

**Town of Bluefield  
Town Council  
Minutes  
March 26, 2019**

The Bluefield, Virginia Town Council held a regularly scheduled Town Council Meeting on Tuesday, March 26, 2019 at 6 00 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  
Jarrod Bailey, Councilmember  
Ron Holt, Councilmember  
Anglis Trigg Jr., Vice-Mayor

**ALSO PRESENT**

Mike Watson, Town Manager  
Lesley Catron, Town Clerk  
Matt Freedman, Town Attorney  
Billie Roberts, Comm. Dev. Coordinator  
Shane Gunter, Police Chief  
15 Members of Public

**CALL TO ORDER**

Mayor Harris called the meeting to order at 6 01 p.m.

**EXECUTIVE SESSION**

Councilmember Presley made a motion to enter into Executive Session pursuant to *Code of Virginia Section 2-2-3 "11-A-1.3* and Mrs. Catron read

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

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

Council entered into Executive Session 6 02 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 26<sup>th</sup> day of March

Councilmember Bailey seconded the motion

#### **ROLL CALL VOTE**

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

The motion passed unanimously by Roll Call Vote

Council entered out of Executive Session at 7:08 p.m. and took a 15 minute break

#### **INVOCATION AND PLEDGE**

Chad Slater, Christ Episcopal Church led the Invocation. Mayor Harris led the Pledge of Allegiance

#### **APPROVAL OF AGENDA**

Mayor Harris stated that the minutes were missing Pages 5 & 6 on the R-3 Ordinance and asked that they be included in the next minutes (attached at end). He also asked that the minutes be corrected to read as follows: Mr. Holt made a motion to approve the **1<sup>st</sup> Reading** of the R-3 Zoning Ordinance.

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

## **CONSENT AGENDA**

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

## **CITIZEN REQUESTS & SPECIAL PRESENTATIONS**

### *Resolutions presented to GHS Wrestlers – Mayor Don Harris*

Coach Woodward thanked the Town for their financial contribution. He stated that Trey Wimmer was not there and asked that his resolution be given to Coach Fritz.

Mrs. Catron read the following resolutions and Mayor Harris presented them to the wrestlers.



**Town of Bluefield**

**RESOLUTION**

**IN HONOR OF KEITH CARBAUGH**

WHEREAS, Graham High School Wrestler Keith Carbaugh had a season record of 38 – 11 during the 2018 / 2019 wrestling season in the 170 lbs. weight class; and

WHEREAS, he had a career record of 72 – 32 at Graham High School; and

WHEREAS, he placed 7<sup>th</sup> at the Bobby Bates Classic, 3<sup>rd</sup> at the Agie Skeens Tournament, and 2<sup>nd</sup> at the Highlander Invitational; and

WHEREAS, he received 2<sup>nd</sup> Place honors at the Southwest District Tournament and 3<sup>rd</sup> Place honors at the 2A Region D Tournament.

WHEREAS, he earned a 4<sup>th</sup> Place title at the 2A Virginia State Tournament.

NOW THEREFORE BE IT RESOLVED, THAT THE TOWN COUNCIL OF BLUEFIELD, VIRGINIA, hereby recognizes Graham High School Wrestler Keith Carbaugh on his successful season and applauds his accomplishments during the 2018 / 2019 Wrestling Season.

Adopted the 12<sup>th</sup> day of March 2019. Presented the 26<sup>th</sup> day of March 2019.

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Donald R. Harris, Mayor

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Lesley L. Catron, Town Clerk



**Town of Bluefield**  
**RESOLUTION**  
**IN HONOR OF CALEB FRITZ**

WHEREAS, Graham High School Wrestler Caleb Fritz had a season record of 43 – 2 during the 2018 / 2019 wrestling season in the 132 lbs. weight class, and

WHEREAS, he had a career record of 139 – 29 at Graham High School, earning the title of most wins by a Graham High School wrestler, and

WHEREAS, he placed 1<sup>st</sup> at the Bobby Bates Classic, 1<sup>st</sup> at the Agie Skeens Tournament, 1<sup>st</sup> at the Ed Cressel Classic, and 3<sup>rd</sup> at the Highlander Invitational, and

