Town of Bluefield Town Council Minutes January 22, 2019

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, January 22, 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 1 Member of Public Sgt. Rex Bradshaw

ABSENT

Shane Gunter, Police Chief

CALL TO ORDER

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

INVOCATION AND PLEDGE

Councilmember Jones led the Invocation. Mayor Harris led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Harris that anyone who was speaking under Citizens Comments to please limit it to 3 minutes.

Councilmember Bailey made a motion to approve the 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

None.

COMMITTEE REPORTS

IDA Update - Billie Roberts (attached at end of minutes)

Mrs. Roberts stated that she would like to give an IDA Update and went over a PowerPoint presentation that she handed out to council.

Mr. Trigg stated that someone had called him and he would get with her and talk to her about it.

Mr. Bailey asked who would be able to attend the 6-8 week entrepreneur course.

Mrs. Roberts stated anyone wanting to launch a community business and if they wanted to apply for the IDA contest then at the end they would have a complete business plan.

Mr. Jones stated that on Monday morning at 11 a.m. there would be a meeting on Spring Street for the Barbara Bates project. He stated that Craig Nash would be there.

Mayor Harris asked if all IDA members had to live in Town.

Mrs. Roberts stated yes.

UNFINISHED BUSINESS & REPORTS

None.

NEW BUSINESS & REPORTS

Budget Amendment, VOTE – Lesley Catron

Mrs. Catron stated that the following budget amendment needed to be voted on.

PURPOSE: Security Services Payment

Revenue Line Item 0400-0413	Misc. Law Enforcement	Original Budget \$57,166.57 \$57,166.57	Amended Budget \$16,880.25 \$16,880.25	Change \$1,846.00 \$1,846.00
Expenditure	Salaries OT	Original Budget	Amended Budget	Change
Line Item		\$15,034.25	\$16,880.25	\$1,846.00
3110-1200		\$15,034.25	\$16,880.25	\$1,846.00

Mr. Trigg made a motion to approve the Budget Amendment. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

CITIZENS COMMENTS

None.

TOWN MANAGER'S REPORT

GHS Football Team Recognition Discussion, VOTE

Mr. Watson stated that the first thing under Town Manager's Report was the GHS Football Team Recognition Discussion.

Mr. Holt made a motion to present the GHS Football Team with a Resolution. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Schedule Joint Public Hearing for R-3 Zoning Ordinance, VOTE

Mr. Watson stated that a Joint Public Hearing needed to be scheduled for the R-3 Zoning Ordinance. He stated that is was just for renumbering.

Mr. Holt made a motion to approve scheduling a Joint Public Hearing for R-3 Zoning Ordinance. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Schedule Joint Public Hearing for E-1 Zoning Ordinance, VOTE

Mr. Watson stated that a Joint Public Hearing needed to be scheduled for the E-1 Zoning Ordinance. He stated that is was to match what was in the Code Book.

Town Council Minutes January 22, 2019 Page 4

Mr. Holt made a motion to approve scheduling a Joint Public Hearing for E-1 Zoning Ordinance. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Discussion of Work Session Retreat

Mr. Watson stated that he would email Council to schedule a Work Session Retreat on a Saturday morning where they could spend a couple of hours discussing projects and giving guidance.

COI Forms

Mr. Watson stated that the COI Forms were due by February 1st. He stated that there was a \$250 fine if not turned in on time.

Art Building

Mr. Watson stated that Barbara Bates came in and talked to him and she was wanting to form an Art Building with art work, crafts, a place to sell crafts and also a place to do classes. He stated that he told her the best thing for her to do was to get a group of 4-6 people who were willing to work on it. He stated that she had an initial budget and was looking at the old Carpetland building.

Mr. Jones stated that there was ice at that building.

Mr. Watson stated that staff had put in a drain there when the road was fixed,

Mrs. Roberts stated that it may just need cleaned out.

Mr. Watson stated that they would look at it.

