

The regularly scheduled meeting of the Norton City Council was held on Tuesday, March 7, 2017, at 6:00 p.m., in the Municipal Council Chambers with Mayor William Mays presiding.

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

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

The invocation was given by Pastor Jim Wells and was followed by Pledge of Allegiance led by Police Chief James Lane.

Upon a motion by Councilman Fultz, seconded by Councilwoman Belcher, and passed by unanimous vote, Council moved to adopt the minutes of the February 21, 2017, meeting as presented. 26219

During the Mayor's Call for Visitors, Ms. Ruby Sanders and Ms. Melissa Sampson, Veterans Service Representatives of the Virginia Department of Veterans Services, was present to inform Council that the purpose of their agency is to assist veterans with their benefits including education, Veterans Affairs healthcare, and compensation. They handed out a pamphlet with their business cards and requested that the City provide their agency information to veterans who may move into the area. 26220

Mr. Shawn Lindsey, Executive Director of Spearhead Trails, spoke briefly to Council to introduce himself and to provide them an update on the activities of the organization. He advised that Spearhead is moving its office to Coeburn and he thanked the City for the office space that was provided to them at the Hotel Norton. Mr. Lindsey stated he hopes to work with Norton, Big Stone Gap, and Appalachia on a Rails-to-Trails project, and to a certain extent, be involved in the equestrian trails on High Knob connecting Lee, Scott, and Wise Counties. He said he would like for Spearhead Trails to become a multi-use trail system that would be used for a variety of outdoor activities. He noted that Spearhead Trails is requesting FY 2017-18 funding based upon each town or city's population instead of a flat amount as in priors years. 26221

Councilman Fawbush said he would like to see the rails-to-trails and all-terrain vehicle trails from Appalachia to Norton completed.

Mr. Lindsey agreed that the rails-to-trails project would be an excellent project to complete and he believes it would have a large economic impact on the area.

Mayor Mays thanked Mr. Lindsey for the update.

A public hearing was held to consider the financial encumbrances for the General Operating Fund in the amount of \$91,171 for the year ending June 30, 2016.

Mr. Ramey advised that the public hearing had been duly advertised and the auditor has certified \$91,171 as encumbrances for the year ending June 30, 2016.

There being 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. 26222

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed the following roll call vote: YES – Caruso, Fultz, Fawbush, Belcher, Mays, NO – None, ABSENT – None, Council moved to approve the financial encumbrances for the General Operating Fund in the amount of \$91,171 for the year ending June 30, 2016.

Council had been presented with a request for a Revocable Special Use Permit to allow for the installation of a fence on City right-of-way at 312 Henry Street, N.W.

Mr. Ramey, via a PowerPoint presentation, indicated that Mr. Shawn Lindsey desires to place a fence on City right-of-way and Mr. Lindsey is requesting a Revocable Special Use Permit from Council. Mr. Ramey presented a slide of the black rail fence Mr. Lindsey plans to install. Using PowerPoint, Mr. Ramey and Mr. Lindsey shared several slides and photos to highlight the proposed location of the fence on City right-of-way to Mr. Lindsey's property, the street, and existing hedges located on adjacent property owned by Mr. and Mrs. Tim Hensley. Mr. Ramey advised that Mr. Lindsey had contacted adjacent property owners and three had concerns about the fence and have emailed the City with their concerns. Mr. Ramey provided Council with copies of four emails he received regarding this request.

Mr. Lindsey, who was present at the Council meeting, stated the purpose of the fence is for the safety of his children and dog. He said the type of fence he purchased is for a high-end residential area and is similar to what the City has installed at the wall. He said he had studied public safety and the fence will not present any sight-line issues, impede traffic, or cause any drainage problems. He stated the City owns 15 feet in front of his property line and since he will be maintaining the City's right-of-way he would like to be able to use it. He said he drove around the City and noticed other property owners had fences and rock walls in their front yards. Mr. Lindsey noted that property owners in his area did not have an issue with the style of fence but that they did not want a fence in the front yard. Mr. Lindsay said the issue is not whether I can place a fence in my front yard but rather where I would place the fence. I am asking Council's permission to place a fence in the City's right-of-way which is approximately seven to eight feet from the edge of the pavement. He noted that his adjoining property owners, Tim and Mary Ann Hensley, did not have an issue with the installation of a fence in his front yard.

26223

After discussion of the request, Councilman Caruso made a motion to allow the request and to authorize City Administration to prepare a Revocable Special Use Permit. Seconded by Councilwoman Belcher, and passed by unanimous vote, Council moved to allow the installation of a fence on City right-of-way at 312 Henry Street, N.W., and authorized City Administration to prepare a Revocable Special Use Permit.

Mr. Ramey advised the City has received a request from Pathfinders Outdoor Adventures, LLC, to amend its current Special Use Permit to utilize the City of Norton's Firing Range for firearms training and classes and to allow limited public access to the facility.