WHEREAS, he received a 2<sup>nd</sup> Place title at the Southwest District Tournament and 1<sup>st</sup> Place at the 2A Region D Tournament, and

WHEREAS, he also received a 1<sup>st</sup> Place title at the 2A Virginia State Tournament

NOW THEREFORE BE IT RESOLVED, THAT THE TOWN COUNCIL OF BLUEFIELD, VIRGINIA, hereby recognizes Graham High School Wrestler Caleb Fritz on his successful season and applauds his accomplishments during the 2018 / 2019 Wrestling Season

Adopted the 12<sup>th</sup> day of March 2019 Presented the 26<sup>th</sup> day of March 2019

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Donald R. Harris, Mayor

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Lesley L. Catron, Town Clerk



**Town of Bluefield  
RESOLUTION  
IN HONOR OF JUSTIN FRITZ**

WHEREAS Graham High School Wrestler Justin Fritz had a season record of 41 - 6 during the 2018 / 2019 wrestling season in the 145 lbs weight class and

WHEREAS he had a career record of 89- 12 at Graham High School and

WHEREAS he placed 2<sup>nd</sup> at the Bobby Bates Classic, 4<sup>th</sup> at the Agie Skeens Tournament, 4<sup>th</sup> at the Ed Cressel Classic, and 1<sup>st</sup> at the Highlander Invitational; and

WHEREAS he received a 1<sup>st</sup> Place title at the Southwest District Tournament and 1<sup>st</sup> Place at the 2A Region D Tournament; and

WHEREAS he was 1<sup>st</sup> Place at the 2A Virginia State Tournament, earning his 2<sup>nd</sup> State Championship title

NOW THEREFORE BE IT RESOLVED THAT THE TOWN COUNCIL OF BLUEFIELD, VIRGINIA hereby recognizes Graham High School Wrestler Justin Fritz on his successful season and applauds his accomplishments during the 2018 / 2019 Wrestling Season

Adopted the 12<sup>th</sup> day of March 2019 Presented the 26<sup>th</sup> day of March 2019

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Donald R. Harris, Mayor

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Lesley L. Catron, Town Clerk

***Little League – Erik Robinson***

Mr Robinson thanked the Town for their support and stated that the Little League could not do it without them. He stated that they had 81 more kids to sign up for baseball this year and had multiple teams on almost every level. He stated that they pretty much lived at the park in the spring. He stated that he coached GMS Baseball and they had to do a schedule because there were so many teams. He stated that this year they would be hosting 2 tournaments, a regional and a state and would have about 15-18 teams here in July. He stated that was a lot of people and he had given Mr Watson a copy of the schedule. He stated that this year they were in need of buying new equipment since there

were more kids. He stated that they were doing fundraisers and were currently selling popcorn. He stated that if any of them ever had any questions, concerns, etc. to contact him.

Mayor Harris stated that he knew Mr. Robinson was a go-getter and thanked him for his leadership.

Mr. Robinson stated that it was amazing to see all of the support and parent involvement.

Mr. Holt asked about opening day.

Mr. Robinson stated that opening day was April 6<sup>th</sup>. He stated that they would set up a time with Tazewell, Bland, etc. to work out schedules. He stated that this was for the kids and was a good time for them. He stated that they stopped registration 2 weeks ago but had to reopen because more kids wanted to participate and more parents wanted to volunteer.

### **COMMITTEE REPORTS**

None

### **UNFINISHED BUSINESS & REPORTS**

None

### **NEW BUSINESS & REPORTS**

None

### **TOWN MANAGER'S REPORT**

#### ***Makerspace Project Committee Discussion***

Mr. Watson stated that he had a group come in a few weeks ago wanting to form a Makerspace Committee in the Town of Bluefield. He stated that they wanted to start requesting funds but first had to get the project moving forward. He stated that in the past those wishing to set up an organization that benefited the Town that we would allow them to work with the Town to help with flyers, pay for postage, etc. He stated that he would recommend to allow staff to work with their committee to allow them to work through us for funds and donations. He stated that they would have a meeting and come up with a name but before spending a large sum of money he would let council know.

Mr. Holt made a motion to approve the Makerspace Project Committee. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

***TCC&TC State Skills USA Competition Donation Request, POSSIBLE VOTE***

Mr. Watson stated that he had received a donation request from the Tazewell County Career & Technical Center requesting funding for 8 students from GHS to attend the state competition and compete in their different fields. He stated that the request was for \$3,216 or \$402 per student.

