

The regularly scheduled meeting of the Norton City Council was held on Tuesday, January 19, 2016 at 6:00 p.m. in the Municipal Council Chambers with Mayor William Mays presiding.

Present: Mark Caruso, Robert Fultz, Jr., William Mays, Joseph Fawbush and Dee Belcher

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

The invocation was given by the City Manager Fred Ramey and was followed by the pledge of allegiance led by Councilwoman Belcher.

Upon a motion by Councilman Fultz, seconded by Councilman Caruso, and passed by the following vote: YES – Caruso, Fultz, Fawbush, Belcher, Mays, NO – None, ABSENT – None, Council moved to adopt the minutes of the January 5, 2016 meeting as presented. 25765

There was no response to the Mayor's call for visitors. 25766

A public hearing was held to consider a Supplemental Appropriation to the Norton City Schools' FY16 Fiscal Budget in the amount of \$648,098, which includes an audited surplus of local funding from the FY 2015 budget in the amount of \$30,992.

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

Mayor Mays opened the public hearing.

There being no public comments, Mayor Mays closed the public hearing.

After a brief discussion and upon a motion by Councilman Fawbush, seconded by Councilwoman Belcher, and passed by unanimous roll call vote, Council moved to amend the Schools' FY16 Fiscal Budget in the amount of \$648,098, which includes an audited surplus of local funding from the FY 2015 budget in the amount of \$30,992. 25767

Included in Council's packets was a Fee Schedule for Land Use Functions for their consideration.

Mr. Ramey advised Council that the Fee Schedule was deliberately left out of the recently updated Zoning Ordinance so that the City could modify the Fee Schedule in the future without having to amend to the entire Zoning Ordinance. Contained in the schedule are five fees and associated applications that the Planning Commission has referred back to Council for their consideration. Winfred Collins, the City Building Official is present to discuss the Fee Schedule and Applications and to answer any questions Council may have regarding the fees and applications.

Mr. Collins informed Council regarding the City's current fees and applications for Land Use Functions. He then explained how the proposed Fee Schedule and Applications were determined and provided the following Fee Schedule for Council's consideration: 25768
Board of Zoning Appeals - Administrative Appeal, Variance, Special Exception, Interpretation of District Boundaries \$100; Planning Commission – Sign Appeal \$30; Planning Commission and City Council – Zoning Ordinance Amendments or Conditional Zoning \$300. Zoning Map Amendment add \$100 fee for posting signs on property; Planning Commission - Subdivision Plat Submittal \$500.

After a brief discussion and upon a motion by Councilman Fultz, seconded by Councilman Fawbush, and passed by the following unanimous vote: YES – Caruso, Fultz, Fawbush, Belcher, Mays, NO – None, ABSENT – None, Council moved to adopt the Fee Schedule and Applications as presented.

Mr. Ramey advised Council that Blue Ridge Mass Appraisal Company had completed the 2016 property reassessment and advised that the new assessment had generated an amount more than 1% of our previous reassessment. As a result of the new assessment numbers Council, according to 58.1-3321 of the Code of Virginia, must reduce its tax rate of levy for the forthcoming tax year in order to cause equalization in tax revenues or hold a public hearing to raise taxes to formally set the new rate, if higher. Even though Council had increased the real estate tax to \$.90 during the FY16 budget, state code requires the equalization to be reduced from the prior levied rate, which in this case was \$.80. A tax rate of \$.76 per \$100 of assessment would create the equalization so that the City would not have increased real property assessment of more than 101% of the previous year's real property tax. City Administration is recommending Council nominate a Board of Equalization and authorize a public hearing for March 1, 2016 at a rate of \$.90 per \$100 of assessment which is the rate Council set for this budget.

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Councilman Fultz asked City Administration for break even and current tax rate numbers to review before the public hearing.

Mr. Ramey advised the current break even number is \$.86 and he would get those figures to City Council for their review.

Mayor Mays recommended Council advertise a public hearing based upon City Administration's recommendation. Upon a motion by Councilman Fawbush, seconded by Councilwoman Belcher, and passed by unanimous vote, Council authorized the City Manager to advertise a public hearing on March 1, 2016 for the upcoming real property tax levy at a rate of \$.90 per \$100 of assessment.

