

The regularly scheduled meeting of the Norton City Council was held on Tuesday, August 19, 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 Caruso, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to adopt the minutes of the July 15, 2014 meeting as presented.

26231

During the Mayor's call for visitors, Ms. Imogene Emershaw, 1227 Spruce Street, NW, spoke briefly to Council regarding a zoning amendment City Council will be considering. She passed out to members of Council an architectural picture depicting what a fence would look like up against her property. She thanked Council for their time tonight.

Also speaking to Council was Brenda Palmer, 1219 Spruce Street, NW, advising Council of the problem she has experienced with trying to get a fence installed on her property and the reasons that she feels a fence is needed to protect her and her property. She also thanked Council for their time.

26232

Mayor Mays thanked both individuals for their comments.

Included in Council's packets for their review was a Proposed Amendment to the City of Norton Fishing Ordinance which includes the changes requested by Council at the July 15<sup>th</sup> meeting. Mr. Ramey advised that, if this meets with Council's approval, a public hearing will need to be advertised.

Mr. Bradshaw briefly discussed these changes with Council and advised he would be happy to answer any questions.

26233

Councilman Caruso advised the City Attorney had done a good job on this proposed amendment. He further advised that he has had a lot of positive comments on the instituting a 3 day fishing license.

It was the consensus of Council for the City Manager to advertise a public hearing for the September 16<sup>th</sup> meeting.

Councilman Caruso thanked Council for implementing these changes.

The City Manager advised there has been a significant increase in bear complaints within the City in the Flag Rock and several neighborhoods. The City is limited as to what can be done and have relied on the assistance of Mr. Johnny Wills, a District Wildlife Biologist with the Department of Game and Inland Fisheries. Mr. Wills is present tonight to give a brief PowerPoint presentation on bears.

26234

Following Mr. Wills' presentation, he gave options of what can be done on the ongoing problem being experienced in the area and also advised that there are grants available to help with funding anti-bear trash receptacles. He will furnish that information to the City Manager.

City Council thanked Mr. Wills for the very informative presentation.

Mr. Ramey advised that the next agenda item, the Norton Planning Commission's recommended Zoning Text Amendment for Fences and Hedges, had been discussed previously by Council and tabled until after the budget process. Present tonight to discuss this with Council is Winfred Collins, the City's Building Official.

Mr. Collins advised this was brought to the Planning Commission in August of 2009. With the Planning Commission being the first step in the process, State law requires that two public hearings must be held before the adoption or amendment of land use laws. One of these public hearings has been held by the Planning Commission and the second will be held by City Council.

After being tabled by the Administration, this item was brought back to the Planning Commission in November of 2011 and permission was received to advertise their public hearing. Due to different reasons, the item was again tabled by the Administration until March of 2014 when it was again presented to the Planning Commission. The previously mentioned public hearing was held on April 10, 2014 and it was unanimously approved that the proposed amendments, as written, be forwarded to Council for the review and the scheduling of a second required public hearing.

Mr. Collins advised Council of the requirements of the current City Code and of the accessory use limitations. He then advised the requirements in the proposed amendment, which will allow property owners to erect a fence on their property line at a height of four feet in the front and not exceeding eight feet in the side and rear yards in residential areas. In commercial and industrial areas, there is a ten foot maximum height requirement which does not differentiate for the sides and front.

Following his presentation, he advised Council he would answer any questions they may have.

Councilman Roop, and the other members of Council, advised that they appreciated Mr. Collins' work on this as did the other Council members. They were also glad for the survey he had prepared with other localities on their setback requirements.

In further comments, Councilman Roop advised that he feels it is the right of all property owners in the City to allow fences and in his opinion, it will bring about uniformity and the right to make use of their property. He stated he was sympathetic to those who disagree, but the duties of the Planning Commission and Council are for all citizens. Having a non-conforming property does not mean adjacent property owners cannot use all of their property.

Following comments from other members of Council and upon a motion by Councilman Roop, seconded by Councilman Fawbush, and passed by unanimous vote, Council authorized the City Manager to advertise a public hearing for the September 16, 2014 meeting.