Mr. Holt stated that he had talked to the director and she was asking for any amount. He stated that the competition would help show off these kids' skills that they had learned at the Career & Technical Center.

Mayor Harris stated that the Vocational School was the best kept secret in Tazewell County. He stated that he had been to the School Board requesting more for the Vocational School and hopefully it would happen in the future. He stated that it was a worthwhile project.

Mr. Presley made a motion to approve the request for \$3,216. Mr. Bailey seconded the motion.

Mayor Harris asked for a Roll Call Vote.

**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.

***Virginia Rural Water Association Conference***

Mr. Watson stated that he, Pete, Todd and Steve would be attending the Virginia Rural Water Association Conference in Roanoke on April 15-17.

***Town Offices Closed***

Mr. Watson stated that Town Offices would be closed on Friday, April 19<sup>th</sup>.

### ***Police Car Auction***

Mr. Watson stated that they would no longer be auctioning old police vehicles. He stated that different organizations could use them such as Cedar Bluff requested one. He stated that they would like to donate an old Crown Vic that we no longer purchased to Cedar Bluff. He stated that they had donated in the past to Welch, Concord University and Bluefield College. He stated that we also had equipment such as Tasers that we no longer used and would like to also donate those to Cedar Bluff.

Mr. Presley made a motion to approve donating the Crown Vic and Tasers to Cedar Bluff. Mr. Trigg seconded the motion. The motion passed unanimously by voice vote.

Mayor Harris asked if the new Cedar Bluff Police Chief was one of our former officers.

Chief Gunter stated it was Mike Brown.

### **CITIZENS COMMENTS**

Dave Wohlford, Sedgewood stated that he had talked to Mike in February and that he had been watching it for a long time but we had a lot of walkers on College Avenue and there was no sidewalk across the street at the fountain. He stated that a lot of people walked there that were being pushed in wheelchairs or using walkers. He stated that the sidewalk going in at Pemco would be used for exercise and that we needed to help the people get from downtown to the shopping center. He stated that we could use some more sidewalks and crosswalks up to the shopping center. He stated that the next thing was we had put in sidewalks on College and then put the guardrails in afterwards. He stated that the guardrails were too low and needed to be fixed before it blew a tire. He stated that the last thing was the project going on at Pemco and the tank going in.

Mr. Watson stated that it was an above ground tank.

Mr. Wohlford stated that it was close to our water source and that we supplied water for the Town and other areas. He stated that they needed to be sure to pull the right permits so that the Town would have an idea of what was going on. He stated that we needed to have an adequate engineer in place because this was beyond us and if that tank were not properly sealed or leaked that it could reach our water source.

### **COUNCIL COMMENTS**

Mr. Trigg stated that the Town workers did a great job. He thanked those who came out to the plaque ceremony at the Graham Manor. He stated that he would like to see a Resolution put together for Katherine Johnson.



Mr. Presley made a motion to approve a Resolution for Katherine Johnson. Mr. Jones seconded the motion.

Mayor Harris stated that she was a former teacher who became an intricate part of NASA.

The motion passed unanimously by voice vote.

Mr. Presley stated great job everyone and to the Police Department.

Mr. Bailey stated that everything looked good in our Town and great job. He thanked Mr. Watson for the fence in Sedgewood.

Mr. Watson stated that he hoped to take the top layer off and put some top soil there and plant bushes.

Mr. Jones stated that he appreciated the Town and the work they did.

Mr. Holt thanked the Town for everything they had done for the Little League. He stated that it was growing and that Mr. Watson and the Town was a big help.

Mayor Harris thanked Mr. Holt for his participation.

#### **ATTORNEY REPORT**

*Resolution Auth. Town Manager to Accept Deed for portion of Richwood Properties, Inc., ROLL CALL VOTE*

Mr. Freedman stated that this was a Resolution Authorizing Town Manager to Accept Deed for portion of Richwood Properties between Bullet Bill Drive and Hockman Pike and the Town was willing to accept this for a park, etc. He stated that there was one typographical error that had been corrected and should read Town Manager of the Town of Bluefield. He stated with that correction he would need a motion to accept.