Council had been given a copy of A Resolution of the City Council of the City of Norton, Virginia Supporting the Reciprocity of State to State Recognition of the Ability to Carry Concealed Hand Guns and Virginia's Recognition of the Permits Held in Certain Other States.

Mr. Ramey advised this item came up at Council's last meeting and that he had been asked to prepare a resolution for Council's consideration.

Councilman Caruso thanked Mr. Ramey for his work on the resolution but added he felt the language needed to be stronger to express our opposition with the Executive Branch's decision of revocation of reciprocity of concealed carry permits issued by other states. Councilman Caruso then shared with Council his thoughts on crafting a stronger resolution.

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After Councilman Caruso's comments, Mayor Mays advised Councilman Caruso he understood his reasoning and thanked him for his passion on the issue.

Councilman Fultz stated he is concerned about executive powers encroaching upon legislative powers at both state and federal levels. He believes the current stance by Virginia's Executive Branch is an attempt to minimize gun violence. However, he does not believe any of the national shooting incidents were carried out by citizens who held a concealed carry weapon permit and carried across state border. He supports our citizens'

right to be within law and he is glad Council is looking at this resolution. He further hopes the state legislature will have to vote on this issue for public record.

Following further discussion and upon a motion by Councilman Caruso, seconded by Councilman Fultz and passed by the following unanimous vote: YES – Caruso, Fultz, Fawbush, Belcher, Mays, NO – None, ABSENT – None, ABSTAIN – None, Council moved to adopt A Resolution of the City Council of the City of Norton, Virginia Supporting the Reciprocity of State to State Recognition of the Ability to Carry Concealed Hand Guns and Virginia’s Recognition of the Permits Held in Certain Other States as presented. (Insert)

In their packets, Council had two transfers to be confirmed. The first transfer was to the Norton City Schools dated September 28, 2015 in the amount of \$300,000 to cover payroll expenditures. The second transfer was to the Norton City Schools dated December 14, 2015 in the amount of \$300,000 to cover accounts payable and payroll expenditures. 25771

Upon a motion by Councilman Caruso, seconded by Councilwoman Belcher, and passed by unanimous roll call vote, Council moved to confirm the two transfers to the Norton City Schools as stated above.

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by unanimous roll call vote, Council moved to go into closed meeting to discuss personnel as per Section 2.2-3711 (A) (1) of the Code of Virginia, as amended. 25772

Mayor Mays declared Council in closed meeting.

Upon a motion by Councilman Caruso, seconded by Councilwoman Belcher, and passed by unanimous vote, Council moved to go back into open meeting. 25773

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, Fultz, Fawbush, Belcher, Mays, NO – None, ABSENT – None, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert) 25774

Mayor Mays opened the floor for nominations to the Board of Equalization for a one (1) year term to expire on December 31, 2016.

Councilman Caruso nominated Elijah Roop, Frank Gravely, and David Daniels to this Board and Mark R. Leonard was nominated as an alternate.

Upon a motion by Councilman Fawbush, seconded by Councilman Fultz, and passed by unanimous vote, Council moved that the nominations cease. 25775

Mayor Mays declared Elijah Roop, Frank Gravely, and David Daniels nominated to this Board with Mark R. Leonard nominated as an alternate. These names will be submitted to the Wise County Circuit Court for approval with a one year term which will expire on December 31, 2016.

Mayor Mays opened the floor for nominations to the Norton Redevelopment & Housing Authority for a four (4) year term to expire on January 28, 2020.

Councilman Fawbush nominated Lynn Livingston to be reappointed to the Norton Redevelopment & Housing Authority.

Upon a motion by Councilman Caruso, seconded by Councilwoman Belcher, and passed by unanimous vote, Council moved that the nominations cease.

Mayor Mays declared Lynn Livingston reappointed to the Norton Redevelopment & Housing Authority for a four (4) year term which will expire on January 28, 2020.

