

The regularly scheduled meeting of the Norton City Council was held on Tuesday, March 19, 2013 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

Present: Mark Caruso, Joseph Hunnicutt, William Mays, Joseph Fawbush, and Terry Roop

Also Present: Fred L. Ramey, Jr., City Manager and Bill Bradshaw, City Attorney

The invocation was given by Father Tim Drake and was followed by the pledge of allegiance led by Police Chief James C. Lane.

Mayor Mays welcomed Matthew Tavenner of Wellmont and Marcus Adkins of the Health Wagon. Both are members of the Forward Wise County Class.

25724

At this time, Mayor Mays amended the agenda to include under Item No. 7-D Closed Meeting – as per Code No. 2.2-3711 (A) (3) of the Code of Virginia as Amended the 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.

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Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by unanimous vote, Council moved to adopt the minutes of the March 5, 2013 meeting as presented.

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During the Mayor's call for visitors, Aaron Williams, principal and basketball coach of J. I. Burton High School spoke to Council. As a resident of the City, he thanked Council members for the amount of time they spend on behalf of the citizens of Norton, the financial support given to the youth, and also thanked Council for the traffic light at the Hawthorne Intersection.

He then passed out a financial report covering the expenses the basketball team had incurred on their trip to the State playoffs. He asked Council to contribute \$4,500, which the School Board will be matching to cover the outstanding expenses.

25727

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt and passed by unanimous roll call vote, Council authorized \$4,500 to be expended to help defray the expenses of the J. I. Burton Basketball Team's trip to the State playoffs with said funds to come from Contingency. (Insert – Councilman Roop's Disclosure Statement)

Mr. David Meade, Director of Operations, of the Health Wagon was in attendance and spoke briefly to Council regarding funding for the RAM health activities held each July. Since the University of Va.-Wise is pulling their support, the Health Wagon is asking that each town and the City in the County appropriate \$1,000 to supplement this loss. He stated that the Health Wagon is the lead agency for this event.

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Mayor Mays advised Mr. Meade that Council will be looking at all requests at their budget workshop and thanked him for this information.

Council had a request from the Wise County Public Service Authority that was presented at its previous meeting of March 5, 2013 by Mr. Gordon Scott. This request was that they would like to move their Guest River Sewer Master Meter upstream from its current location. At this meeting, the City Administration was asked by Council to work with the City Attorney and the PSA and bring back a draft amendment to the Guest River Sewer Agreement for Council's consideration.

After giving Council a brief history on this sewer agreement, Mr. Ramey presented, via a PowerPoint presentation, a list of 12 draft conditions and explained each.

The City Manager then answered questions from Council. Councilman Fawbush asked should inflow/infiltration occur, would there be a time limit as to when repairs should be made.

Following a discussion, it was the consensus of Council that the City Attorney should put these draft conditions, along with the question raised by Councilman Fawbush, in a more formal document, and for the City Manager to bring this back at the next meeting.

In their packets, Council had a request for a budget amendment of the 2012-2013 budget in the amount of \$65,000 for the replacement of the City Hall roof.

The City Manager advised that Council had appropriated \$50,000 for this replacement roof; however bids came in higher. On June 30, 2012, these unspent funds went back into the City's General Fund Balance. For Council's viewing, he had pictures, via a PowerPoint presentation, of various leaks throughout the building. Working with contractors, it now appears a new roof would cost \$65,000 and he would like to have this amount transferred to get these repairs done this year.

Following a brief discussion and upon a motion by Councilman Caruso, seconded by Councilman Hunnicutt, and passed by unanimous roll call vote, Council moved to amend the budget in the amount of \$65,000 to cover costs for a new roof at City Hall.

A request was made by Wellmont Health System for Council's consideration of a property tax exemption for the Southwest Virginia Regional Cancer Center which they now own. Mr. Ramey advised that Council had been provided a copy of a letter from Dora A. Misciagna of the law firm Hunter, Smith & Davis, LLP of Kingsport, Tennessee requesting this exemption. Council was also supplied with a copy of the Code of Virginia Section No. 58.1-3651.

Following his initial comments, Mr. Ramey turned this topic over to the City Attorney. Mr. Bradshaw advised that it is not mandatory that Council approve this request. He advised that a small portion (approximately 400 square feet) of this facility is rented to Solstas Labs. If the facility is exempted from taxes, this area can be exempted also. Mr. Bradshaw reiterated that Council does not have to approve this request. He stated that they may want to study the impact on City revenues if this is done and the fiscal financial situation the City is facing.

Present representing Wellmont was Matthew Tavenner who answered some of Council's questions regarding this facility. Following this question and answer session, Council asked to be provided a copy of the 990 form for the cancer system or Wellmont (which should include the cancer center) which should give them some additional information. Also requested was a copy of the Indigent Care Policy for this facility.

Answering the question from Councilman Caruso that if approved for exemption, could this be revocable, the City Attorney advised it could be would be hard to do so.

Mr. Ramey advised he will work with Wellmont and get the information to Council as soon as it becomes available and he will have this on Council's next agenda.

Mr. Ramey advised that at the February 19, 2013 council meeting, Councilman Caruso brought up the idea of posting the Upper Reservoir Area as a Non-Shooting Area. The City Manager advised that he has researched council minutes of the City and has not found anything referring to that area as a shooting range. The only thing found was the Code Section 14-144 which states that it is unlawful to discharge a firearm within the City unless it falls under certain exceptions. The City Manager advised that if it is City Council's intent to prohibit all use of firearms in that area, the ordinance will have to be amended and it would require a public hearing. City Council may discuss the topic of hunting in that area at a later time.

Maps were shown covering the recreation area and specifically the area in question. He further advised that City Council can, by adoption of a resolution, authorize the City Administration to post this as a "Non-Shooting Area" and this will be enforced by the Police Department. To take this action tonight, there is no requirement for a public hearing.

Following a lengthy discussion and upon a motion by Councilman Hunnicutt, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to authorize the City Manager to have signage posted at the Upper Reservoir Parking Lot that states "Non Shooting Area".

25732

The City Manager advised he will reach out to Wise County to see if they would like to partner in a shooting area. He also stated that he will work with the Tourism Committee to search for suitable land within the City to be used as a shooting area. Councilman Caruso offered his services to work with the City Manager on this should he like him to do so.

Upon a motion by Councilman Hunnicutt, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to go into closed meeting as per Section No. 2.2-3711 (A) (1) and Section 2.2-3711 (A) (3) of the Code of Virginia, as amended, to discuss personnel and for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of public held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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Mayor Mays declared Council in closed meeting.

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to go back into open meeting.

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Mayor Mays declared Council back in open meeting.

The Clerk 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 Councilman Hunnicutt, seconded by Councilman Caruso, and passed by the following unanimous vote: YES – Caruso, Hunnicutt,

25735

Fawbush, Roop, Mays, NO – None, ABSENT – None, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

Mayor Mays opened the floor for nominations of a student representative to the Youth Services Board to fill an unexpired term to July 1, 2014.

Councilman Roop nominated Logan Dean, a J. I. Burton student to this Board.

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Mays declared Logan Dean appointed to fill an unexpired term as a student representative to the Youth Services Board. This term will expire July 1, 2014.

25736

Mayor Mays opened the floor for nominations to the Southwest Virginia Regional Jail Authority for a four year term which will expire on April 3, 2017.

Councilman Fawbush nominated Fred L. Ramey, Jr.

Upon a motion by Councilman Hunnicutt, seconded by Councilman Roop, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Mays declared Fred L. Ramey, Jr. reappointed to the Southwest Virginia Regional Jail Authority for a four year term which will expire on April 3, 2017.

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

Mr. Shupe and he are still preparing for the upcoming budget work session which will, most likely, be held following the April 16th meeting.

Posted to the Council Chamber's wall is art work from the Keep Norton Clean Poster Contest. He announced the winners' names and also the names of those who achieved honorable mention. He also advised that some of the City winners placed in the Wise County Clean Poster Contest.

The City of Norton Annual Easter Egg Hunt is scheduled for Sunday, March 24, at the Norton City Park at 4:00 p.m.

The Household Hazardous Waste Collection Day is scheduled for Saturday, May 18, from 10:00 a.m. to 2:00 p.m. at the Magic Mart Parking Lot.

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There were no comments from the City Attorney.

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In comments from City Council, Councilman Caruso spoke again of the issue with the S. W. Virginia Regional Jail Authority which took place at the last council meeting. He stressed that in his opinion no agency or members of agencies appointed by City Council has the right to bind the City by obligating money. He advised that guidance and decisions should come from Council.

Both Council appointed members of the S. W. Virginia Regional Jail Authority, City Manager, Fred Ramey, and Councilman Fawbush, advised Councilman Caruso that no vote on this expansion was taken until after City Council's vote in favor of it. Councilman Caruso stated it was the process he wanted to alter.

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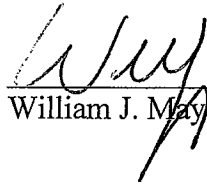
Councilman Roop advised that he had noticed in the City Manager's weekly report that there is a decline in tickets being issued by the Police Department. He feels this is making the City more business friendly and he stated the Police Department does not

receive enough praise for the great services they provide. He also expressed his appreciation for their presence every day in the City schools.

Mayor Mays advised the City Manager that long extended work hours has an adverse affect on the color of one's hair.

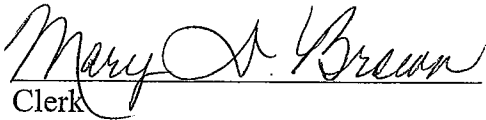
There being no further business to come before Council, the meeting was adjourned.

CITY OF NORTON, VIRGINIA



William J. Mays, Mayor

ATTEST:



Clerk