Mr. Holt made a motion to accept the corrected Resolution Authorizing Town Manager to Accept Deed for portion of Richwood Properties, Inc. Mr. Presley seconded the motion.

Mayor Harris asked for a Roll Call Vote.

#### **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

***E-1 Zoning Ordinance, VOTE – 2<sup>nd</sup> Reading (By Title Only) ROLL CALL VOTE – (To Adopt)***

Mr. Freedman stated that he needed a motion and a vote to read the E-1 Zoning Ordinance by title only

Mr. Holt made a motion to approve the 2<sup>nd</sup> Reading of the E-1 Zoning Ordinance by title only. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

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

Mr. Freedman stated that he needed a motion and a Roll Call Vote to adopt the E-1 Zoning Ordinance.

Mr. Bailey made a motion to adopt the E-1 Zoning Ordinance. Mr. Presley seconded the motion.

Mayor Harris asked for a Roll Call Vote.

**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.

***R-3 Zoning Ordinance, VOTE – 2<sup>nd</sup> Reading (By Title Only) ROLL CALL VOTE – (To Adopt)***

Mr. Freedman stated that he needed a motion and a vote to read the R-3 Zoning Ordinance by title only.

Mr. Bailey made a motion to approve the 2<sup>nd</sup> Reading of the R-3 Zoning Ordinance by title only. Mr. Presley seconded the motion. The motion passed unanimously by voice vote.

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

Mr. Freedman stated that he needed a motion and a Roll Call Vote to adopt the R-3 Zoning Ordinance

Mr. Bailey made a motion to adopt the R-3 Zoning Ordinance. Mr. Presley seconded the motion.

Mayor Harris asked for a Roll Call Vote

**ROLL CALL VOTE**

Vice-Mayor Trigg	Yes
Councilmember Prestley	Yes
Councilmember Bailey	Yes
Mayor Harris	Yes
Councilmember Jones	Yes
Councilmember Holt	Yes

The motion passed unanimously by Roll Call Vote

***Schedule Joint Public Hearing & Refer to Planning Commission: Proposed Boundary Line Adjustments Proposed Ordinance, VOTE***

Mr. Freedman stated that there was a draft of a proposed boundary line adjustment where a citizen was wanting to move boundary lines that did not fit within the subdivision ordinance. He stated that VA Code Section 15.2-2275 would allow this change as long as the parcels had been previously subdivided lawfully and were part of the subdivision plat. He stated that since they had received the ordinance there were some adjustments under the following:

Sec. 70-323 #4 reads: an affidavit indicating all property owners, proprietors, and trustees holding a present interest in the parcels of land affected consent to the proposed change.

Sec. 70-324 #2 reads: notary acknowledged signatures of all property owners, proprietors, and trustees holding a present interest in the parcels of land affected indicating "This boundary line adjustment is with free consent and in accordance with the desires of the undersigned owners, proprietors, and trustees, in any",

Sec. 70-325 #5 reads: vacate, relocate, or alter any private easements, private rights-of-way, or private utilities without the express written consent of those holding any interest therein.

Page 4 reads: remainder of page intentionally left blank.

He stated that if council was good with the draft then he would need a motion and a vote to hold a Joint Public Hearing and to refer it to the Planning Commission for review and recommendation.

Mr. Presley made a motion to schedule a Joint Public Hearing and Refer to Planning Commission: Proposed Boundary Line Adjustments Proposed Ordinance. Mr. Trigg seconded the motion.

Mr. Watson stated that the reason this came about was the property is being auctioned and one piece of the property was landlocked. He stated that this Ordinance was to move a boundary line on a piece of land that was landlocked at this time.

The motion passed unanimously by voice vote.

***Schedule Public Hearing: Ordinance Adopting Deed of Lease with Sunset Fiber, VOTE***

Mr. Freedman stated that management wanted to move forward with the Sunset Fiber bid received at the last meeting. He stated that he had finalized the Ordinance in anticipation to adopt that ordinance. He stated that attached was a copy of the lease that was submitted with their bid. If council was ok with it then he needed a motion and a vote to go to Public Hearing.