25776

Mayor Mays opened the floor for nominations to the Ninth District Development Financing, Inc., for a two (2) year term which will expire on January 31, 2018.

Councilwoman Belcher nominated Carol Caruso to be reappointed to the Ninth District Development Financing, Inc.

Upon a motion by Councilman Fawbush, seconded by Councilman Fultz, and passed by the following vote: YES – Fultz, Fawbush, Belcher, Mays, NO – None, ABSENT – None, ABSTAIN – Caruso, Council moved that the nominations cease.

Mayor Mays declared Carol Caruso reappointed to the Ninth District Development Financing, Inc., for a two (2) year term which will expire on January 31, 2018.

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Mayor Mays opened the floor for nominations to the Norton Highway Safety Commission for a two (2) year term to expire on January 31, 2018.

Councilman Fultz nominated Bobby Cassell, David Daniels, Frank Gravely, and James Lane to be reappointed to the Norton Highway Safety Commission.

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

Mayor Mays declared Bobby Cassell, David Daniels, Frank Gravely, and James Lane reappointed to the Norton Highway Safety Commission for a two (2) year term to expire on January 31, 2018.

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Mayor Mays opened the floor for nominations to the Southwest Virginia Emergency Medical Services Council for a three (3) year term to expire on January 31, 2019.

Councilman Caruso nominated Todd Lagow to be reappointed to the Southwest Virginia Emergency Medical Services Council.

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

Mayor Mays declared Todd Lagow reappointed to the Southwest Virginia Emergency Medical Services Council for a three (3) term to expire on January 31, 2019.

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

He and Jeff Shupe, Director of Finance, had a meeting and a conference call with the City's financial advisors to discuss establishing a line of credit for the City a couple of times per year for when cash flow is minimal. This item will be placed on an upcoming agenda for Council's consideration. Currently, the Safe Route to School (SRTS) project is concluding and the City is paying the final invoices. The City will be reimbursed our portion of the SRTS project but reimbursement takes 45 – 60 days to process. As a result,

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he asking for consensus of Council to allow City Administration to work with the Norton Industrial Development Authority (NIDA) to utilize City funds held by the NIDA to assist the City during these instances. After subsequent monies are received the City would reimburse the NIDA the amount previously transferred to the City.

It was the consensus of Council for City Administration to work with the NIDA during periods of low cash flow to transfer funds to the City, and then for the City to reimburse NIDA after subsequent funds are received.

Mr. Ramey advised he placed the 2016 state holiday schedule at Council's desk.

The latest Retail Sales Tax Report had been placed at each member's desk and it was a good month for the City.

The Registrar has provided information for the upcoming dual primary scheduled for March 1, 2016.

In comments from City Attorney:

Mr. Bradshaw advised last spring Council had directed him to obtain a Service Mark for the term "WoodBooger" to be used with the City's tourism and recreation opportunities. His office received the Service Mark today from the United States Patent and Trademark Office. He presented the Service Mark to Mr. Ramey on behalf of City Council.

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In comments from Council:

Councilwoman Belcher had no comments.

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Councilman Fultz had no comments.

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Councilman Caruso said he believes Council needs to work on the Board Appointment Letter as soon as possible. He does not believe anyone should represent the City on any board that does not answer to City Council.

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He would like to see the ATV Ordinance and Horse Park placed on Council's agenda and a decision made by spring.

Councilman Fawbush advised Virginia Tech does a program called "Save Our Towns" and they selected the City's Safe Routes to School (SRTS) project to highlight. He spoke about the project and a video will be available online in couple months.

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He thanked Mr. Bradshaw for his work on obtaining the "WoodBooger" Service Mark.

He regrets that he will not be able to attend the Legislative Reception in Richmond this week due to the impending weather and unfinished remodeling at his home.

Mayor Mays thanked everyone for their time and advised Council's work session held last Saturday was very productive. He would like for Council to schedule another work session with different topics on the agenda by the next Council Meeting.

25786

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

CITY OF NORTON, VIRGINIA



William Mays, Mayor

ATTEST:



Rebecca K. Coffey
Clerk of Council