

The regularly scheduled meeting of the Norton City Council was held on Tuesday, May 6, 2014 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

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

Absent: Joseph Hunnicutt

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.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous vote, the minutes of the April 15, 2014 meeting were adopted as presented.

26122

During the Mayor's call for visitors, Ms. Imogene Emershaw, 1227 Spruce Street, NW and owner of property at 1223 Spruce Street, NW addressed Council. She advised that she and her son recently attended the Planning Commission's public hearing on April 10th regarding the proposed adoption of the amendment to the City's Zoning Ordinance for fences and hedges. She advised that her property at 1223 Spruce Street, NW is non-confirming and grandfathered. She handed out a brochure containing pictures of the situation she has experienced regarding a fence issue.

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At this time, Councilman Hunnicutt took his seat on Council.

26124

She further asked that Council take this information discussed by her tonight in consideration when voting on this recommendation from the Planning Commission.

She also advised, if adopted, this new ordinance would allow fences very close to non-confirming homes and citizens do not have the option of going to the Board of Zoning Appeals.

26125

In conclusion, Ms. Emershaw thanked Council for their time and for listening to her situation.

Also speaking against this new ordinance was Dee Belcher of Spruce Street and Delores Bolling of Hillcrest Drive. Ms. Bolling spoke to Council advising that her iron pins are now 18" into the City street. She advised that she has a \$1,200 iron fence in the front of her home that will not come down. She asked Council to consider not adopting the proposed language amendment regarding fences and hedges.

The City Attorney advised she would need a Special Use Permit as her fence is encroaching on City right-of-way.

Those speaking in favor of the amendment were Gerald and Deborah Lawson of 1076 Laurel Avenue.

Stan Wilson, Nosler Street, spoke briefly to Council asking for their consideration in the adoption of a resolution honoring Paul Kuczko, who is retiring, for his years of

service to the Lonesome Pine Office on Youth. The City Manager read the resolution and upon a motion by Councilman Caruso, seconded by Councilman Hunnicutt, and passed by the following unanimous vote: YES – Caruso, Hunnicutt, Fawbush, Roop, Mays, NO – None, ABSENT – None, Council moved to adopt A Resolution Honoring Paul Anthony Kuczko. (Insert)

26126

In attendance tonight was Mr. Bob Spera representing the Let Freedom Ring Activity to be held at the Lonesome Pine Airport in September. He had been in attendance at the April 1st meeting requesting an appropriation of \$2,000 to go toward this event and had been advised to come back with an updated report on the donations received during that time and also Council would have more of an idea as to their budget process.

26127

Mr. Spera briefly spoke to Council on this activity advising they lacked \$8,000 to cover the planned activities.

Mayor Mays advised that at the last activity held at the airport, the City had contributed \$1,000. This upcoming budget year, all boards and agencies have been cut ten percent.

Following a brief discussion and upon a motion by Councilman Roop, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to allocate \$900 from Contingency for the Let Freedom Ring activity.

Mr. Spera thanked Council for their time and consideration.

Dr. Scott Hamilton, President of Mountain Empire Community College, provided an update on activities at the college. Prior to the meeting, he had passed out new booklets on the college. Council was advised by Dr. Hamilton that the college had received their highest endowment ever on May 5th from the estate of Carol Buchanan.

26128

The college will graduate 696 students on May 15th and the enrollment has been down slightly; however dual enrollment has kept it to approximately one percent.

Council was given a schedule of upcoming events including the July Mountain Music School Program. He further advised that they're in the midst of their five year review and provided a list of goals they have prepared.

Councilman Caruso advised a good job was being done at the college and asked about the AIMS Program. Dr. Hamilton advised the program was doing good and they had 135 AIMS scholars.

Council expressed their appreciation to Dr. Hamilton for this update.

Amy Bond, Director of the Lonesome Pine Regional Library System, presented Council with a PowerPoint presentation and update on the library and programs/activities in which they sponsor and participate.

Activities within the City in which they participate in are: Norton Friends and Farmers Market (17 visits servicing 569 children), Fabulous Fridays (3 visits servicing 362 children, Best Friend Festival (servicing 256 children), Regency Towers Visits in conjunction with Mountain Empire Older Citizens (993 books) Norton Kids Central Children (servicing 520 children) and John I. Burton Teachers' Meetings.

She advised that appropriations from the City go solely to the Wise County Public Library in Wise, which is the primary library.

Following this presentation, she thanked Council for their support which has been essential since the inception of the library and which continues to be just as essential today. She advised they face a potential loss of \$448,865 in state funding and have applied for \$142,000 in federal e-rate funds, and the Big Read brought in \$9,500.

She explained to Council the waiver process in case funding is reduced below the level of previous years and that they would have to apply for this process. Any reductions have to be across the board and less or equal to all other departments within the jurisdictions.

The Waiver Appeal can be applied for one year and a one year reprieve can be granted. If the waiver is denied, they cannot operate on local funding and localities would lose libraries or have to restructure them on their own.

26129

Mr. Lann Malesky, the City's representative on the Library Board, spoke briefly to Council urging them to appropriate funds as previously given in order that the libraries can proceed to function and not have to jeopardize programs. He emphasized that this is a vital community asset and this should be considered during Council's budget deliberations.

Following a lengthy discussion, Ms. Bond and Mr. Malesky were advised that this is a very rough year budget wise.

Ms. Bond expressed her appreciation to Council.

Dr. Comer, Superintendent of the Norton City Schools, presented Council with a PowerPoint presentation on the 2014-2015 Norton City Schools Budget and acknowledged his gratitude that Mark Leonard, a member of the School Board, was present at tonight's meeting.

He advised with the General Assembly Budget is, in limbo budget wise, and his budget is the worst case scenario by state funding that they have had. He hopefully hopes it will improve. The composite index went down which equates to more state funding even with a lower number of students.

26130

Virginia Retirement Benefits are up from 11.66 to 14.50 with a number of positions not funded. Instructional funds are down due to retirements and there are no staff cuts. The Health Retirement Fund is being cut this year and will be out of their budget entirely in approximately seven years. Debt Service is going down and there is no increase in health insurance. Summarizing the budget, he advised there is a step increase for employees, the General Assembly should include additional dollars, local level funding with an additional \$25,000 to repair/replace hot water supply at Burton high school and \$16,825 for interpreter for new deaf student. In the proposed budget, the School Board is asking for \$77,825 in additional funding compared with what would be required for 825 students on which they are basing their budget.

Following a lengthy discussion, Mayor Mays advised they should look for local required funding effort and not expect the extra \$77,825.

The School Board is to come back to the next Council meeting on May 20th with an adopted budget and Council will, at that time, consider taking action on same.

Dr. Comer advised that he understood and expressed his appreciation to Council and advised that the School Board is very fortunate that Council values education. (Insert – Councilman Roop's Disclosure)

The City Manager advised that the Norton Planning Commission has recommended to Council that they consider the zoning amendment on which they held a public hearing on April 10th. Their vote was unanimous to forward the zoning amendment on fences and hedges for Council's consideration. He advised that Council, if they choose to, cannot approve this tonight as they will need to advertise and hold a public hearing on this. He further advised that they may want to table this item until they receive more information. Mr. Ramey then turned the meeting over to Winfred Collins, the City's Building Official.

26131

Winfred Collins, Building Official, via a PowerPoint presentation, discussed this section from the City of Lynchburg's ordinance and compared it to the current City ordinance. The current code section states that there is to be a five foot setback on each side and the rear yard and no fences can be placed in the front of residential zoned parcels. Commercial or industrial zoned parcels are not applicable to this code section.

The proposed amendment will not prohibit any lawful fence or wall if each does not exceed four feet in height in front yards and eight feet in height in side and rear yards in residential zones or ten feet in commercial or industrial zones and if it does not obstruct the normal observation of traffic. Mr. Collins then advised of some changes in wording he would like to make in this proposed amendment in wording.

Mr. Collins then answered questions from Council members.

After a discussion, it was the consensus of Council to table this item until after the budget process is completed and for Mr. Collins to survey various comparable entities as to their regulations on this topic.

Winfred Collins, Building Official, gave Council an update on the Stormwater Management Ordinance. Via PowerPoint presentation, Mr. Collins discussed recent changes to the Stormwater Management Act, new requirements for single-family residences, and the pros and cons of administering a local Virginia Stormwater Management Program.

In 2012, the General Assembly required all localities to have a local VSMP Program with an implementation date of July 1, 2014. In 2014, the General Assembly states that most localities may now choose whether to implement a local VSMP Program or have the Department of Environment Quality to administer this program for the locality with the implementation date of July 1, 2014 retained.

26132

He then discussed some mandatory requirements that remain in place and new rules for single family detached residential structures, Building and Land Disturbing Permits, pros and cons of adopting or not adopting local Virginia Stormwater Management Program, and deadlines for adopting a program.

Following a discussion, it was determined that the City Administration will bring a draft Stormwater Management Ordinance to the next meeting for Council to review prior to authorizing a public hearing to be advertised and will opt in to have their own program.

Upon a motion by Councilman Hunnicutt, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to go into closed meeting to discuss personnel as per Section No. 2.2-3711 (A) (1) of the Code of Virginia, as amended.

26133

Mayor Mays declared Council in closed meeting.

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

Mayor Mays declared Council back in open meeting.

26134

The Clerk polled each member of Council as to the Certification of Closed Meeting with each answering yes with the exception of Councilman Hunnicutt, who had stepped out of the meeting for a few minutes.

The Clerk then read A Resolution of the Certification of Closed Meeting. Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by the following vote: YES – Caruso, Fawbush, Roop, Mays, NO – None, ABSENT – Hunnicutt (who had left the meeting for a few minutes and missed the vote), Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

26135

During the City Manager comments, Councilman Hunnicutt again took his seat on Council.

26136

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

Shelly Knox, Parks and Recreation Director, attended a meeting of the High Knob Enhancement Committee earlier today and was informed that the contractor needs at least 10-12 weeks to complete the Tower Project. Project completion date is August 8, 2014.

The City Administration recently submitted a 50/50 Grant Application for the purchase of three police vehicles to be considered in September with Rural Development.

The City was notified yesterday that the date for our fireworks needs to be moved to either July 3rd or July 5th. This is due to state changes of individuals who met the requirements to set fireworks off. If Council has any comments on this, please e-mail him.

He plans to place an item on the next agenda to decommission the swimming pool using excess material from the Safe Route to Schools Project. He is having an engineer look at this possibility.

26137

Students from the Norton Class of WiseJAMS will be featured at the Crooked Road Youth Music Festival on Saturday, May 10th at 11 a.m. and 7 p.m.

A flyer was placed for each council member regarding the upcoming Business Appreciation Event on May 28th at UVA Wise. This event is co-sponsored by the Norton Industrial Development Authority. Council members were asked to advise him if they plan to attend.

Due to the length of the meeting, Mr. Ramey advised the budget work session scheduled for tonight can be rescheduled or can be done following this meeting as planned. It was the consensus of Council to reschedule this work session.

In comments from the City Attorney, Mr. Bradshaw advised that the Supreme Court today had a 5-4 decision upholding prayers prior to council meetings as long as certain criteria is met. In his opinion, the City of Norton meets these requirements.

26138

In comments from City Council, Councilman Roop stated if we are going to demolish the pool, it would be best to do it now while we have fill material.

26139

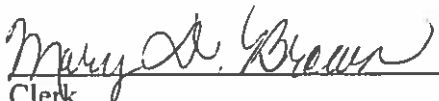
There being no further business to come before the Council, the meeting adjourned.

CITY OF NORTON, VIRGINIA



William I. Mays, Mayor

ATTEST:



Clerk