Mr. Jones made a motion to approve scheduling a Public Hearing: Ordinance Adopting Deed of Lease with Sunset Fiber. Mr. Bailey seconded the motion. The motion passed unanimously by voice vote.

**ADJOURN**

Mr. Holt made a motion to adjourn the meeting at 8:10 p.m. Mr. Bailey seconded the motion. The motion passed unanimously by voice vote.

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Don Harris, Mayor

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Lesley Catron, Town Clerk

VIRGINIA AT A REGULAR MEETING OF THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA HELD AT THE COUNCIL CHAMBERS OF THE TOWN HALL IN BLUEFIELD, VIRGINIA ON THE 26TH DAY OF MARCH, 2019

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

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

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

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

WHEREAS, the Planning Commission of the Town of Bluefield, Virginia, on March 4, 2019, recommended the adoption of the below described zoning district after the date a joint public hearing was held before the said Planning Commission and the Council of the Town of Bluefield, Virginia

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

**DIVISION 7.**

**MEDIUM TO HIGH DENSITY RESIDENTIAL, DISTRICT R-3**

**Sec. 74-441. Statement of intent.**

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

**Sec. 74-442. Permitted uses.**

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

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

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

**Sec. 74-443. Area regulations.**

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

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

**Sec. 74-444. Setback regulations.**

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

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

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

**Sec. 74-445. Frontage.**

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

**Sec. 74-446. Yard regulations.**

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

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

**Sec. 74-447. Height regulations.**

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

**Sec. 74-448. Maximum lot coverage.**

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

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

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

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

**Sec. 74-450. Off-street parking.**

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

**Sec. 74-451. Location of accessory structures.**

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

**Sec. 74-452. Special provisions and allowances.**

(a) *Special allowances.*

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

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

(2) Special uses

a Clubs and lodges

b Professional offices

- c Finance companies and insurance agents
- d Clinics
- e Barbershops and beauty parlors
- f Banks
- g Day care centers
- h Any nonresidential uses listed in the R-1 and R-2 districts

(b) *Day care centers*

- (1) Day care centers in the R-3 district shall be located on collector or arterial streets or other streets that have a minimum right-of-way of 50 feet and which are not located on a cul-de-sac. Pavement width should be at least 25 feet
- (2) The building of day care centers in the R-3 district shall not be placed less than 25 feet from side property lines or less than 50 feet from rear property lines
- (3) No parking is allowed in the front yard of day care centers in the R-3 district
- (4) For day care centers in the R-3 district, the loading and unloading of children is conducted in such a manner as to provide an entrance to and separate exit from the property without backing into the street

(c) *Open space.* If there are more than six units per net acre in the R-3 district, ten percent of the total lot area is to be set aside for recreational activities. Property owners will be required to landscape and maintain such areas

(d) *Inclusion in plat approval process.* Such special allowances provided for in this section may be included in any plat approval process for the subdivision of real estate located in an R-3 district

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

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

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Council of the Town of Bluefield, Virginia adopts this ordinance on this 26th day of March, 2019



BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall, to the extent permitted by law, apply retroactively and be effective as of the 26th day of June, 2000

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 26th day of March, 2019

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

February 12, 2019  
March 12, 2019  
March 26, 2019

March 26, 2019  
June 26, 2000

[illegible]

RESULT OF VOTE	<u>AYES</u>	<u>NAYES</u>	<u>ABSTENTIONS</u>
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COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA

BY \_\_\_\_\_ DATE \_\_\_\_\_  
DONALD R. HARRIS, MAYOR  
TOWN OF BLUEFIELD, A VIRGINIA MUNICIPAL CORPORATION

ATTEST

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

VIRGINIA. AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA HELD AT THE COUNCIL CHAMBERS OF THE TOWN HALL IN BLUEFIELD, VIRGINIA ON THE 4TH DAY OF MARCH, 2019

**A RESOLUTION TO RECOMMEND THE ADOPTION OF AN ORDINANCE WHICH CREATES DIVISION 7 (MEDIUM TO HIGH DENSITY RESIDENTIAL, DISTRICT R-3) OF ARTICLE V (DISTRICTS AND DISTRICT REGULATIONS) OF CHAPTER 74 (ZONING) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA**