ATTORNEY REPORT

Advertise for Bids – Deed of Lease Point of Presence, VOTE (attached at end of minutes)

Mr. Freedman stated that what he needed was a motion to advertise for bids for the Deed of Lease Point of Presence. He stated that because the lease exceeded 5 years that it would require being advertised.

Mr. Jones made a motion to advertise for bids for the Deed of Lease Point of Presence. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

Unsafe Buildings Ordinance, VOTE (1st Reading) (attached at end of minutes)
Planning Commission Ordinance, VOTE (1st Reading) (attached at end of minutes)
Cemetery Ordinance, VOTE (1st Reading) (attached at end of minutes)

Mr. Freedman stated that the next 3 Ordinances for the Unsafe Buildings Ordinance, Planning Commission Ordinance and the Cemetery Ordinance was 1st Readings and asked for a motion to approve each of their 1st Readings.

Mr. Holt made a motion to approve the 1st Readings of the following Ordinances: Unsafe Buildings Ordinance, Planning Commission Ordinance and Cemetery Ordinance. Mr. Jones seconded the motion. The motion passed unanimously by voice vote.

Resolution Establishing Rules for Public Comments at Town Council Meetings Discussion

Mr. Freedman stated that he would bring back a Resolution for Citizen Comments and would work with staff to put together a handout.

COUNCIL COMMENTS

Mr. Holt stated the white building they have had issues with that the water had nowhere to go and it may be a drainage fix.

Mr. Jones stated job well done by staff during the cold temps and bad weather.

Mr. Bailey agreed with Mr. Jones that staff had done a good job.

Mr. Presley stated that he would wait until the next meeting for comments.

Mr. Trigg asked about the old Virginia Foods Building.

Mr. Watson stated that the old Austin Eclipse building was cleaned up and a bill was sent to the owner.

Mayor Harris stated that he would like to see them adopt a Resolution for Tony Webster.

Mr. Trigg made a motion to adopt a Resolution for Tony Webster. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

EXECUTIVE SESSION

Councilmember Presley made a motion to enter into Executive Session pursuant to Code of Virginia Section 2.2-3711-A-1.3 and 2.2-3711-A-1.7 and Mrs. Catron read:

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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.

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 8:01 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 22nd day of January.

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.

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ADJOURN

Mr. Holt made a motion to adjourn the meeting at 9:02 p.m. Mr. Presley sectithe motion. The motion passed unanimously by voice vote.								
•								
Don Harris, Mayor	Lesley Catron, Town Clerk							

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Introduction

Industrial Development Authority

- Political subdivision of the Town of Bluefield that serves to promote economic development.
- Able to acquire, own, lease and dispose of properties
- Able to develop loans or grants to promote businesses and industry within the town.



Members

7 Members appointed by the town council of the Town of Bluefield - 4 year terms

- David Bowers
- Wayne Blevins
- Greg DeGray
- Lisa Watkins
- Scott Keim
- Brad Ayers David
- Skidmore

- Vice-Chair ◆Chairman Treasurer
- Terms are 4 Years
- Directors are all residents Bluefield Town of



Highlights



Bank of Graham



VRA -BC Loan

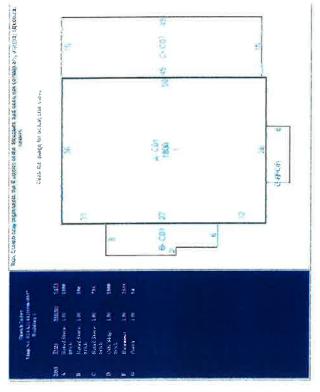


Field Fest

Bank of Graham

501 Virginia Avenue

INSPIRE, INNOVATE, IMPACT





- Owned by the Town of Bluefield
- Leased to the IDA
- IDA will sublease the upper floor to the current tenants and the lower level will host a Community Business Launch



Direction - Lower Level **Bank of Graham**

Community Business Launch

Designed to assist communities in taking a systems approach to defining and pursuing an asset-based small business development strategy.

officials about the opportunities and impact of entrepreneurial and small business development. Designed to excite and educate the community from local residents to local elected

If grant is not awarded the same systems approach will be taken to occupy the lower level of the 501 Virginia Avenue with a discounted lease amount as the incentive for the winner.

