

The regularly scheduled meeting of the Norton City Council was held on Tuesday, December 3, 2013 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

Present: Joseph Hunnicutt, William Mays, and Terry Roop

Absent: Mark Caruso and Joseph Fawbush

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

The invocation was given by Rev. Ken Taylor and was followed by the pledge of allegiance led by Police Chief James C. Lane.

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

25978

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by unanimous vote, Council moved to adopt the minutes of the November 19, 2013 meeting as presented.

25979

During the Mayor's call for visitors, Buzz Witt, member of the City of Norton Tourism Committee, spoke briefly to Council and advised that on Wednesday, December 4, 2014 a professional photographer, working with Heart of Appalachia, will be in the City to take pictures all of the businesses, especially independent businesses, for future advertising for tourism activities. The photographer has donated his efforts. He then introduced Mr. Chuck Riedhammer, Executive Director of Southwest Regional Recreation Authority, who gave Council a brief update on their activities. He advised that things were going very well in the St. Paul area with the first spearhead trail opened in June of this year. The television show, Fisher's ATV World, came to the area again in October and did some filming in the St. Paul and Clinch River areas. This will be televised next June on the Velocity Channel.

25980

The Town of Coeburn is working on passing some ATV regulations within their corporate limits. He encouraged those attending the Regional Legislative Reception in Richmond next month to seek some investment funds from the state for the Southwest Regional Recreation Authority. He further advised they were seeking \$300,000 per year for a five year period from the State.

Mr. Riedhammer then asked that Council consider adopting some ATV friendly legislation within the City and advised he would be happy to answer any questions.

Following a brief discussion, Mayor Mays thanked Mr. Witt and Mr. Riedhammer for their updates.

At this time, Mayor Mays amended the agenda under Item 7-E-3 Closed Meeting to include the discussion concerning a prospective business or industry where no previous announcement has been made of the business' interest in locating in the City as per Section No. 2.2-3711 (A) (5) of the Code of Virginia, as amended.

25981

Upon a motion by Councilman Fawbush, seconded by Councilman Hunnicutt, and passed by unanimous vote, Council moved to amend the agenda to include the Item No. 7-3-E.

The City Manager advised that as of today's date, we have a total capacity in both reservoirs of 78.4 million gallons and have had 4.21 inches of rain in November.

Advising that the City is not purchasing any water, Mr. Ramey stated that he would continue to keep Council apprised of this situation.

25982

Dr. Scott Hamilton, President, of Mountain Empire Community College, spoke briefly to Council giving them an update of activities at the college. He advised they have awarded \$8.7 million dollars of aid to students this year and the AIMS Program is up by 48 students. The City has 239 students enrolled and has 90 participating in the AIMS Program. They experienced a four percent decline in enrollment which was better than they had anticipated.

25983

The campus entrance road is almost finished.

Following a brief discussion, Mayor Mays thanked Dr. Hamilton for his update.

In Council's packets, they had received a copy of the draft Storm Water Management Ordinance.

Mr. Ramey advised that the City's Building Official, Winfred Collins, had spoken to Council earlier on this proposed ordinance and since that time, he has worked diligently to see that the City is up to date on this item. The deadline for the adoption of this ordinance is July 1, 2014. Following this update, he will discuss with Council the Chapman Street logging operation that was brought to Council's attention at their previous meeting. He advised that Council may wish to see if this is something that they would like for the City Administration and Mr. Collins, working with the Planning Commission, to do by researching to see what options Council may want to consider to keep this type of situation from reoccurring in the future.

25984

Via a PowerPoint presentation, Mr. Collins gave Council a brief update on the history of this legislation and the current status of the Storm Water Management Program. He advised that the City has submitted a Preliminary Draft Ordinance, Funding and Staffing Plan, Fee Schedule, and Policy and Procedure Plan to the Department of Environmental Quality for local review and approval on October 30, 2013. The original deadline for the preliminary document was December 15, 2013 and later changed to January 15, 2014. He is still awaiting a response from DEG on the submitted information.

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Once the approval is granted, the governing body has the option to start the local adoption process or modify any of the components of the program and re-submit to DEQ for review and approval. Once modified locally and approved by DEQ, the localities have until June 15, 2014 to adopt the ordinance and fee schedule. Localities will assume the responsibilities of running their own programs on July 1, 2014.

Following a brief discussion during which Mr. Collins gave a brief description of the submitted draft ordinance, he advised he would be happy to answer any questions from Council.

Mr. Ramey advised they hope to bring this back to Council in February.

At this time, Mr. Ramey exited the meeting for a short time.