WHEREAS, a joint public hearing concerning the creation of the below described zoning district was held before the Council of the Town of Bluefield, Virginia and the Planning Commission of the Town of Bluefield, Virginia on the 12th day of February, 2019, after notice was duly published on the 25th day of January, 2019, and on the 2nd day of February, 2019, in the Bluefield Daily Telegraph, a newspaper having general circulation in 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 Division 7 of Article V of Chapter 74 of the Code of Ordinances, Town of Bluefield, Virginia be created to read as follows

**DIVISION 7.**

**MEDIUM TO HIGH DENSITY RESIDENTIAL, DISTRICT R-3**

**Sec. 74-441. Statement of intent.**

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

**Sec. 74-442. Permitted uses.**

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

- (1) All residential uses permitted in R-1 and R-2 districts provided all other R-3 district requirements are observed
- (2) Multifamily dwellings
- (3) Rooming houses and Boardinghouses.
- (4) Tourist homes
- (5) Rest homes

**Sec. 74-443. Area regulations.**

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

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

**Sec. 74-444. Setback regulations.**

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

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

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

**Sec. 74-445. Frontage.**

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

**Sec. 74-446. Yard regulations.**

(a) *Side yard.* The minimum total depth of the two side yards in the R-3 district shall be 15 feet for the first story and ten feet for each additional story. At least one-third of the total depth shall be provided on the smaller side

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

**Sec. 74-447. Height regulations.**

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

**Sec. 74-448. Maximum lot coverage.**

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

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

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

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

**Sec. 74-450. Off-street parking.**

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

**Sec. 74-451. Location of accessory structures.**

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

**Sec. 74-452. Special provisions and allowances.**

(a) *Special allowances*

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

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

(2) *Special uses*

- a Clubs and lodges
- b Professional offices
- c Finance companies and insurance agents
- d Clinics
- e Barbershops and beauty parlors
- f Banks
- g Day care centers

h. Any nonresidential uses listed in the R-1 and R-2 districts

(b) *Day care centers.*

(1) Day care centers in the R-3 district shall be located on collector or arterial streets or other streets that have a minimum right-of-way of 50 feet and which are not located on a cul-de-sac. Pavement width should be at least 25 feet.

(2) The building of day care centers in the R-3 district shall not be placed less than 25 feet from side property lines or less than 50 feet from rear property lines.

(3) No parking is allowed in the front yard of day care centers in the R-3 district.

(4) For day care centers in the R-3 district, the loading and unloading of children is permitted only in a manner that provides an entrance to and separate exit from the property without backing into the street.

(c) *Open space.* If there are more than six units per net acre in the R-3 district, ten percent of the total lot area is to be set aside for recreational activities. Property owners will be required to landscape and maintain such areas.

(d) *Inclusion in plat approval process.* Such special allowances provided for in this section may be included in any plat approval process for the subdivision of real estate located in an R-3 district.

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

BE IT FURTHER 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 4th day of March, 2019.

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 said Commission.

IT IS SO RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA on this 4th day of March, 2019.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

JOINT PUBLIC HEARING:  
MOTION TO ADOPT MADE BY  
MOTION TO ADOPT SECONDED BY  
ADOPTION DATE

02/12/2019

Mr. Kupper

Mr. Whitt

03/04/2019

Planning Commissioner	Attendance (Present or Absent)	Vote (Aye, Nay, Abstain, Absent, or No Vote Permitted)
Barry Perdue	Absent	Absent
Jamarcus McFarland	Present	Aye
Don Scott	Present	Aye
Harry Kupper	Present	Aye
Don J. Whitt	Present	Aye
Frank Britton	Present	Aye
Donald G. Whitt	Present	No Vote Permitted
RESULT OF VOTE	<u>0</u> AYES	<u>0</u> NAYES <u>0</u> ABSTENTIONS

PLANNING COMMISSION OF THE TOWN OF BLUEFIELD, VIRGINIA

  
DR. FRANK BRITTON, CHAIRMAN

3-4-19  
DATE

  
DONALD G. WHITT, SECRETARY

3-4-19  
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 26TH DAY OF MARCH, 2019

**A RESOLUTION AUTHORIZING THE TOWN  
MANAGER OF THE TOWN OF BLUEFIELD,  
VIRGINIA TO ACCEPT A DEED ON BEHALF OF THE  
TOWN OF BLUEFIELD**

