

The regularly scheduled meeting of the Norton City Council was held on Tuesday, November 18, 2014 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

Present: Mark Caruso, William Mays, and Joseph Fawbush

Absent: Joseph Hunnicutt 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 Councilman Caruso.

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to adopt the minutes of the October 21, 2014 meeting as presented.

25305

During the Mayor's call for visitors, Zebulon Estep, founder of the High Knob Conservancy Agency came forward to present City Council with a PowerPoint presentation on a potential Zip Line/Tree Top Adventure on High Knob. Mr. Estep advised Council his purpose tonight was to have an open discussion with the City and to share what he believes are the advantages and benefits to the City of Norton and area residents.

25306

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

25307

After a brief discussion, Council thanked Mr. Estep for his presentation and his desire to open a Zip Line in the Flag Rock area. Mr. Estep was advised that the City would work with him.

Mr. Ramey advised Council he had spoken with Mr. Estep earlier that day and Mr. Estep is going to research to see if there is another example of public/private partnership on public property. City staff will continue to work with Mr. Estep to report back to Council as information is gathered.

25308

Mr. Ramey introduced Ms. Melanie Salyer, Chief Deputy of Wise County/City of Norton Circuit Court and advised Council Ms. Salyer was in attendance to explain the Proposed eSummons Project initiated by the Wise County Circuit Court Clerk's Office on behalf of the General District Court.

Ms. Salyer presented Council with a list of courts in Virginia that are currently assessing the e-summons fee and gave a detailed description of the project.

Following a lengthy discussion during which Ms. Salyer answered questions from Council, it was the consensus of Council that more information is needed before deciding to assess the \$5.00 fee on any criminal or traffic citations.

25309

Mayor Mays thanked Ms. Salyer for her presentation and she advised Council she would collect more data for Council's consideration.

The City Manager informed Council that at the last meeting Council authorized the City Staff to advertise for a public hearing on the Planning Commission's recommendation on the rezoning request of the Roberts Avenue/Locust Avenue areas. City staff put together an ad for the public hearing and forwarded it to the City Attorney for review. Upon Mr. Bradshaw's review, he found that the City's current zoning ordinance did not match up in several areas with the current State Code and he will be discuss this tonight. He further advised that before Council moves forward with this request, Council may want the Planning Commission to work with City staff to update the City's zoning ordinance in order to bring it up to date with current State Code.

Mr. Bradshaw explained the City's current zoning ordinance was adopted in 1993. The State has made amendments to the State Code and many of the provisions are the same and have been either renumbered or reorganized in the Code. Presently an applicant would submit a request to the City Manager/Building Official. The request would then be forwarded to the Planning Commission for their consideration and, after a public hearing has been held, their recommendation will be forwarded to City Council. The current State Code requires the rezoning process to be referred from the governing body to the Planning Commission. The City Manager or Building Official would present Council with the application and ask if they want the request referred to the Planning Commission. This process allows the public to be adequately informed as both the Planning Commission and City Council will conduct a public hearing before a decision is made to approve or deny the request.

25310

The current State Code also allows for the collection of any taxes, levies, and other charges assessed by a locality for zoning and variance requests. Should the City desire, the current Zoning Ordinance could be amended to require the applicant to show that all charges have been paid.

Following a lengthy discussion during which the City Attorney answered questions and made his recommendations, a motion as made by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by unanimous vote to refer the City's Zoning Ordinance to the Planning Commission for review and update to bring into compliance with State Code.

Council had been presented a Resolution Adopting a Policy for Remote Participation in Public Meetings under Virginia Code Section 2.2-3708.1.

The City Attorney advised there must be a quorum present in the building. The remote councilperson cannot make the quorum.

The City Manager explained how the remote participation would work and that Council did not have to act or even adopt this resolution.

After brief discussion, a motion was made by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by the following unanimous roll call vote: YES – Caruso, Hunnicutt, Fawbush, Mays, NO – None, ABSENT – Councilman Roop, Council moved to adopt the Resolution for Remote Participation in Public Meetings under Virginia Code Section 2.2-3708.1. (Insert)

25311

Mr. Ramey presented Council with a Memorandum of Understanding (MOU) with the Southwest Virginia Climbing Coalition (SVCC) Regarding Rock Climbing Opportunities in the Flag Rock Recreation Area. He advised the MOU was a result of the discussion

between Council and Norton resident Brad Mathisen on September 2, 2014. The MOU was modeled after the U. S. Forest Service's MOU with the Southwest Virginia Climbing Coalition regarding rock climbing in the Guest River Gorge. Mr. Ramey also directed Council to Page 2 of the MOU which denotes the purpose of the MOU with SVCC. Mr. Ramey advised Council no rock climbing will take place until all six (6) phases of the MOU have been met.

25312

The City Attorney advised Council that the MOU, if approved, will give City staff permission to work on the MOU. Basically, this MOU is a planning phase where the City Manager can work with the SVCC.

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by unanimous vote, Council authorized the City Manager to work on the MOU with the SVCC for a period of one (1) year.

The City Manager asked the Event Coordinator, Vice Mayor Fawbush, to provide Council an update on the Woodbooger Search Event held on October 24th and 25th in the Flag Rock Recreation area.

