

The regularly scheduled meeting of the Norton City Council was held on Tuesday, December 4, 2007 at 7:30 p.m. in the Municipal Council Chambers with Mayor Robert Raines presiding.

Present: Joseph Hunnicutt, Jack Wallace, Robert Raines, and William Mays

Absent: Joseph Fawbush

Also Present: E. W. Ward, City Manger and Bill Bradshaw, City Attorney

The invocation was given by the City Manager and was followed by the pledge of allegiance led by Police Chief Randy Mullins.

Upon a motion by William Mays, seconded by Jack Wallace, and passed by unanimous vote, Council moved to approve the minutes of the November 20, 2007 meeting as presented.

21774

There was no response to the Mayor's call for visitors.

21775

The City Manager gave Council an update on the City's water reserves. As of December 3rd, the City had a total of 40.7 million gallons out a total capacity of 124 million gallons. This is an 80 to 90 day supply. There continues to be a decline due to the lack of precipitation. There was no decline in the usage by those on City water since the last meeting.

Mr. Ward advised that should our capacity reach the 30 million gallon mark, then he will return to Council for action to be taken. He again stressed that City water users need to conserve their water usage until we receive rain.

Also present at tonight's meeting was Tommy Roberts, Superintendent of the Water Plant, who stated that all those serviced by City water need to conserve water until such time as we do not have a problem.

21776

Mayor Raines also urged conservation of water during this drought situation and again thanked Mr. Roberts and his employees for the job they are doing monitoring this situation.

Council had a request from Mountain View Regional Medical Center for a Special Use Permit to use City right-of-way for the installation of a new sign on Park Avenue Northeast at the foot of the hill to the campus of the hospital. This new sign will replace the old one at the same location.

Council had been supplied with pictures of this new sign which will be shorter than the present one.

Present tonight representing Mountain View Regional Medical Center was Jamie Guin, Chief Operating Officer of this facility.

21777

Mayor Raines spoke briefly asking if some shrubbery could be placed around the sign to soften the appearance. Mr. Guin advised they would be willing to do so.

Following a brief discussion and upon a motion by William Mays, seconded by Joseph Hunnicutt, and passed by unanimous vote, Council authorized the issuance of a

revocable Special Use Permit to Mountain View Regional Medical Center for the installation of a new sign on East Park Avenue.

Mayor Raines advised that there are water lines and fiber optics in this area and, for this reason, they will need to work with the City when installing this sign. He further explained that this sign is revocable with a 90 day notice should the City need to use this right-of-way.

Council had a request from Norton Community Hospital for a Special Use Permit to use City right-of-way for the installation of a new sign on Park Avenue, Northwest Present tonight representing Norton Community was David Winchell.

Mr. Winchell advised this sign will be behind the existing sign and will be on City property.

21778

Following a brief discussion and upon a motion by Joseph Hunnicutt, seconded by Jack Wallace, and passed by unanimous vote, Council moved to authorize the Special Use Permit to Norton Community Hospital for a new sign. Mayor Raines explained that this Special Use Permit is revocable with a 90 day notice should the City need to use this property.

Mr. Ward brought to Council's attention some problems the City is experiencing with the existing Sign Ordinance which was adopted on September 21, 1993. The last amendment on this ordinance was done on June 21, 2005 and that was on the regulations on electronic message boards.

The existing ordinance establishes regulations on various types of signage, most of which requires a permit from the Building Official. It regulates by permit the size, number, location, and zones that signs may be placed in. The Building Official receives numerous requests to vary from the sign regulations.

Mr. Ward advised that Section 21-11-c states that should an applicant disagree with the decision of the Building Inspector, the applicant shall have thirty days to appeal the decision of the building inspector. The appeal is made to the Planning Commission. At a recent Planning Commission meeting, several issues were raised by commission members as to the Sign Ordinance. These issues brought up were: (1) Many localities have their sign regulations as part of their zoning ordinance. The City does not. (2) Appeals from the sign ordinance typically would be heard by the Board of Zoning Appeals. Because the City's Sign Ordinance is separate from the Zoning Ordinance, the Planning Commission has the responsibility to hear appeals. (3) There are no stated guidelines governing the means to consider an appeal. (4) The City Administration receives a multitude of requests that vary from the signage regulations; however, the Planning Commission appears to be limited in the type of variance that they can consider.

