

The regular meeting of the Norton City Council was held on Tuesday, May 15, 2001 at the Council Chambers with Mayor Robert Raines presiding.

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

Absent: Joseph Hunnicutt

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

The invocation was given by Rev. Steve Conerly and was followed by the pledge of allegiance which was led by the Assistant City Manager, Fred Ramey.

Upon a motion by Jack Wallace, seconded by Joseph Fawbush, and passed by unanimous roll call vote, Council moved to adopt the minutes of the May 1, 2001 meeting as presented.

19897

At this time, Mayor Raines advised that the agenda will be amended to include Item 7-C-1 - A Proclamation To Designate the Week of May 20-26, 2001 as Emergency Medical Services Week.

19898

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

19899

A public hearing was held to solicit public input on the proposed 2001-02 budget for the Norton City Schools.

Dr. John Sessoms, Superintendent of Norton City Schools, introduced Mr. Ron McCall, Board Member, who gave Council a brief synopsis of their budget, which was presented to Council at the May 1, 2001 meeting. Mr. McCall advised that they are requesting \$96,007 in new funds from the City for this budget.

19900

Mayor Raines thanked Mr. McCall for his presentation.

Mayor Raines opened the public hearing.

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

Mr. McCall answered questions from Council.

The City Manager was advised to place the 2001-02 Norton City Schools Budget on the next agenda for action.

The next item on the agenda was the discussion of the proposed placement of a cellular tower in a residential zone.

Mayor Raines advised that there were three items to be discussed on this tonight. The first of these is for the City Attorney to explain how this item ended up on tonight's agenda; the second was that Mayor Raines will read a letter that the City had received this morning; and the third item is that there will be time for anyone who would like to speak on this item to do so.

Mr. Bradshaw explained in detail how this item had ended up on Council's agenda. He advised that the Code of Virginia is the governing law in our Commonwealth and we are subject to governance by the Code by what is generally known as the Dillon Rule. This states that we can't exceed the authority that has been delegated by the General

Assembly. Among the provisions of the Code is one dealing with those localities that have adopted a Comprehensive Plan. The City of Norton has had a comprehensive plan for years. This plan deals with overall developments in the locality. When anyone proposes a use of land which is at variance with the Comprehensive Plan as it was adopted, it is necessary, under the statute, to go to the Planning Commission which then looks at the Zoning Ordinance, the Comprehensive Plan, and the proposed use and makes a finding as to whether or not the proposed use of the landowner or developer is consistent with the Comprehensive Plan. That is the process that we have gone through so far in this instance.

The developer has proposed a use for land located in a Residential A Zone that was not present at the time the Comprehensive Plan was adopted. Consequently, the building /zoning official advised that this was a matter for the Board of Zoning Appeals since it was a potential use that is permitted on appeal. The next step for the developer was to go to the Planning Commission and seek a determination as to whether or not the proposed use was consistent with the Comprehensive Plan. The developer has done this and the Planning Commission has found that this use is consistent with the Comprehensive Plan under the terms of Section 15.2-2232. This places the issue before City Council. Council has the power, under Subsection B of this section of Code, to overrule the action of the Commission by a vote of the majority of its membership. If Council chooses to do so, they may overrule the decision of the Planning Commission. This would have the affect of validating the recommendation of the Planning Commission and send this item back to the Board of Zoning Appeals, which then would have to decide on the land use issue.

Mayor Raines thanked Mr. Bradshaw for this explanation and then read a letter from SBA Network Services, Inc. and signed by Mr. Ed Justice, Property Specialist. This letter, which the City Administration had received this morning, stated that SBA was withdrawing their application for the construction of a cell tower on Beech Street in Norton for a temporary period. They advised that they may wish to discuss this matter again at the June 19th meeting.

At this time, Mayor Raines opened the floor for any comments those present would like to make on this item.

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

Mayor Raines read from an article that had appeared recently in the Bristol Herald-Courier stating that the Wythe County Board of Supervisors had directed the Planning Commission to draft an ordinance regarding the placement of cellular telephone towers. He further advised that the City of Norton has had a Comprehensive Plan since 1982. With the changes in telecommunications and being a City that is progressive, he feels that the City Manager should work with the Planning Commission to start examining this issue to add into our new Comprehensive Plan items such as communication towers and antennas. This should be broader than just cell towers and should allow for future changes in communications.

Council had a request from Appalachia Traditions for consideration of a contribution to their organization.

Mr. Bill Jones, President of this organization, was present to answer any questions from Council.

