

The regular meeting of the Norton City Council was held on Tuesday, April 17, 2001 at the Council Chambers with Mayor Robert Raines presiding.

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

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

The invocation was given by the City Manager and was followed by the pledge of allegiance which was led by Carlos Noaks, Norton City Sheriff.

19868

Upon a motion by Jack Wallace, seconded by Joseph Hunnicutt, and passed by unanimous vote, Council moved to approve the minutes as presented.

19869

At this time, Mayor Raines welcomed Ms. Neva Hamilton of AT&T and Sonya Salyer of Norton Community Hospital, both members of the Forward Wise County Class.

19870

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

19871

A public hearing was held on the renewal of Public Dance Hall Permits for the Virginia-Kentucky Opry and the Holiday Inn.

Mr. Ward advised that this is an annual renewal which requires the action of Council following a public hearing.

19872

There were no questions or comments from Council prior to the public hearing.

Mayor Raines opened the public hearing.

There being no public input, Mayor Raines closed the public hearing.

At Mayor Raines' request, Police Chief Mongle spoke briefly on these two businesses and advised that the Police Department had no problem with these two permits being renewed.

Upon a motion by William Mays, seconded by Joseph Hunnicutt, and passed by unanimous vote, Council moved to renew the Dance Hall Permits for the Virginia-Kentucky Opry and the Holiday Inn for a period of one year.

The City Manager will advise both businesses of these renewals.

Council had a request for a Special Use Permit by Enterprise Rent-A-Car as pertains to the use of City right-of-way.

Mr. Ward advised Council that he was in receipt of a letter from Mr. Dave Levenson, Area Manager of Enterprise Rent-A-Car, asking permission to encroach on City right-of-way for a sign at the Super 8 Motel where their business is located. The initial request came last fall for the sign and Mr. Levenson came before the Planning Commission on October 12th.

19873

The Planning Commission, by a vote of 4-0, allowed Enterprise Rent-A-Car to install a 4'x20' sign if it was attached to the Super 8 sign since our Sign Ordinance states that only one free standing sign is allowed per lot.

Council was shown pictures of this sign, which is not attached to the Super 8 pole and which encroaches over City right-of-way. Mr. Levenson had been given stipulations by

Mr. Hurt, Building Inspector, for the conditions of putting up this sign. One of these was to not extend the sign beyond the top of the ditchline. The sign, as installed, is completely over the ditchline.

Present tonight to speak on this matter was Mr. Levenson and also Jon Rockett, Chairman of the Planning Commission.

Following a lengthy discussion during which the City Attorney advised Council that by approving this Special Use Permit that they would be setting a precedent, Mayor Raines advised Mr. Levenson the best solution was for him to go back to Super 8 Motel and see if they can attach the sign to their pole. He can also contact our City Attorney, who is willing to work with him on a solution to this problem.

Council had a request for the City Manager to execute an agreement with the Virginia Department of Transportation and Norfolk Southern as pertains to the installation of lights and gates at the railroad crossing on 2nd Street in Round Town.

Mr. Ward advised that Council had previously adopted a resolution for the installation of these lights and gates at the above location.

By authorizing the City Manager to sign this agreement, Council agrees to pay for maintenance on this system once it is installed. At the current rate, it would cost approximately \$1,000 annually. The City does have a line item in the budget for this. Mr. Ward advised that the City Administration recommends favorable consideration on this item.

The City Attorney advised that he had looked over this agreement and has no problem with it.

Upon a motion by Joseph Hunnicutt, seconded by Joseph Fawbush, and passed by unanimous vote, Council authorized the City Manager to execute the agreement with the Virginia Department of Transportation and Norfolk Southern with reference to the installation of lights and gates at the railroad crossing on 2nd Street in Round Town.

Council briefly discussed the Water Line Replacement Project and the procurement of professional services for this project. Mr. Ward advised that a preliminary engineering report had been conducted by Lane Engineering and that they are preparing to file an application for funding to USDA Rural Development for the replacement of approximately 29,000 linear feet of deteriorating lines within the City at a cost of approximately 1.6 million dollars.