- Grant application is due March 1st
- Awards should be notified by June
- Start with entrepreneur classes by Sept. 2019
- Max CBL award is \$45,000 per community with a 25% required match

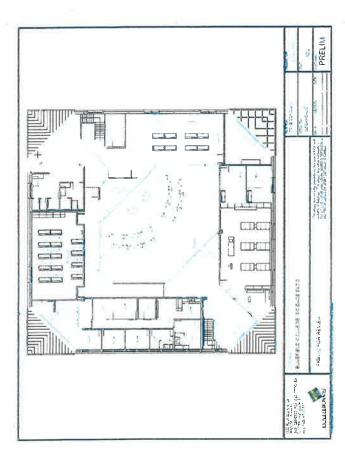
Grant requirements:

- 6-8 week entrepreneurial course
- Business Plan Competition with Pitch Night
- Assist 3 New or Expanded storefronts and 5 full time jobs by September 2020

01/01/2018

INSPIRE, INNOVATE, IMPAC Virginia Resource Authority Bluefield College Loan

In November of 2018 –
Town of Bluefield IDA
was the conduit for a
loan via the Virginia
Resource Authority to
Bluefield College in the
amount of \$1,100,000
for the addition of the
third floor of the Science
Building.



The Science Center addition will allow BC to offer a residential registered nursing program in the fall of 2019.



Field Fest 2019

New Ideas

- Saturdays?
- New Entertainment
- Theme nights Shaggers Night, 80s Night
- Adding new committee members





IDA Financials

INDUSTRIAL DEVELOPMENT AUTHORITY OF TOWN OF BLUEFIELD, VIRGINIA
(A COMPONENT UNIT OF THE TOWN OF BLUEFIELD, VIRGINIA)
STATEMENT OF NET POSITION

JUNE 30, 2018

	\$ 30,553	\$ 131,800	(2,291)	\$ 221,166	\$ 251,719		\$ 221,166	\$ 251,719
ASSETS Current Assets:	Cash and cash equivalents Noncurrent Assets: Capital Assets:	Land Building	Less accumulated depreciation	Total Capital Assets	Total Assets	NET POSITION	investment in capital assets Unrestricted	Total Net Position

The accompanying notes to financial statements are an integral part of this statement,



Questions?

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.

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 B	1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	
MOTION TO ADOPT SECOND		
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 A	YES NAYES	ABSTENTIONS
COUNCIL OF THE TOWN OF I	BLUEFIELD, VIRGINIA	
DONALD R. HARRIS, MA TOWN OF BLUEFIELD, A	YOR DA VIRGINIA MUNICIPAL C	TE ORPORATION
ATTEST		
	CATRON, TOWN CLERK	DATE NUMBER OF ATION
TOWN OF	DLUCTICLU, A VINUINIA	MUNICIPAL CORPORATION

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

NONE

PUBLIC HEARING:	NONE	
FIRST READING:	01/22/2019	
SECOND READING:	02/12/2019	A
MOTION TO ADOPT MADE B'	Y:	
MOTION TO ADOPT SECOND		
ADOPTION DATE:	02/12/2019	
EFFECTIVE DATE:	03/12/2019	
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Name of Councilman	Attendance	Vote
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RESULT OF VOTE:		
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COUNCIL OF THE TOWN OF E	BLUEFIELD, VIRGINIA	
BY:		
DONALD R. HARRIS, MA	YOR DAT	E
	VIRGINIA MUNICIPAL CO	RPORATION
ATTEST.		
	ATRON, TOWN CLERK	DATE
TOWN OF	BLUEFIELD, A VIRGINIA N	JUNICIPAL CORPORATION