Mr. Ward advised that this organization was inquiring if the fee for a water tap and meter deposit, totaling \$440.00, could be waived. Mr. Ward advised that the City has no way to waive this fee as based on the City Code. In 1993, this organization secured a water tap for the Country Cabin and asked for some kind of a waiver or contribution from Council on this. At that time, Council made a one time contribution to them, as they represent tourism and our cultural heritage. They are today asking if the City Council can give them any kind of consideration to allow them to continue with the development of their new facility.

19902

Upon a motion by William Mays, seconded by Jack Wallace, and passed by unanimous roll call vote, Council moved to approve a contribution to Appalachian Traditions in the amount of \$1,000 with said funds to come from Contingency.

Mayor Raines thanked Mr. Jones for his efforts.

Council had in their packets A Resolution Providing for the Implementation of the Comprehensive Community Corrections Act (CCCA) and the Pretrial Services Act (PSA), Establishment of the Southwest Virginia Community Criminal Justice Board, and Provision for Joint Exercise of Powers.

Mr. Ward advised that this resolution was sent by Mr. Leonard Farmer, Director of the Southwest Virginia Corrections Board. Mr. Farmer advised that, in 1995, all participating localities served by the Southwest Virginia Community Corrections Program passed resolutions. With all funds for this program coming from the Department of Criminal Justice Services, the DCJS are requiring that these resolutions be updated as a special condition of the grant.

19903

Upon a motion by Joseph Fawbush, seconded by William Mays, and passed by the following unanimous vote: YES - Wallace, Mays, Fawbush, Raines; NO - None; ABSENT - Hunnicutt, Council moved to adopt A Resolution Providing for the Implementation of the Comprehensive Community Corrections Act (CCCA) and the Pretrial Services Act (PSA), Establishment of the Southwest Virginia Community Criminal Justice Board, and Provision for Joint Exercise of Powers. (Insert)

Council had been presented with A Proclamation Declaring the Week of May 20-26, 2001 as Emergency Medical Services Week.

Upon a motion by William Mays, seconded by Jack Wallace, and passed by unanimous vote, Council moved to adopt A Proclamation Declaring the Week of May 20-26, 2001 as Emergency Medical Services Week. (Insert)

19904

Council had a copy of a check made payable to the Norton City Schools in the amount of \$175,000.

Upon a motion by Joseph Fawbush, seconded by William Mays, and passed by unanimous roll call vote, Council moved to approve a check in the amount of \$175,000 made payable to the Norton City Schools.

19905

Upon a motion by Jack Wallace, seconded by Joseph Fawbush, and passed by unanimous roll call vote, Council moved to go into closed session to discuss personnel as per Section 2.1-344(A) (1) of the Code of Virginia as amended.

Mayor Raines declared Council in closed session.

19906

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

1990

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 Fawbush, and passed by the following unanimous vote, YES - Wallace, Mays, Fawbush, Raines, NO - None, ABSENT - Hunnicutt, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

1990

Mayor Raines opened the floor for nominations of an Agency Representative to the Youth Services Board for a four year term which will expire on May 2, 2005.

Joseph Fawbush nominated Mr. Stan Wilson to be reappointed to this Board.

Upon a motion by Jack Wallace, seconded by William Mays, and passed by unanimous vote, Council moved that the nominations cease.

19909

Mayor Raines declared Mr. Stan Wilson reappointed as an Agency Representative to the Youth Services Board for a four year term which will expire on May 2, 2005.

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

He had supplied Council with information on the new area code (276) for us. We can begin using it on September 1st and it will be mandatory on March 16th, 2002.

The General Assembly did fail to resolve the budget and basically all discussions have collapsed. It is his understanding that there are no pay increases in it for state employees, teachers, constitutional officers, plus some other items that may be level funded from the previous year. The City did include an increase in the City budget for our constitutional officers offset by the corresponding revenue item. Rather than take that out, he would like to leave it in. While we are not increasing their salaries, he would like to leave it in as there has been some discussion that when the General Assembly reconvenes in January 2002 that they may retroactively reinstate some of those raises, and in this case, the City would be covered.

19910

He would also like to have permission to go ahead and advertise the City budget for the first meeting in June.

With the following changes made to the budget draft at the work session, the amount of funding saved totaled \$61,256. These funds have been put into an undesignated capital account which will not be used for anything without Council's approval.

Mayor Raines advised the City Manager to proceed with the advertisement of the City budget for the June 5th meeting and adoption on the 19th of June.

19911

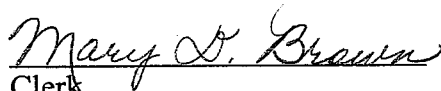
There were no comments from the City Attorney.

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

CITY OF NORTON, VIRGINIA


B. Robert Raines, Mayor

ATTEST:


Clerk