The application process starts in September and it will be during the fall before we are informed on this application. Mr. Ward asked Council if they want him to proceed to procure professional services and begin design work on this project prior to receiving the funds.

Following a brief discussion and upon a motion by William Mays, seconded by Joseph Hunnicutt, and passed by unanimous roll call vote, Council authorized the City Manager to proceed with the procurement of professional services up to the amount of \$100,000 on the water project.

Council had a request from the Commissioner of Revenue for a refund of erroneously assessed tax in the amount of \$80.35 to Crystal Robinette.

19874

19875

Upon a motion by Jack Wallace, seconded by Joseph Fawbush, and passed by unanimous roll call vote, Council authorized the refund to Crystal Robinette in the amount of \$80.35 for erroneously assessed taxes.

19876

The City Manager presented Council with a list of streets in need of paving for this year. Mr. Ward advised that the City had approximately \$75,000 - \$100,000 to spend on paving and that he did not know how many of these streets would be repaved.

19877

Following a brief discussion, Mayor Raines advised Council to contact Mr. Ward if they had any questions regarding this paving list.

Council had a request for one water tap for Christy Marie Miller of 424 Kentucky Avenue, S. E.

Upon a motion by Joseph Hunnicutt, seconded by Jack Wallace, and passed by unanimous vote, Council moved to approve a water tap for Christy Marie Miller of 424 Kentucky Ave., S. E.

19878

Upon a motion by Jack Wallace, seconded by Joseph Fawbush, and passed by unanimous roll call vote, Council moved to go into closed session.

19879

Mayor Raines declared Council in closed session.

Upon a motion by Joseph Hunnicutt, seconded by Joseph Fawbush, and passed by unanimous vote, Council moved to go into open session.

19880

Mayor Raines declared Council back in open session.

The Clerk then polled each member of Council as to the certification of closed meeting with each answering yes. The Clerk then read A Resolution of the Certification of Closed Meeting. Upon a motion by William Mays, seconded by Joseph Hunnicutt, and passed by the following vote: YES - Hunnicutt, Wallace, Mays, Fawbush, Raines, NO - None, ABSENT - None, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

19881

As to the appointment to the Wise County/City of Norton Health Advisory Board, Mayor Raines advised that this Board has not met since 1996. Council has directed the City Manager to contact Wise County, who has 12 members on this Board, to see if they are making appointments to it. Council feels that it is a waste of time to make appointments to a board that doesn't meet. This is the reason this appointment has been on the agendas for several meetings.

19882

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

The City had received a request from S. B. A. Properties of Johnson City, Tennessee wishing to construct a cellular tower in the City in a residential area (5th Street). This will go before the Board of Zoning Appeals at their April 23, 2001 meeting. If Council has any comments, they should forward them to the Board of Zoning Appeals.

Due to the lack of action in the General Assembly, there have been delays in the budget process. He presented Council with a new schedule of various budget work sessions and presentations.

19883

Clean Up Week runs April 20th - 30th. The City is offering free pick-ups and free rent-a-trucks during this period. The annual Clean Up Day is Saturday, April 21st.

We are in the process of getting our parks open. Legion Park is open and Flag Rock, hopefully, will be open by May 1st.

In comments from Council, Mayor Raines advised that he hoped all the residents in the 5th Street area will be notified of the Board of Zoning Appeals meeting on the cellular tower request.

19884

Vice Mayor Mays advised that there are a lot of public safety radios in that area and that the City should check on that aspect.

In comments from the City Attorney, Mr. Bradshaw advised that he had received information on the submission of a name for a new member to the Board of Zoning Appeals. He hopes to have this appointment made by the Wise County Circuit Court prior to their Monday meeting.

19885

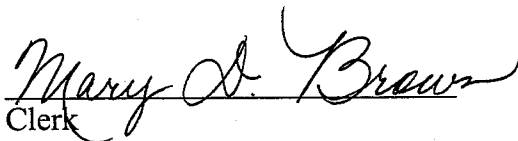
There being no further business to come before Council, the meeting adjourned.

CITY OF NORTON, VIRGINIA



B. Robert Raines, Mayor

ATTEST:


Clerk