Councilman Fawbush informed Council that a Committee of about 16-20 people met regularly to plan the event and 140 people worked, donated materials or made contributions for the event. There were approximately 875 participants both nights and vendors were set up selling food, hot chocolate, t-shirts and other items. The Committee raised \$1,100 for the event and gave away door prizes. Pathfinders gave canoe rides to about 50 children and four individuals gave scripted walks and at the end of the walk these individuals gave a Woodbooger calling and he made his appearance several times throughout the weekend. Councilman Fawbush thanked Mike Lintz and his crew for their assistance and Boy Scout Troop 301 from Coeburn along with the other Cub Scouts and troops in attendance. The main objective of this event was to initiate a citizen sponsored event with little help from the municipality. Councilman Fawbush thanked everyone who participated and hopes the event will be bigger and better next year.

25313

Councilman Caruso thanked Vice Mayor Fawbush for leading and organizing the event.

In their packets, Council had one transfer and two checks for approval. The transfer is to Norton City Schools in the amount of \$250,000.00, the first check was to Thomas Construction Company, Inc., in the amount of \$273,333.67, and the second check was to the City of Norton General Operating Fund in the amount of \$118,133.99.

25314

Upon a motion by Councilman Caruso, seconded by Councilman Fawbush, and passed by the following unanimous roll call vote: YES – Caruso, Fawbush, Mays, NO – None, ABSENT – Hunnicutt and Roop, Council moved to approve the one transfer and two checks as stipulated above.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by the following unanimous roll call vote: YES – Caruso, Fawbush, Mays, NO – None, ABSENT – Hunnicutt and Roop, Council moved to go into closed meeting as per Section No. 2.2-3711 (A) (1) of the Code of Virginia, as amended.

25315

Mayor Mays declared Council in closed meeting.

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by the following unanimous roll call vote: YES – Caruso, Fawbush, Mays, NO – None, ABSENT – Hunnicutt and Roop, Council moved to go back into open meeting.

25316

Mayor Mays declared Council back in open meeting.

The acting Clerk polled each member of Council as to the Certification of Closed Meeting with each answering yes. The acting Clerk then read A Resolution of the Certification of the Closed Meeting. Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by the following unanimous vote: YES – Caruso, Fawbush, Mays, NO – None, ABSENT – Hunnicutt and Roop, Council moved to adopt a Resolution of the Certification of Closed Meeting. (Insert)

25317

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

The City received a notification today regarding the process for this year's Aid to the Commonwealth. Council has been supplied with a packet that includes the letter and instructions. The City's required share this year is \$15,119.00 and is due by the end of December. Also, this does not include our portion to the Regional Jail System for their required Aid to the Commonwealth. This item will be placed on the agenda for Council action at the next meeting. Council may elect to send a check to cover our required share or choose reductions in selected state programs.

Bids were received on the Phase III Water Improvement Project on November 6th. The engineer has submitted the documentation to the Virginia Health Department (VDH) for review. Upon authorization from VDH to accept the bid, City staff will move forward with the bond closing process which will require a public hearing and action by Council.

Council should have received the Statement of Economic Interests and Real Estate Holdings certifications. Both forms are due back to the Clerk by December 15th. This is change from previous years and Council will be required in the future to file a Statement of Economic Interests twice per year on June 15th and December 15th.

25318

Wise County may petition the Court to delay a special election for the Commonwealth Attorney until the next regular election. If that is the case, Council may want to consider also filing a petition or join with Wise County at the next Council meeting.

Council has been provided the latest Monthly Retail Sales Tax Report.

The 2015 Coalfield Legislative Reception has been scheduled for Thursday, January 22nd in Richmond and he asked that Council members contact him if they plan to attend in order for him to make reservations.

He advised the City will be assisting with the following upcoming events: Family Preservation Services – Santa Fun Run/Walk 5k on December 6th, and the annual Christmas parade on December 7th at 6:00 p.m.

On behalf of the entire City staff, he extended to our citizens and Council, a safe and happy Thanksgiving and reminded everyone that City offices will be closed on Thanksgiving Day and the Friday after.

There were no comments from the City Attorney.

25319

In comments from Council:

Councilman Caruso stated he read in the newspaper Fire Department and Emergency Services Todd Lagow and Shane Potter saved a man's life by pulling him out of a house fire and he would like Council to recognize these two individuals. Also, Carol and he will be attending the 2015 Legislative reception and he would like to thank the City Attorney for his presentations tonight.

At this time, Mr. Ramey advised Council John Ellington will be leaving and he is the Chaplin for the Police Department and has been involved with many community events and Council may want to recognize him for his services as well.


25320

Councilman Fawbush advised he would like for Council to authorize the City Manager to draft a letter to VDOT concerning the US 23 Esserville traffic light requesting extended amber and a delayed green before vehicles pull out. Also, request a larger "Yield" sign for drivers merging onto US 23 and Route 58 at the cloverleaf intersection.

He requested everyone to pay special attention to those in need this holiday season. The Lions Club is serving a meal to 180 families on December 20th and requests everyone be a little more generous this season.

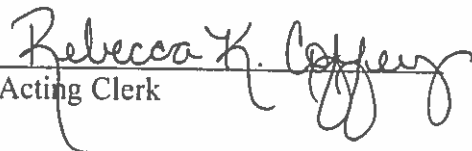
There being no further business to come before Council, the meeting adjourned.

CITY OF NORTON, VIRGINIA



William Mays, Mayor

ATTEST:



Acting Clerk