Councilman Fawbush asked about a waiting period for said amendment to take place and was advised by the City Attorney that there are no certain requirements to do so; however Council has generally set an effective date of 30 days from adoption.

A request was made by Comcast Cable to assign its current Franchise Agreement to Midwest Cable of the South, LLC.

Mr. Ramey introduced Russell Byrd, Comcast's representative for our area, who advised that Comcast Cable had purchased Time Warner Cable and are now transferring some of their customers to Midwest Cable of the South, LLC. He advised the customers involved were in southwest Virginia and eastern Tennessee. This transfer will take place by the end of the year or at the end of the first quarter of 2015.

After his presentation, Mr. Byrd answered questions from Council members.

26236

The City Attorney advised that he has a problem with this resolution in that it does not include what else the company may be asking the City to consent to. He further stated that if Council does not adopt the resolution, the transfer will go through regardless; however he has a problem with it.

Following a brief discussion, it was the consensus of Council to table this item and discuss it again at the September 16<sup>th</sup> meeting.

Council had been presented in their packets A Resolution Approving the Planning District One Community Services Board Performance Contract for FY2015 and FY2016.

Mr. Ramey advised this is an annual housekeeping item with a slight change in that the contract will be for two years rather than one year. The City appropriates \$14,000 annually to this Board and has a representative on this Board, Sarah Davis.

26237

Following a brief discussion and upon a motion by Councilman Fawbush, seconded by Councilman Roop, and passed by the following unanimous roll call vote: YES – Caruso, Fawbush, Roop, Mays, NO – None, ABSENT – Hunnicutt, Council moved to adopt A Resolution Approving the Planning District One Community Services Board Performance Contract. (Insert)

The topic of a discussion regarding the potential to refinance an existing General Fund Bond was the next item on the agenda for Council's consideration.

The City Manager advised that Davenport and Company, the City's financial advisor, have advised that they think now is the time to look at refinancing this 1.2 million dollar obligation which the City has. They advised there is the possibility that the City can save approximately \$15,000 this fiscal year and approximately \$62,000 on the entire term of the loan. The term of the loan will not be extended.

26238

Mr. Ramey introduced Mr. David Rose of Davenport and Company who briefly discussed this with Council. He stated if Council authorizes them to proceed with this, the City Manager will be asked to sign an engagement letter permitting them to go forward. Should they not find a rate that would be beneficial to the City, then the refinancing will not take place and there would be no expense to the City.

Following a brief discussion and upon a motion by Councilman Roop, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to authorize the City Manager to enter into an agreement with Davenport and Company to solicit possible refinancing rates on this 1.2 million dollar bond which covers the 11<sup>th</sup> Street Viaduct Bridge Project.

Mr. Rose advised he will be back at the September 16<sup>th</sup> meeting to update Council.

Council had a request from the Wise County Public Service Authority asking that the City bill some of our water customers for sewer service that is being provided by the PSA. Mr. Ramey advised that from an administrative standpoint, this will be easy to do. The City is current doing the same thing for the PSA for their sewer customers in Josephine. The agreement from the PSA states that the City will get a fee for providing this service and if the sewer is not paid, the City will cut the water off. This covers about 25 customers only.

26239

Following a brief discussion and upon a motion by Councilman Fawbush, seconded by Councilman Roop, and passed by unanimous vote, Council moved to amend the Waste Flow Agreement with the Wise County Public Service Authority to allow the City to bill for County sewer services. The City Attorney was authorized to draw up an addendum on this and to work with the Wise County Attorney on this document.

Ball Construction Company is requesting a new sewer tap in the County at the old K-Mart Building for Ollie's Bargain Outlet.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous vote, Council moved to approve one sewer tap to Ball Construction Company for the Ollie's bargain Outlet.

26240

Included in Council's packets were three transfers and two checks for approval. These transfers were to the Norton City Schools in the amount of \$103,250, Norton City Schools in the amount of 169,500, and Norton City Schools in the amount of \$230,000. The checks were to Tipton Construction in the amount of \$218,299.84 and to Thomas Construction in the amount of \$299,409.90.

26241

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to approve the three transfers and two checks as stipulated above.

Mr. Ramey sought guidance from Council regarding whether or not Council wished to meet on the first meeting date in September since it is so close to the Labor Day holiday.

Following a brief discussion, it was the consensus of Council to proceed with this meeting since one would have to be cancelled in October while they were attending the annual Virginia Municipal League Conference.

26242

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, 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.

26243

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.

26244

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 Caruso, seconded by Councilman

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

26245

Mayor Mays opened the floor for nominations to the City of Norton Planning Commission for a four year term which will expire on July 31, 2018.

Councilman Caruso nominated Mr. Robert Isaac to be reappointed to this Commission.

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

26246

Mayor Mays declared Robert Isaac reappointed to the City of Norton Planning Commission for a four year term which will expire on July 31, 2018.

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

He had provided Council members with a copy of the latest Retail Sales Tax Report.

The Ribbon Cutting for the High Knob Tower Project will be Friday, August 22nd at 11:30 a.m. The Reservoir Parking Lot will be used for staging purposes. The City will have two tents and will serve lemonade and cookies, have tourist info available, give away some items, and several businesses will be giving out tee shirts and free rentals on some items. He hopes that if Council members cannot attend this, they will go up as soon as possible and see the improvements from Legion Park to Benges Rock and also notice the new trail signs and gateway sign which the City partnered with the Tourism Committee and NIDA to purchase.

26247

An event is being planned by a citizens group for some additional activities within the City. The first of these is an Arts in the Park and will be held on Saturday, August 30<sup>th</sup>, from 5:00 p.m. to 10:00 p.m. at the 11<sup>th</sup> Street Park. All funding for this event is being raised privately. The City will only incur the cost of overtime for labor. The Craig Street Ramblers will perform and there will be a magician, face painting, and Churches selling food, among other things. This group hopes to have multiple events throughout the year.

The annual Virginia Municipal League Conference will be held in Roanoke on October 5<sup>th</sup> – 7<sup>th</sup>. Please advise him if you will or will not be attending.

There were no comments from the City Attorney.

26248

In comments from Council:

Councilman Roop extended his thanks to the City Manager on his recognition and thank you letter to the new Social Services Director for the good job she is doing and another to the Seniors Group who sent a letter advising how much they like the new wall being installed on the Safe Routes to Schools Project.

He also referred to a memo from Wise County Administrator, Shannon Scott regarding the working together on the County's Comprehensive Plan.

He stated it was good to see detailed minutes from the Southwest Virginia Tourism Committee.

Councilman Fawbush stated he would like the members of the City's Tourism Committee be recognized at a future meeting for the dedication they have. Mr. Ramey advised they are hard working members.

Councilman Caruso advised the Tourism Committee is doing a good job and that Mr. Ramey and Michele Knox are both doing a great job in working with them. He further stated one thing they would be seeking is the adoption of a Sasquatch resolution.

He appreciates the opportunity to speak, on behalf of the City, at the High Knob Tower Dedication.

The City Manager and he are working on the firing range with the installation of berms and he sees really good things happening there within the next year or so.

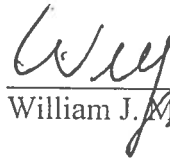
He advised the City Manager that he and his wife will be attending the VML Conference.

He advised there is a new initiative to improve and clean up the Guest River.

He has been to the reservoir and walked a new portion of the bike trail. He advised that Shayne Fields had done a great job on this trail. Good things are happening and moving forward.

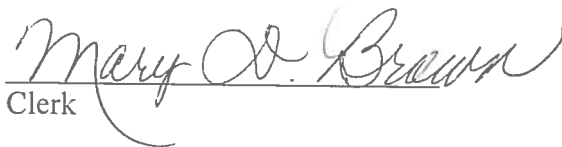
There being no further business to come before the Council, the meeting was adjourned.

CITY OF NORTON, VIRGINIA



William J. Mays, Mayor

ATTEST:



Clerk

26249