21779

Section 21-40 and 21-47 (3) authorizes the Planning Commission to grant a variance for height restrictions where the topography of the land would preclude vision of such a sign from automobiles on primary streets or highways. Other than this, there are no other stated authorizations to grant a variance.

The City has received information from the Planning Commission stating that they feel they have no authority to grant an appeal for size, type, number, location, zone, or any other requested deviation from the existing regulations even though they have been doing so for several years.

Mr. Winfred Collins, the City Building Official, was present at tonight's meeting and advised that the City's Sign Ordinance is not part of the Zoning Ordinance.

The City Manager advised that he feels that the Administration needs to work with the City Attorney and the Planning Commission to amend the existing ordinance accordingly to provide necessary flexibility, control, and criteria to appropriately consider requests for appeals by applicants that can be handled in a uniform and consistent manner.

Following a lengthy discussion, it was the consensus to Council for the City Administration to work with the City Attorney and Planning Commission and bring back recommendations to City Council for discussion and action.

Council had been provided with a request to amend the 2007-2008 City General Fund Budget in the amount of \$10,313.

Mr. Ward advised that this amount of \$10,313 was received from the Virginia Municipal Liability Pool for the Police Department vehicle that was stolen, wrecked, and totaled. This amount covers the insurance carrier's reimbursement for damage per the insurance adjustor. He further advised the budget needs to be amended as the City had to purchase a new vehicle for an approximate cost of \$25,000 and this \$10,313 will go toward the cost of the new vehicle.

21780

At this time, Vice Mayor Mays advised he would abstain from any discussion or vote on this item.

Upon a motion by Joseph Hunnicutt, seconded by Jack Wallace, and passed by the following roll call vote: YES – Hunnicutt, Wallace, Raines, NO – None, ABSENT – Fawbush, ABSTAIN – Mays, Council moved to amend the 2007-2008 City General Fund Budget in the amount of \$10,313 with said funds to go toward the \$25,000 purchase price of a new police vehicle.

Council had been presented with copies of two checks for approval. The first check was in the amount of \$290,000 and made payable to the Norton City Schools. The second check was in the amount of \$122,004.25 and made payable to the Norton Industrial Development Authority.

21781

Upon a motion by Joseph Hunnicutt, seconded by William Mays, and passed by unanimous roll call vote, Council moved to approve a check in the amount of \$290,000 made payable to the Norton City Schools and one in the amount of \$122,004.25 made payable to the Norton Industrial Development Authority, which covers a payment to the Powell Valley National Bank.

In comments from the City Manger, Mr. Ward advised that:

On Thursday, December 6th, the Norton Rescue Squad will be preparing a Christmas lunch for City employees between the hours of 12:00 – 2:00. All Council members are invited to attend.

21782

There is a project underway by the Department of Mines, Minerals, and Energy on Tipple Hill to erect a wall to provide some safety from falling rocks onto the highway. A large boulder fell onto the road recently.

The annual financial disclosures forms were recently mailed out and these have to be returned to the Clerk's office by January 15, 2008.

The annual paving work was begun today and hopefully can be completed by next week.

Mayor Raines advised that he had recently attended a ribbon cutting for the expansion of the Glass Slipper on Park Avenue. He commended the owners of that business for their hard work.

21783

Mayor Raines expressed appreciation to the City and Shelly Knox, Parks and Recreation Director, for the new City sweatshirts.

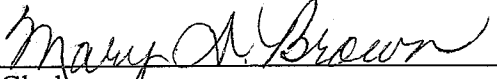
Mr. Ward advised that the Green Club Garden Club would be hosting a "Deck the Cannon" ceremony prior to Council's next meeting on December 18th. Council members are encouraged to come early and participate in this ceremony.

There being no further business to come before the Council, the meeting adjourned.

CITY OF NORTON, VIRGINIA


B. Robert Raines, Mayor

ATTEST:


Clerk