25986

Mr. Collins advised that he was contacted by two representatives from a logging company on November 19, 2013 in search of land records for a City resident that had his property under contract to be logged. Land records indicated this was two parcels on Chapman Street that had a total aggregate area of 8.99 acres. He advised that harvesting of forest products is an exemption in the City's Erosion and Sediment Control Ordinance and the City's Zoning Ordinance does not specifically mention logging or harvesting of forest products in any of the district regulations.

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He had been advised by the logging contractor that they were operating under the regulations and inspections of the Virginia Department of Forestry and advised the restrictions they had to follow. This project should be completed within three days.

Following questions from Council, Mr. Collins thanked Council for their time this evening.

Mayor Mays thanked Mr. Collins for the good job he is doing for the City.

At this time, Mayor Mays advised that the City Manager had to exit the meeting to make opening remarks and extend a welcome at the Entrepreneurial Challenge Dinner Meeting being held at the Hotel Norton. He will return as soon as possible. Mr. Bradshaw, the City Attorney, will update Council on the proposed Pump and Haul Ordinance.

25988

The City Attorney advised Council had been approached by a local business asking for Council's consideration of a Pump and Haul Ordinance which would allow him to keep his mining business within the corporate limits. It is not feasible for him to connect to the City sewer and the railroad will not grant him access to their property.

Both Mr. Bradshaw and Mr. Ramey have discussed this with a representative of the Wise County Health Department as to what requirements they would have. They specified that a resolution could be adopted to handle this rather than an ordinance, stated they would inspect this site periodically, and the City will have no liability. Both the City Manager and City Attorney will work with the Health Department and hope to bring back to Council in January a resolution in order to keep this business in operation within the City.

25989

Council had been given a copy of a check payable to the Norton Industrial Development Authority in the amount of \$122,004.25 to cover draw down request for Norton Commons debt service.

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Upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by unanimous roll call vote, Council moved to approve a check to the Norton Industrial Development Authority in the amount of \$122,004.25.

Mayor Mays declared a recess in the meeting until Mr. Ramey's return.

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Upon the City Manager's return, Mayor Mays called the meeting back to order. 25992

Upon a motion by Councilman Hunnicutt, 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 and a discussion concerning a prospective business or industry where no previous announcement has been made of the business' interest in locating in the City as per Section No. 2.2-3711 (A) (5) of the Code of Virginia, as amended. 25993

Mayor Mays declared Council in closed meeting.

Upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to go back into open meeting. 25994

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 Roop, and passed by the following unanimous vote: YES – Hunnicutt, Fawbush, Roop, Mays, NO – None, ABSENT – Caruso, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert) 25995

The Mayor opened the floor for an appointment to the Southwest Virginia Regional Jail Authority for a four year term which will expire on December 31, 2017.

Councilman Hunnicutt nominated Carlos Noaks to be reappointed to this Authority.

Upon a motion by Councilman Fawbush, seconded by Councilman Roop, and passed by unanimous vote, Council moved that the nominations cease. 25996

Mayor Mays declared Carlos Noaks reappointed to the Southwest Virginia Regional Jail Authority for a four year term which will expire on December 31, 2017.

At this time, Mayor Mays proposed to Council that, in order to further the economic development purposes of the Norton Industrial Development Authority, the City of Norton shall transfer that certain tract or parcel of land identified on the tax maps maintained by the Commissioner of Revenue as Parcel 465-12-2 to the Norton Industrial Development Authority in consideration of the sum of One Dollar (\$1.00) for its use in such manner as it may deem appropriate. 25997

Upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to adopt the above resolution.

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

The City has received authorization from VDOT to move forward with the award of the Safe Route to School Project's contract and the City plans to do this as soon as the City Attorney approves the proper documentation.

He had placed at each Council member's desk the Financial Disclosures Forms that need to be filled out and returned to the Clerk by January 15, 2014. He advised that the City auditors now check to see if these have been received by the Clerk by that date. 25998

The Regional Legislative Reception in Richmond will be January 16th at the Onmi. Any Council member who wishes to attend should advise him in order that he can obtain a room for them.

There were no comments from the City Attorney.

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In comments from Council members:

Councilman Roop wished everyone a Merry Christmas and Happy New Year.

Mayor Mays reiterated Councilman Roop's sentiments and recommended that the Council Meeting of December 17th be cancelled.

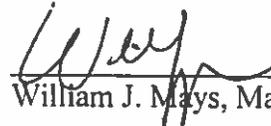
Upon a motion by Councilman Hunnicutt, seconded by Councilman Fawbush, and passed by unanimous vote, Council moved to cancel the Council Meeting of December 17, 2013.

26000

Mayor Mays wished everyone a safe and happy holiday season.

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

CITY OF NORTON, VIRGINIA



William J. Mays, Mayor

ATTEST:



Clerk