2.85(3) (1.45) 1.4 (30)

VIRGINIA: AT A REGULAR MEETING OF THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA HELD AT THE COUNCIL CHAMBERS OF THE TOWN HALI, 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 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 Biuefield, 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 Wirginia Municipal Corporation" on behalf of the Town of Bluefield, a Virginia Municipal Corporation
t Auguna iaramorbar Corboration

BE IT FURTHER ORDAINED VIRGINIA that this ordinar		n this day of
BE IT FURTHER ORDAINED VIRGINIA that Donald R. Harris, ordinance on behalf of the said Co	the Mayor of the Town of Bluei	
IT IS SO ORDAINED BY THE	COUNCIL OF THE TOWN O	F BLUEFIELD, VIRGINIA on
this day of		
PUBLIC HEARING: FIRST READING:		
SECOND READING:	7.	-
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ADOPTION DATE:	MD B1	
EFFECTIVE DATE:	-	
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Name of Councilman	Attendance	Vote
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RESULT OF VOTE:		
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COUNCIL OF THE TOWN OF B	LUEFIELD, VIRGINIA	
BY	DATE	
DONALD R. HARRIS, M.		ARROD ACTION
TOWN OF BLUEFIELD,	A VIRGINIA MUNICIPAL CO	RPURATION
ATTEST		
CLAILIGI.		
	ATRON, TOWN CLERK	DATE
	BLUEFIELD, A VIRGINIA M	UNICIPAL CORPORATION

A DEED OF LEASE BETWEEN TOWN OF BLUEFIELD AND ____

	IS DEED OF LEASE, hereinafter this lease, is made and entered into on the
day	
OF BLU	hereinafter and the <u>TOWN</u> <u>EFIELD</u> , a Virginia Municipal Corporation, hereinafter "Bluefield"
	WITNESSETH:
That f	or and in consideration of the amount of ONE DOLCAR AND 00/100 (\$1,00) and the
	omises, covenants, and mutually equivalent benefits described in this lease, and other
good an	d 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.
	of permitting the ability to provide or oddown a services to Billetterd.
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 pernutted (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 atoresaid 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.
	and equivarent stansard, men such standard sharr be provided to Digenera.
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
б	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 tisk 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 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
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.

TOWN OF BLUEFIELD A VIRGINIA MUNICIPAL CORPORATION

	BY	MICHA	EL WATSON	(SEAL)
	ITS	TOWNM	ANAGER	
COMMONWEALTH OF VIRGINIA COUNTY OF TAZEWELL, to wit:		A	1	
The foregoing instrument was acknown Manager of the Town of Bluefield, a Virgini 2019	wledged b	efore me b val Corpora	y Michael Wa tion on this	day of
The second secon	Signature	1		
NOTARY PUBL MY COMMISSION REGISTRATION	ON EXPI		<i>y</i>	
	1			
and the same of th	ATT	EST		
	LESI	LEY CATR	ON, TOWN C	LERK
COMMONWEALTH OF VIRGINIA COUNTY OF TAZEWELL to wit				
The foregoing instrument was acknowle the Town of Bluetield, a Virginia Mun 2019	edged befo iicipal Co	re me by Le orporation,	sley Catron, th on this	e Town Clerk of day of
NOTARY PUBL			-	
MY COMMISSIO REGISTRATION				

THIS DEED OF LEASE IS HEREBY AGREED TO AND ACCEPTED BY

	ВҮ:	of State	(SEAL)
	NAME:		
	ITS		
		1	
STATE OF		A de la constantina della cons	X
COUNTY OF	to wit:		
	William		
I, aforesaid, do hereby certify	that a Not	ary Public in and for the Co	ounty and State the
atoresata, do notory octaly	0	The state of the s	a
		foregoing deed of lease b	earing date the
day of	2019,	for re me in my said County acl	a converged the
said deed of lease to be an official act		te me m my said county acr	**************************************
Given under my hand and seal this	day of	2019	
NO FARY SEAL	1		
		NOTARY PU	BLIC
	MY COMMI	SSION EXPIRES	
	and the same of th	ION 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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FIRST READING: SECOND READING: MOTION TO ADOPT MADE I MOTION TO ADOPT SECON	Febr	ary 22, 2019 uary 12, 2019	
ADOPTION DATE: EFFECTIVE DATE:	Febr	uary 12, 2019 ch 12, 2019	
Name of Councilman	and the same of th	dance or Absent)	(Aye, Nay, Abstain, or Absent)
RESULT OF VOTE	YES	NAYES	ABSTENTIONS
COUNCIL OF THE TOWN OF	BLUEFIELD, V	IRGINIA	
BY	1145		
DONALD R. HARRIS, M. TOWN OF BLUEFIELD,		DAT UNICIPAL CO	
ATTEST			
	CATRON, TOW F BLUEFIELD,		DATE MUNICIPAL CORPORATION

NONE

PUBLIC HEARING:

ORDINANCE	INTENTAL	3163	
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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 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

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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.

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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.

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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 aggreed 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

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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FIRST READING.	January 22, 2019	
SECOND READING:	February 12, 2019	
MOTION TO ADOPT MADE B		_
MOTION TO ADOPT SECOND	February 12, 2019	_
ADOPTION DATE:	March 12, 2019	
EFFECTIVE DATE:	March 12, 2019	
Name of Councilman	Attendance	Vote
	(Present or Absent)	(Aye, Nay, Abstain, or Absent)
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		1
	4	
RESULT OF VOTE	100	ADGTTANIONIC
A	YES NAYES	ABSTENTIONS
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	A SOLVER	
COUNCIL OF THE TOWN OF	BLUEFIELD, VIRGINIA	
	E G	
BY:	YOR DATE	7
DONALD R. HARRIS, MA	VIRGINIA MUNICIPAL COR	
TOWN OF BLUEFILLD,	VIII AL COS	a Ominion
A A		
ATTEST		
	9	
LESLEY	ATRON, TOWN CLERK	DATE
	BLUEFIELD A VIRGINIA M	UNICIPAL CORPORATION

NONE

PUBLIC HEARING:

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:

- 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.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

PUBLIC HEARING: FIRST READING: SECOND READING: MOTION TO ADOPT MADE BY						
MOTION TO ADOPT SECONDE ADOPTION DATE: EFFECTIVE DATE:	02/12/2019 03/12/2019					
Name of Councilman	Attendance (Present or Absent)	Vote (Aye, Nay, Abstain, or Absent)				
RESULT OF VOTEAY	ES NAYES	ABSTENTIONS				
COUNCIL OF THE TOWN OF BI	LUEFIELD, VIRGINIA					
DATE DONALD R. HARRIS, MAYOR TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION						
ATTEST:						
	ATRON, TOWN CLERK BLUEFIELD, A VIRGINIA	DATE 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.

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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.

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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.

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:	Mc Perdue	
ADOPTION DATE:	12/03/2018	

Planning Commissioner (Full Name)	Attendance (Present or Absent)	Vote (Aye, Nay, Abstain, Absent, or No Vote Permitted)	
Barry Perdue	Prezent	Aue	
Journed McFarland	Present	Aie	
Don Scott	<u>Present</u>	Aug	
Itamy Kammer	Present	A Re	
Dan Buhitt	Present	Ave	
Frank Lewiter	Present	aye	
Lee Riffe	Absent	No Vote Permitted	

RESULT OF VOTE

AYES

AYES

NAYES

ABSTENTIONS

PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA

DR FRANK BRITTON, CHAIRMAN

PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA

12/3/16

DONALD G. WHITT, SECRETARY

PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA