBED IN A DEED DATED
DECEMBER 20, 2018, AND OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT
COURT IN TAZEWELL COUNTY, VIRGINIA IN DEED BOOK 2018 AT PAGE 19053.*

2. 826 GREEVER AVENUE - BLUEFIELD, VIRGINIA 24605

024A2A 0041 - LOT OR PARCEL
GREEVER AVENUE

*SUCH REAL ESTATE BEING MORE PARTICULARLY DESCRIBED IN A DEED DATED
DECEMBER 20, 2018, AND OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT
COURT IN TAZEWELL COUNTY, VIRGINIA IN DEED BOOK 2018 AT PAGE 19053.*

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3. 129 DEPOT STREET - BLUEFIELD, VIRGINIA 24605

024A327370011 -

LOT 11, SEC 37
TOWN OF BLUEFIELD

024A327370012-0013 -

LOTS 12-13, SEC 37
TOWN OF BLUEFIELD

SUCH REAL ESTATE BEING MORE PARTICULARLY DESCRIBED IN A DEED EXECUTED ON BEHALF OF WELLS FARGO BANK, N. A. ON SEPTEMBER 6, 2018, AND OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT IN TAZEWELL COUNTY, VIRGINIA IN DEED BOOK 2018 AT PAGE 14012.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town Manager of the Town is hereby authorized and directed to dispose of and quitclaim, by sale or donation, all of the Town's right, title, and interest, both at law and in equity, in all of the previously described real estate, including the improvements thereon and the appurtenances thereunto belonging, on behalf of the Town.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town Manager of the Town shall have full authority and power to perform the following actions:

- 1) to effect, on behalf of the Town, the disposal and quitclaim, by sale or donation, of all of the Town's right, title, and interest, both at law and in equity, in the previously described real estate, its improvements, and its appurtenances;
- 2) to solicit, evaluate, negotiate, and accept/reject all bids/offers/proposals for the said real estate's best proposed use, on behalf of the Town, which are made for the purchase and/or donation of the previously described real estate, its improvements, and its appurtenances, and to further determine, in his/her sole discretion, which said bids/offers/proposals constitute the best proposed use for the previously described real estate, its improvements, and its appurtenances;
- 3) to contract with realtors, auctioneers, and related individuals/organizations, on behalf of the Town, to facilitate the sale or donation of the previously described real estate, its improvements, and its appurtenances;
- 4) to execute and deliver contracts, settlement statements, quitclaim deeds, and other necessary documentation, on behalf of the Town, which concern the sale or donation of all the Town's right, title, and interest, both at law and in equity, in the previously described real estate, its improvements, and its appurtenances;

- 5) to impose, on behalf of the Town, any restrictions, covenants, easements, remainder interests, and the like upon the previously described real estate, its improvements, and its appurtenances which will ensure a proposed use accepted by the Town will be fulfilled upon the said real estate being sold or donated; and
- 6) to pay, on behalf of the Town, any fees, costs, and/or taxes associated with the sale or donation of the previously described real estate, its improvements, and its appurtenances.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that any donation of the previously described real estate, including the improvements thereon and the appurtenances thereunto belonging, shall adhere to the applicable requirements of Section 15.2-953 of the Code of Virginia (1950) as amended.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the previously described real estate, including the improvements thereon and the appurtenances thereunto belonging, need not be sold or donated collectively, but may be sold or donated separately.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance is adopted on this 24th day of September, 2019, and such ordinance 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, 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 24th day of September, 2019.

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PUBLIC HEARING: August 27, 2019
FIRST READING: September 10, 2019
SECOND READING: September 24, 2019

MOTION TO ADOPT MADE BY: _____
MOTION TO ADOPT SECONDED BY: _____

ADOPTION DATE: September 24, 2019
EFFECTIVE DATE: September 24, 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

(TOWN)
SEAL

ATTEST:

KIM HERNANDEZ, 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 24TH DAY OF SEPTEMBER, 2019.

AN ORDINANCE AUTHORIZING THE TOWN OF BLUEFIELD TO DISPOSE OF AND QUITCLAIM ALL OF ITS RIGHT, TITLE, AND INTEREST IN 830 GREEVER AVENUE, 826 GREEVER AVENUE, AND 129 DEPOT STREET WITHIN THE CORPORATE LIMITS OF THE TOWN OF BLUEFIELD

WHEREAS, pursuant to Article VII, Section 9 of the Virginia Constitution, “[n]o rights of a city or town in and to its . . . public places . . . shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all members elected to the governing body.”; and

WHEREAS, pursuant to Section 15.2-2100(A) of the Code of Virginia (1950) as amended, “[n]o rights of a city or town in and to its . . . public places . . . shall be sold except by an ordinance passed by a recorded affirmative vote of three-fourths of all the members elected to the council”; and

WHEREAS, pursuant to Section 15.2-1800(B) of the Code of Virginia (1950) as amended, “[s]ubject to any applicable requirements of Article VII, Section 9 of the Constitution, any locality may sell, at public or private sale, . . . or otherwise dispose of its real property . . . provided that no such real property, whether improved or unimproved, shall be disposed of until the governing body has held a public hearing concerning such disposal.”; and

WHEREAS, pursuant to Section 15.2-953 of the Code of Virginia (1950) as amended, a town may also donate real property to certain entities/organizations; and

WHEREAS, all the real estate described in this ordinance, including the improvements thereon and the appurtenances thereunto belonging, has been determined to be surplus real estate by the Town Manager of the **Town of Bluefield**, and has little or no value to the Town of Bluefield, a Virginia municipal corporation, hereinafter “the Town”; and

WHEREAS, the Council of the Town of Bluefield, Virginia now desires to authorize the Town’s disposal and quitclaim, by sale or donation, of all of its right, title, and interest, both at law and in equity, in all the below described real estate, including the improvements thereon and the appurtenances thereunto belonging; and

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WHEREAS, a public hearing regarding the Town's proposed disposal and quitclaim of all of its right, title, and interest in all the below described real estate, including its improvements and appurtenances, was held before the Council of the Town of Bluefield, Virginia on the 27th day of August, 2019, at 7:15 p.m., after notice of the said public hearing was duly published on the 8th day of August, 2019, and on the 16th day of August, 2019, 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 Town is hereby authorized to dispose of and quitclaim, by sale or donation, all of its right, title, and interest, both at law and in equity, in all the below described real estate, including the improvements thereon and the appurtenances thereunto belonging, with such real estate being located in the Town of Bluefield, Tazewell County, Virginia, and described herein this ordinance as follows, to wit:

TAZEWELL COUNTY, VIRGINIA
TAX MAP NUMBERS, DESCRIPTORS, ADDRESSES, & DEED REFERENCES

1. 830 GREEVER AVENUE - BLUEFIELD, VIRGINIA 24605

024A2A 0042 -	0.116 ACRE+- GREEVER AVENUE TOWN OF BLUEFIELD
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*SUCH REAL ESTATE BEING MORE PARTICULARLY DESCRIBED IN A DEED DATED
DECEMBER 20, 2018, AND OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT
COURT IN TAZEWELL COUNTY, VIRGINIA IN DEED BOOK 2018 AT PAGE 19053.*

2. 826 GREEVER AVENUE - BLUEFIELD, VIRGINIA 24605

024A2A 0041 -	LOT OR PARCEL GREEVER AVENUE
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*SUCH REAL ESTATE BEING MORE PARTICULARLY DESCRIBED IN A DEED DATED
DECEMBER 20, 2018, AND OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT
COURT IN TAZEWELL COUNTY, VIRGINIA IN DEED BOOK 2018 AT PAGE 19053.*

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3. 129 DEPOT STREET - BLUEFIELD, VIRGINIA 24605

024A327370011 -

LOT 11, SEC 37
TOWN OF BLUEFIELD

024A327370012-0013 -

LOTS 12-13, SEC 37
TOWN OF BLUEFIELD

SUCH REAL ESTATE BEING MORE PARTICULARLY DESCRIBED IN A DEED EXECUTED ON BEHALF OF WELLS FARGO BANK, N. A. ON SEPTEMBER 6, 2018, AND OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT IN TAZEVELL COUNTY, VIRGINIA IN DEED BOOK 2018 AT PAGE 14012.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town Manager of the Town is hereby authorized and directed to dispose of and quitclaim, by sale or donation, all of the Town's right, title, and interest, both at law and in equity, in all of the previously described real estate, including the improvements thereon and the appurtenances thereunto belonging, on behalf of the Town.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town Manager of the Town shall have full authority and power to perform the following actions:

- 1) to effect, on behalf of the Town, the disposal and quitclaim, by sale or donation, of all of the Town's right, title, and interest, both at law and in equity, in the previously described real estate, its improvements, and its appurtenances;
- 2) to solicit, evaluate, negotiate, and accept/reject all bids/offers/proposals for the said real estate's best proposed use, on behalf of the Town, which are made for the purchase and/or donation of the previously described real estate, its improvements, and its appurtenances, and to further determine, in his/her sole discretion, which said bids/offers/proposals constitute the best proposed use for the previously described real estate, its improvements, and its appurtenances;
- 3) to contract with realtors, auctioneers, and related individuals/organizations, on behalf of the Town, to facilitate the sale or donation of the previously described real estate, its improvements, and its appurtenances;
- 4) to execute and deliver contracts, settlement statements, quitclaim deeds, and other necessary documentation, on behalf of the Town, which concern the sale or donation of all the Town's right, title, and interest, both at law and in equity, in the previously described real estate, its improvements, and its appurtenances;

- 5) to impose, on behalf of the Town, any restrictions, covenants, easements, remainder interests, and the like upon the previously described real estate, its improvements, and its appurtenances which will ensure a proposed use accepted by the Town will be fulfilled upon the said real estate being sold or donated; and
- 6) to pay, on behalf of the Town, any fees, costs, and/or taxes associated with the sale or donation of the previously described real estate, its improvements, and its appurtenances.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that any donation of the previously described real estate, including the improvements thereon and the appurtenances thereunto belonging, shall adhere to the applicable requirements of Section 15.2-953 of the Code of Virginia (1950) as amended.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the previously described real estate, including the improvements thereon and the appurtenances thereunto belonging, need not be sold or donated collectively, but may be sold or donated separately.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance is adopted on this 24th day of September, 2019, and such ordinance 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, shall execute this ordinance on behalf of the said Council.

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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

(TOWN)
SEAL

ATTEST:

KIM HERNANDEZ, TOWN CLERK DATE
TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION