

The regular meeting of the Norton City Council was held on Tuesday, January 6, 2004 at 7:30 p.m. in the Council Chambers with Mayor Robert Raines presiding.

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

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

The invocation was given by Rev. Shawn Easterling and was followed by the pledge of allegiance, which was led by Fire Chief David Mullins.

Upon a motion by William Mays, seconded by Joseph Hunnicutt, and passed by unanimous vote, Council moved to approve the minutes of the December 16, 2003 as presented.

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

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A public hearing was held on A Resolution of the City Council of the City of Norton, Virginia Approving an Agreement to Change the Boundary Line Between the City of Norton and Wise County, and Authorizing the Filing of a Joint Petition Pursuant to Section 15.2-3108, Et Seq., of the Code of Virginia (1950), As Amended, to Approve the Agreement.

Mayor Raines advised that this public hearing had been duly advertised.

The City Manager gave a brief overview advising that Council had, in their packets, a copy of this resolution. If adopted, this resolution will approve a voluntary boundary line adjustment with Wise County and authorize the Mayor to sign a joint agreement with Wise County. It will also authorize the City Administration and our legal counsel to petition the Wise County Circuit Court for approval of the voluntary boundary adjustment. He further advised that the City had been negotiating with Wise County for some time on this boundary line adjustment and that the City will benefit from this in several ways. The primary benefit will be that the commercial development planned in this area will be able to be fully developed. Wise County will be benefited in that they will be able to enhance areas around this property and also will be provided with some developable property to come into the County.

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Mr. Ward showed the area in question to Council via a map and advised that it is for a total of 12.2 acres to be transferred to Wise County from the City of Norton and 12.2 acres to be transferred to the City from Wise County. Wise County is also conducting a public hearing on this request tonight and will vote on this Thursday, January 8<sup>th</sup>.

There were no questions from Council prior to the public hearing.

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

Upon a motion by Joseph Hunnicutt, seconded by Joseph Fawbush, and passed by the following unanimous roll call vote: YES – Hunnicutt, Wallace, Mays, Fawbush, Raines, NO – None, ABSENT – None, Council moved to adopt A Resolution of the City Council of the City of Norton, Virginia Approving an Agreement to Change the Boundary Line Between the City of Norton and Wise County, and Authorizing the Filing of a Joint Petition Pursuant to Section 15.2-3108, Et Seq., of the Code of Virginia (1950), As

Amended, to Approve the Agreement and authorize the Mayor to sign all documents pertaining to this item. (Insert)

Council had been provided in their packets a copy of the financial audit for the year ended June 30, 2003 for the C-N-W Regional Wastewater Authority. This item had been tabled at the last meeting at the request of the City Manager, who was ill and could not attend that meeting.

The City Manager advised that this audit, conducted by Thrower, Blanton, and Associates, was a clean audit and was presented to the C-N-W Authority at their last meeting. He advised that the fifteen and one-half million dollars borrowed by the Authority has been paid down to seven million dollars and will be retired in 2012. In their proposed budget for the 2004-2005 year, the City's contribution will total \$760,247, which is \$33,718 less than this year. Mr. Ward expressed appreciation to our representatives on this board, Councilman Hunnicutt and Councilman Wallace.

Mr. Ward advised that he would be glad to answer any questions Council may have.

Council had been presented a copy of An Ordinance Amending the Zoning Ordinance of the City of Norton, Virginia by Adding Section 26.1-6 Which Provides for a Temporary Zoning Classification for Any Property Coming into the Territorial Jurisdiction of the Municipality by Boundary Adjustment, Annexation, or Otherwise.

Mr. Ward advised that in the preparation for the land swap with Wise County, the City Administration realized that the City had no regulations in our existing zoning ordinance as to what to label any land coming into the City either by boundary adjustment, annexation, or otherwise. After talking with the City Attorney and our other legal counsel, an ordinance has been prepared by adding Section 26.1-6 to our current zoning ordinance to classify a temporary zoning classification.

This ordinance states that any land coming in by the means of boundary adjustment, annexation, or otherwise will be temporarily classified as in the zoning district or districts that it abuts or adjoins within the City at the time of its incorporation into the City. Should any parcel of property coming into the City adjoin or abut more than that one City zoning district at the time of its incorporation, it shall be temporarily classified in the City zoning district that it adjoins or abuts that is most restrictive. Any parcel of property in said territory not adjoining or abutting an existing City zoning district shall temporarily be classified as being within the Residential "A" Zoning District. The ordinance further states that within six months of such territory coming into the jurisdiction of the City, such temporary zoning classifications will either be affirmed or such parcels of property shall be reclassified.

Mr. Ward advised that the procedure for the adoption of this ordinance is that if Council concurs with this proposed ordinance, then the ordinance will be sent to the Planning Commission for a public hearing to be held. Then the Planning Commission will make a recommendation to City Council, and City Council will hold a public hearing and act on the recommendation of the Planning Commission.

Upon a motion by Joseph Hunnicutt, seconded by Jack Wallace, and passed by unanimous vote, Council moved to send this Ordinance Amending the Zoning Ordinance of the City of Norton, Virginia by Adding Section 26.1-6 Which Provides for a Temporary Zoning Classification for any Property Coming into the Territorial

Jurisdiction of the Municipality by Boundary Adjustment, Annexation, or Otherwise to the Planning Commission for their consideration.

Council had been provided with a copy of a Novation Agreement for engineering services for the City's storm drainage project.

Mr. Ward advised that the City had, on March 18, 2003, authorized the procurement of services for this project and the contract was awarded to Dewberry and Davis on July 21, 2003. In October 2003, Dewberry and Davis closed their Marion office. The closest office to the City is now Danville. After discussing this with Darren Conner, Manager of the Danville Office, Mr. Conner advised that the Danville office could handle the project; however, he also stated that if the City desired, he would allow the City to rescind or assign the contract. On November 19, 2003, Mr. Ward requested that Dewberry and Davis assign the contract to the firm that ranked second in the procurement process. That firm was Lane Engineering of Big Stone Gap. The Novation Agreement provided to Council, once adopted, would effectuate this assignment.

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The City Attorney advised that the agreement is an acceptable document and further advised that he is also the legal representative for Lane Engineering.

Upon a motion by William Mays, seconded by Joseph Hunnicutt, and passed by unanimous vote, Council moved to authorize the Novation Agreement making Lane Engineering the firm to provide the engineering services for the storm drainage project in the amount of \$288,300.

Mr. Jeff Cochrane of Lane Engineering was present and advised Council that they are ready to take over this project; with a meeting scheduled for next week with representatives of Dewberry and Davis attending to get the transition started.

Council had a copy of a check in the amount of \$350,000 made payable to the Norton City Schools to cover payroll and fringes.

Upon a motion by Joseph Hunnicutt, seconded by William Mays, and passed by unanimous roll call vote, Council moved to approve a check in the amount of \$350,000 made payable to the Norton City Schools.

20688

Upon motion by Joseph Fawbush, seconded by Joseph Hunnicutt, 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.

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Mayor Raines declared Council in closed meeting.

Upon a motion by William Mays, seconded by Joseph Hunnicutt, and passed by unanimous vote, Council moved to go back into open meeting.

Mayor Raines declared Council back in open meeting.

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

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Mayor Raines advised that no action had been taken in the closed meeting.

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In comments from the City Manager, Mr. Ward advised Council members that their annual disclosure forms are due in the City Clerk's office on January 15, 2004.

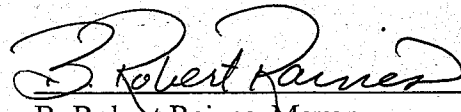
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In comments from the City Attorney, Mr. Bradshaw advised that he had attended a meeting regarding the development of a timeframe of action and documents on the new shopping center. He feels that he will be able to meet this timeframe.

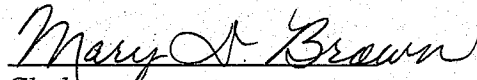
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There being no further action to come before the Council, the meeting adjourned.

CITY OF NORTON, VIRGINIA

  
B. Robert Raines, Mayor

ATTEST:

  
Clerk

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