WHEREAS, section 15 2-1803 of the Code of Virginia (1950) as amended states in part that "[e]very deed purporting to convey real estate to a locality shall be in a form approved by the attorney for the locality . . . [and that no] such deed shall be valid unless accepted by the locality, which [such] acceptance shall appear on the face thereof or on a separately recorded instrument and shall be executed by a person authorized to act on behalf of the locality";

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town Manager of the Town of Bluefield, Virginia, is hereby authorized to execute and accept any deed, on behalf of the Town of Bluefield, which conveys the below real estate, and its improvements, to the Town of Bluefield

**TAX MAP ID NUMBER(S): 024B1A 0032**

**TRACT "D", APPROXIMATELY 4.36 ACRES, AS SHOWN ON A MAP ENTITLED "MAP SHOWING DIVISION OF RICHWOOD PROPERTIES, INC. LOCATED BULLET BILL DR., HOCKMAN PIKE, MEDICAL PARK DR. & ROUTE 720 BLUEFIELD, TAZEWELL CO., VA", WITH A SCALE OF 1" = 300', DATED 4-22-16, WITH A REVISION DATED 11-16-16, AS PREPARED BY APPALACHIAN ENGINEERING & SURVEYING, INC.**

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the Town Manager of Town of Bluefield, Virginia, is hereby authorized to perform, on behalf of the Town of Bluefield, any actions necessary that ensure the lawful purchase and acceptance of the previously mentioned real estate and its accompanying improvements

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that the aforesaid deed shall be in a form approved by the Town Attorney of the Town of Bluefield, Virginia.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this resolution, or a copy thereof, shall be recorded among the land records of the Clerk's Office of the Circuit Court in Tazewell County, Virginia

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this resolution is hereby adopted on this 26th day of March, 2019, and shall be effective upon adoption





VIRGINIA AT A REGULAR MEETING OF THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA HELD AT THE COUNCIL CHAMBERS OF THE TOWN HALL IN BLUEFIELD, VIRGINIA ON THE            DAY OF            2019

**AN ORDINANCE TO CREATE, BY CREATING ARTICLE IV (BOUNDARY LINE ADJUSTMENTS) OF CHAPTER 70 (SUBDIVISION OF LAND) OF THE CODE OF ORDINANCES, TOWN OF BLUEFIELD, VIRGINIA**

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that Article IV of Chapter 70 of the Code of Ordinances, Town of Bluefield, Virginia is hereby created to read as follows

**ARTICLE IV. BOUNDARY LINE ADJUSTMENTS**

**Sec. 70-320. Purpose**

The purpose of this article is to provide procedures for the alteration or vacation of the boundary line(s) between lawfully subdivided adjacent parcels of land.

**Sec. 70-321. Authority**

This article is adopted pursuant to the authority described in section 15 2-2275 of the Code of Virginia (1950) as amended

**Sec. 70-322. Boundary line adjustments**

The boundary line(s) between lawfully subdivided adjacent parcels of land within the corporate limits of the town may be altered or vacated. Absent an order from a court of competent jurisdiction, such alterations or vacations shall only be permitted by approval of the town council. Prior to approving or denying any alteration or vacation of the boundary line(s) between lawfully subdivided adjacent parcels of land, the town council shall review a recommendation from the planning commission

**Sec. 70-323. Application for boundary line adjustments**

Applications for the alteration or vacation of the boundary line(s) between lawfully subdivided adjacent parcels of land shall be submitted to the zoning administrator. Such applications shall be accompanied by the following

- 1) a completed written application as prepared by the zoning administrator,
- 2) an application fee of \$50.00,

- 3) a copy of the subdivision plat previously recorded in the land records of the Clerk's Office of the Circuit Court in Tazewell County, Virginia that will be affected by the proposed change,

- 5) the Boundary Line Adjustment Plat described in section 70-324 of this article accompanied by a written metes and bounds description of the proposed change, and
- 6) an unsigned copy of the Deed of Boundary Line Adjustment or other applicable document describing the proposed change that is to be recorded in the land records of the Clerk's Office of the Circuit Court in Tazewell County, Virginia

Upon an application being deemed complete by the zoning administration, a copy of such application and its contents shall be forwarded to the planning commission and the town council.