Mr. Ramey said Pathfinders Outdoor Adventures, LLC, wants to expand its use of the shooting range to include competitive shooting competitions and other activities. The business's goal is to improve firearm safety in the community, improve the shooting facilities at the range through grants from the National Rifle Association (NRA), increase public access to a safe-shooting environment, and bring non-resident shooting enthusiasts

26224

to the City through competitive shooting competitions. The current Special Use Permit limits the access to the shooting range to training classes.

Mayor Mays asked Police Chief Lane if any issues have developed as a result of the current Special Use Permit.

Chief Lane advised the Police Department has never experienced any issues with Pathfinders Outdoor Adventures, LLC, and that he has no objection with the current request to expand its use of the facility.

Mayor Mays asked the City Attorney if he approved the request.

Mr. Bradshaw said the proposal is acceptable.

Councilman Fultz said he liked the proposal and he had spoken with Mr. Caruso about the request. He stated he would like to see an indoor shooting facility and he understands that several entities had studied the concept. He believes there is enough interest for this type of facility in the area and if this request is approved that perhaps it would provide additional information to determine the viability of an indoor shooting range.

Councilman Fawbush noted that since Council has prohibited shooting at the City reservoir he has received comments that citizens currently have no location to practice shooting. He said he realizes Mr. Caruso is a Councilman and that he has studied the conflict of interest. However, no one else has stepped forward to initiate this type of project and the individuals that have inquired about a shooting range are not willing to open a facility.

Upon a motion by Councilman Fawbush, seconded by Councilman Fultz, and passed by the following roll call vote: YES – Fultz, Fawbush, Belcher, Mays, NO – None, ABSTAIN – Caruso, ABSENT – None, Council moved to amend the current Special Use Permit to allow additional activities at the Norton Shooting Range as stated in Pathfinders Outdoor Adventures, LLC's proposal.

Councilman Caruso commented that the shooting range will not be open to the public. The emphasis will be on safety and the structure will be an NRA shooting club. Participants will be required to have taken a certified firearms class and pre-register at Pathfinders to participate.

Mr. Ramey requested authorization to advertise the second public hearing for a proposed Community Development Block Grant (CDBG) at 6:00 p.m., Tuesday, March 21, 2017. A proposal will be submitted by City Administration to the Virginia Department of Housing and Community Development for a project related to the City's Downtown Revitalization Master Plan.

26225

Upon a motion by Councilman Fawbush, seconded by Councilwoman Belcher, and passed by unanimous vote, Council moved to authorize the City Manager to advertise the second public hearing.

Council had one transfer to confirm. This transfer was to Norton City Schools, dated February 9, 2017, in the amount of \$100,000 to cover February 13, 2017, accounts payable expenditures.

26226

Upon a motion by Councilman Fawbush, seconded by Councilman Caruso, and passed by the following unanimous roll call vote: YES – Caruso, Fultz, Fawbush, Belcher, Mays, NO – None, ABSENT – None, Council moved to confirm the transfer to Norton City Schools as stated above.

Upon a motion by Councilman Fultz, seconded by Councilman Caruso, and passed by unanimous roll call vote, Council moved to go into closed meeting for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publically held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body as per Section 2.2-3711 (A) (3) of the Code of Virginia, as amended.

26227

Mayor Mays declared Council in closed meeting.

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

26228

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.

26229

Upon a motion by Councilman Caruso, seconded by Councilman Fultz, and passed by unanimous vote, Council moved to adopt A Resolution of the Certification of Closed Meeting. (Insert)

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

He placed at each member's desk a copy of the letter from the U.S. Forest Service regarding its draft Environmental Assessment on the Nettle Patch Vegetation Management Project. Mr. Ramey noted a 165 page document was included with the letter if Council would like to review the report.

A resolution Council approved at the last meeting to work with the counties of Wise, Lee, Scott, and Dickenson to develop a plan for regional economic development has been adopted by both Dickenson and Scott Counties. Lee and Wise Counties are expected to consider the resolution at their next meetings.

26230

Mr. Bradshaw has received a Final Order from the Circuit Court that formally authorizes the City to issue Pawn Brokers Licenses. As of today, the City has not received an application for a license.

The City has received six additional applications for the City's Adopt-A-Spot Program: Pathfinders Outdoor Adventures, LLC, High Knob Outdoor Club, and the Norton Police Department Explorer Post 444 have adopted three separate locations on High Knob; Home Changes, LLC, Virginia Cooperative Extension, and High Knob Outdoor Club have adopted various trails on the mountain.

He would like to remind Council of the Capital Improvement Program scheduled at 8:00 a.m., Saturday, March 11, 2017, in Council Chambers. Also, the Budget Work Session is scheduled at 8:00 a.m., Saturday, April 1, 2017, in Council Chambers.

There were no comments by the City Attorney.

26231

In comments from Council:

Councilman Caruso commended Shayne Fields for his work on the trails. 26232

Councilman Fultz had no comments. 26233

Councilwoman Belcher had no comments. 26234

Councilman Fawbush said the fourth annual Woodbooger Festival is scheduled for Saturday, October 7, 2017. This year's event will be a one-day event with activities held throughout the day. 26235

Mayor Mays had no comments. 26236

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