#### Sec. 70-324. Plat illustrating boundary line adjustments.

The alteration or vacation of the boundary line(s) between lawfully subdivided adjacent parcels of land shall require the creation of a Boundary Line Adjustment Plat prepared by a licensed land surveyor. Such plat, in addition to any other information requested, shall include the following:

- 1) a certification statement, original seal, and original signature of the licensed surveyor, indicating "This boundary line adjustment is free of cost and in accordance with the desires of the undersigned owner(s) of the property and is a fair and equitable adjustment."
- 3) a signature block with a notary acknowledgment clause for the zoning administrator indicating "This boundary line adjustment is approved by the Town of Bluefield, Virginia on this \_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_."
- 4) the parcels of land affected
- 5) the boundary line(s) altered or vacated
- 6) the building(s) and monument(s), if any, situated upon the parcels of land affected,
- 7) the public streets, public easements, public rights-of-way, public areas, known public utilities, private streets, private easements, private rights-of-way, and known private utilities serving the parcels of land affected, and

- 8) a Boundary Line Adjustment Table illustrating the acreage being added and/or subtracted from the parcels of land affected

#### **Sec. 70-325. Prohibitions of boundary line adjustments.**

No alteration or vacation of the boundary line(s) between lawfully subdivided adjacent parcels of land shall:

- 1) create additional parcels of land;
- 2) create parcels of land or circumstances which do not comply with the applicable provisions of Chapter 74 of the Bluefield Code;
- 3) create parcels of land or circumstances which do not comply with the applicable provisions of Chapter 70 of the Bluefield Code;
- 4) create, vacate, relocate, or alter any public utilities, public streets, public alleys, public access easements, public rights-of-way, or other public areas, or
- 5) create, vacate, relocate, or alter any private easements, private rights-of-way, or private utilities without the written consent of those holding any interest therein.

#### **Sec. 70-326. Approval of boundary line adjustments; recordation required.**

Within ten (10) days of an alteration or vacation of the boundary line(s) between lawfully subdivided adjacent parcels of land being approved, the zoning administrator shall execute his/her signature upon the applicable Boundary Line Adjustment Plat to illustrate the approval of the town. Upon being fully executed, such Boundary Line Adjustment Plat, or a copy thereof, shall be recorded among the land records of the Clerk's Office of the Tazewell County Circuit Court in Tazewell County, Virginia within six (6) months by the property owner(s) or their designee. Failure to record such plat as described herein shall void the authorization and approval of the town shown thereon.

#### **Sec. 70-327. Denial of boundary line adjustments; appeal.**

The town council shall not approve an alteration or vacation of the boundary line(s) between lawfully subdivided adjacent parcels of land which fails to adhere to the requirements of this article. An applicant denied an alteration or vacation of the boundary line(s) between lawfully subdivided adjacent parcels of land by the town council may appeal such denial to the Circuit Court of Tazewell County, Virginia. In order to perfect such appeal, the applicant shall file his/her appeal in the said Circuit Court within sixty (60) days of receiving written notice of such denial. Failure to file such appeal within the stated time frame shall constitute an absolute waiver to the right of appeal granted herein. The standard of review upon appeal shall be whether the denial by the town council was arbitrary or capricious.

**Sec. 70-328. 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. 70-329--70-500. 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 \_\_\_\_\_ day of \_\_\_\_\_.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE TOWN OF BLUEFIELD, VIRGINIA that this ordinance shall be effective on this \_\_\_\_\_ day of \_\_\_\_\_.

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 this \_\_\_\_\_ day of \_\_\_\_\_.

Name of Councilman	Attendance ( <u>Present</u> or <u>Absent</u> )	Vote ( <u>Aye</u> , <u>Nay</u> , <u>Abstain</u> , or <u>Absent</u> )
1. _____		
2. _____		
3. _____		
4. _____		
5. _____		
6. _____		
7. _____		
8. _____		
9. _____		
10. _____		

AYE:

445

## ABSTENTIONS

BY DONALD R. HARRIS MAYOR DATE \_\_\_\_\_  
TOWN OF BELLEFLELD A VIRGINIA MUNICIPAL CORPORATION

A. 11151

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